

1 **SENATE FLOOR VERSION**

2 February 8, 2022

3 SENATE BILL NO. 1159

By: Thompson

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5
6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Section 24A.10, which relates
8 to disclosure of voluntarily supplied information;
9 authorizing the Commissioners of the Land Office to
10 keep certain information confidential; providing
11 exception; and providing an effective date.

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

13 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.10, is
14 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 shall be subject to full disclosure pursuant to Section
18 24A.1 et seq. of this title.

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

21 1. Bid specifications for competitive bidding prior to
22 publication by the public body; ~~or~~

23 2. Contents of sealed bids prior to the opening of bids by a
24 public body; ~~or~~

3. Computer programs or software but not data thereon; ~~or~~

1 4. Appraisals relating to the sale or acquisition of real
2 estate by a public body prior to award of a contract; or

3 5. The prospective location of a private business or industry
4 prior to public disclosure of such prospect except for records
5 otherwise open to inspection such as applications for permits or
6 licenses.

7 C. Except as set forth hereafter, the Oklahoma Department of
8 Commerce, the Oklahoma Department of Career and Technology
9 Education, the technology center school districts, the Oklahoma Film
10 and Music Office, institutions within ~~the~~ The Oklahoma State System
11 of Higher Education, the Commissioners of the Land Office, and the
12 Department of Corrections may keep confidential:

13 1. Business plans, feasibility studies, financing proposals,
14 marketing plans, financial statements or trade secrets submitted by
15 a person or entity seeking economic advice, business development or
16 customized training from such Departments or school districts;

17 2. Proprietary information of the business submitted to the
18 Department or school districts for the purpose of business
19 development or customized training, and related confidentiality
20 agreements detailing the information or records designated as
21 confidential; and

22 3. Information compiled by such Departments or school districts
23 in response to those submissions.
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1 The Oklahoma Department of Commerce, the Oklahoma Department of
2 Career and Technology Education, the technology center school
3 districts, the Oklahoma Film and Music Office, institutions within
4 ~~the~~ The Oklahoma State System of Higher Education, the Commissioners
5 of the Land Office, and the Department of Corrections may not keep
6 confidential that submitted information when and to the extent the
7 person or entity submitting the information consents to disclosure.

8 D. Although they must provide public access to their records,
9 including records of the address, rate paid for services, charges,
10 consumption rates, adjustments to the bill, reasons for adjustment,
11 the name of the person that authorized the adjustment, and payment
12 for each customer, public bodies that provide utility services to
13 the public may keep confidential credit information, credit card
14 numbers, telephone numbers, social security numbers, bank account
15 information for individual customers, and utility supply and utility
16 equipment supply contracts for any industrial customer with a
17 connected electric load in excess of two thousand five hundred
18 (2,500) kilowatts if public access to such contracts would give an
19 unfair advantage to competitors of the customer; provided that,
20 where a public body performs billing or collection services for a
21 utility regulated by the Corporation Commission pursuant to a
22 contractual agreement, any customer or individual payment data
23 obtained or created by the public body in performance of the
24 agreement shall not be a record for purposes of this act.

SECTION 2. This act shall become effective November 1, 2022.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 8, 2022 - DO PASS