

3 Senate Bill No. 1351

4 SENATE BILL NO. 1351 - By: Myers of the Senate and DeWitt of the
5 House.

6 An Act relating to officers; amending 51 O.S. 2001, Section
7 24A.10, as last amended by Section 1, Chapter 158, O.S.L.
8 2009 (51 O.S. Supp. 2009, Section 24A.10), which relates to
9 the Oklahoma Open Records Act; adding certain exemption; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as
13 last amended by Section 1, Chapter 158, O.S.L. 2009 (51 O.S. Supp.
14 2009, Section 24A.10), is amended to read as follows:

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

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

- 1 1. Bid specifications for competitive bidding prior to
2 publication by the public body; or
- 3 2. Contents of sealed bids prior to the opening of bids by a
4 public body; or
- 5 3. Computer programs or software but not data thereon; or
- 6 4. Appraisals relating to the sale or acquisition of real
7 estate by a public body prior to award of a contract; or
- 8 5. The prospective location of a private business or industry
9 prior to public disclosure of such prospect except for records
10 otherwise open to inspection such as applications for permits or
11 licenses.

12 C. Except as set forth hereafter, the Oklahoma Department of
13 Commerce, the Oklahoma Department of Career and Technology
14 Education, ~~and~~ the technology center school districts, and the
15 Oklahoma Film and Music Office may keep confidential:

- 16 1. Business plans, feasibility studies, financing proposals,
17 marketing plans, financial statements or trade secrets submitted by
18 a person or entity seeking economic advice, business development or
19 customized training from such Departments or school districts;
- 20 2. Proprietary information of the business submitted to the
21 Department or school districts for the purpose of business
22 development or customized training, and related confidentiality

1 agreements detailing the information or records designated as
2 confidential; and

3 3. Information compiled by such Departments or school districts
4 in response to those submissions.

5 The Oklahoma Department of Commerce, the Oklahoma Department of
6 Career and Technology Education, and the technology center school
7 districts, and the Oklahoma Film and Music Office may not keep
8 confidential that submitted information when and to the extent the
9 person or entity submitting the information consents to disclosure.

10 D. Although they must provide public access to their records,
11 including records of the address, rate paid for services, charges,
12 consumption rates, adjustments to the bill, reasons for adjustment,
13 the name of the person that authorized the adjustment, and payment
14 for each customer, public bodies that provide utility services to
15 the public may keep confidential credit information, credit card
16 numbers, telephone numbers, social security numbers, bank account
17 information for individual customers, and utility supply and utility
18 equipment supply contracts for any industrial customer with a
19 connected electric load in excess of two thousand five hundred
20 (2,500) kilowatts if public access to such contracts would give an
21 unfair advantage to competitors of the customer; provided that,
22 where a public body performs billing or collection services for a
23 utility regulated by the Corporation Commission pursuant to a

1 contractual agreement, any customer or individual payment data
2 obtained or created by the public body in performance of the
3 agreement shall not be a record for purposes of this act.

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-2-10 - DO PASS,
9 As Coauthored.