

THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2010

ENGROSSED

Senate Bill No. 1351

ENGROSSED SENATE BILL NO. 1351 - By: MYERS of the Senate and DEWITT AND HICKMAN of the House.

An Act relating to officers; amending 51 O.S. 2001, Section 24A.10, as last amended by Section 1, Chapter 158, O.S.L. 2009 (51 O.S. Supp. 2009, Section 24A.10), which relates to the Oklahoma Open Records Act; adding certain exemption; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as last amended by
2 Section 1, Chapter 158, O.S.L. 2009 (51 O.S. Supp. 2009, Section 24A.10), is amended to
3 read as follows:

4 Section 24A.10 A. Any information, records or other material heretofore
5 voluntarily supplied to any state agency, board or commission which was not required to
6 be considered by that agency, board or commission in the performance of its duties may,
7 within thirty (30) days from June 6, 1988, be removed from the files of such agency,
8 board or commission by the person or entity which originally voluntarily supplied such
9 information. Provided, after thirty (30) days from the effective date of this act, any
10 information voluntarily supplied shall be subject to full disclosure pursuant to this act.

11 B. If disclosure would give an unfair advantage to competitors or bidders, a public
12 body may keep confidential records relating to:

- 1 1. Bid specifications for competitive bidding prior to publication by the public body;
2 or
3 2. Contents of sealed bids prior to the opening of bids by a public body; or
4 3. Computer programs or software but not data thereon; or
5 4. Appraisals relating to the sale or acquisition of real estate by a public body prior
6 to award of a contract; or
7 5. The prospective location of a private business or industry prior to public
8 disclosure of such prospect except for records otherwise open to inspection such as
9 applications for permits or licenses.
- 10 C. Except as set forth hereafter, the Oklahoma Department of Commerce, the
11 Oklahoma Department of Career and Technology Education, ~~and~~ the technology center
12 school districts, and the Oklahoma Film and Music Office may keep confidential:
- 13 1. Business plans, feasibility studies, financing proposals, marketing plans,
14 financial statements or trade secrets submitted by a person or entity seeking economic
15 advice, business development or customized training from such Departments or school
16 districts;
- 17 2. Proprietary information of the business submitted to the Department or school
18 districts for the purpose of business development or customized training, and related
19 confidentiality agreements detailing the information or records designated as
20 confidential; and
- 21 3. Information compiled by such Departments or school districts in response to
22 those submissions.

1 The Oklahoma Department of Commerce, the Oklahoma Department of Career and
2 Technology Education, ~~and the technology center school districts,~~ and the Oklahoma
3 Film and Music Office may not keep confidential that submitted information when and to
4 the extent the person or entity submitting the information consents to disclosure.

5 D. Although they must provide public access to their records, including records of
6 the address, rate paid for services, charges, consumption rates, adjustments to the bill,
7 reasons for adjustment, the name of the person that authorized the adjustment, and
8 payment for each customer, public bodies that provide utility services to the public may
9 keep confidential credit information, credit card numbers, telephone numbers, social
10 security numbers, bank account information for individual customers, and utility supply
11 and utility equipment supply contracts for any industrial customer with a connected
12 electric load in excess of two thousand five hundred (2,500) kilowatts if public access to
13 such contracts would give an unfair advantage to competitors of the customer; provided
14 that, where a public body performs billing or collection services for a utility regulated by
15 the Corporation Commission pursuant to a contractual agreement, any customer or
16 individual payment data obtained or created by the public body in performance of the
17 agreement shall not be a record for purposes of this act.

18 SECTION 2. It being immediately necessary for the preservation of the public
19 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
20 this act shall take effect and be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON INTERNATIONAL RELATIONS AND
22 TOURISM, dated 03-30-10 - DO PASS.