

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4198

By: Echols

6 AS INTRODUCED

7 An Act relating to officers; amending 51 O.S. 2021,  
8 Section 24A.10, which relates to the Oklahoma Open  
9 Records Act and disclosure of information voluntarily  
10 supplied; granting the Commissioners of the Land  
Office an exemption to the Oklahoma Open Records Act  
for certain voluntary disclosures; and providing an  
effective date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.10, is  
16 amended to read as follows:

17 Section 24A.10 A. Any information, records or other material  
18 heretofore voluntarily supplied to any state agency, board or  
19 commission shall be subject to full disclosure pursuant to Section  
20 24A.1 et seq. of this title.

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

23 1. Bid specifications for competitive bidding prior to  
24 publication by the public body; or

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

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

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

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

10       C. Except as set forth hereafter, the Oklahoma Department of  
11 Commerce, the Oklahoma Department of Career and Technology  
12 Education, the technology center school districts, the Oklahoma Film  
13 and Music Office, institutions within The Oklahoma State System of  
14 Higher Education, and the Department of Corrections may keep  
15 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  
23 agreements detailing the information or records designated as  
24 confidential; and

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

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

10        D. The Commissioners of the Land Office may keep confidential  
11 voluntary disclosures of business plans, feasibility studies,  
12 financing proposals, marketing plans, financial statements, or trade  
13 secrets made by legal entities which the Commissioners of the Land  
14 Office might evaluate for investment purposes.

15        E. Although they must provide public access to their records,  
16 including records of the address, rate paid for services, charges,  
17 consumption rates, adjustments to the bill, reasons for adjustment,  
18 the name of the person that authorized the adjustment, and payment  
19 for each customer, public bodies that provide utility services to  
20 the public may keep confidential credit information, credit card  
21 numbers, telephone numbers, Social Security numbers, bank account  
22 information for individual customers, and utility supply and utility  
23 equipment supply contracts for any industrial customer with a  
24 connected electric load in excess of two thousand five hundred

1 (2,500) kilowatts if public access to such contracts would give an  
2 unfair advantage to competitors of the customer; provided that,  
3 where a public body performs billing or collection services for a  
4 utility regulated by the Corporation Commission pursuant to a  
5 contractual agreement, any customer or individual payment data  
6 obtained or created by the public body in performance of the  
7 agreement shall not be a record for purposes of this act.

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

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10 58-2-10128 MJ 12/27/21  
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