

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 695

By: Wilson of the Senate

and

Brown of the House

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9 COMMITTEE SUBSTITUTE

10 (officers - confidentiality - exceptions -

11 emergency)

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14 SECTION 1. AMENDATORY Section 1, Chapter 166, O.S.L.

15 2003 (51 O.S. Supp. 2008, Section 24A.27), is amended to read as
16 follows:

17 Section 24A.27 A. Any state environmental agency or public
18 utility shall keep confidential vulnerability assessments of
19 critical assets ~~in both water and wastewater systems~~. State
20 environmental agencies or public utilities may use the information
21 for internal purposes or allow the information to be used for survey
22 purposes only. The state environmental agencies or public utilities
23 shall allow any public body to have access to the information for
24 purposes specifically related to the public bodies function.

1 B. For purposes of this section:

2 1. "State environmental agencies" includes the:

- 3 a. Oklahoma Water Resources Board,
- 4 b. Oklahoma Corporation Commission,
- 5 c. State Department of Agriculture,
- 6 d. Oklahoma Conservation Commission,
- 7 e. Department of Wildlife Conservation,
- 8 f. Department of Mines, and
- 9 g. Department of Environmental Quality;

10 2. "Public Utility" means any individual, firm, association,
11 partnership, corporation or any combination thereof, municipal
12 corporations or their lessees, trustees and receivers, owning or
13 operating for compensation in this state equipment or facilities
14 for:

- 15 a. producing, generating, transmitting, distributing,
16 selling or furnishing electricity,
 - 17 b. the conveyance, transmission, reception or
18 communications over a telephone system,
 - 19 c. transmitting directly or indirectly or distributing
20 combustible hydrocarbon natural or synthetic natural
21 gas for sale to the public, or
 - 22 d. the transportation, delivery or furnishing of water
23 for domestic purposes or for power; and
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1 3. "Critical asset" means specific engineering, vulnerability,
2 or detailed design information about proposed or existing critical
3 infrastructure, physical or virtual, that:

4 a. relates details about the production, generation,
5 transmission, transportation, delivery or distribution
6 of electricity, telephone services, natural gas,
7 water, or wastewater,

8 b. could be useful to a person planning an attack on
9 critical infrastructure,

10 c. is exempt from mandatory disclosure under the Freedom
11 of Information Act, and

12 d. gives strategic information beyond the location of the
13 critical infrastructure.

14 C. In addition to vulnerability assessments as provided in
15 subsection A of this section, state environmental agencies and
16 public utilities shall not be required to release pursuant to any
17 Oklahoma Open Records Act request, any maps, plats, plans or other
18 infrastructure information which are confidential, as provided in
19 subsection A of Section 24A.28 of this title. Provided, state
20 environmental agencies and public utilities shall allow any public
21 body to have access to the information for purposes specifically
22 related to the public body's function.

1 SECTION 2. AMENDATORY Section 2, Chapter 175, O.S.L.
2 2003, as amended by Section 1, Chapter 399, O.S.L. 2005 (51 O.S.
3 Supp. 2008, Section 24A.28), is amended to read as follows:

4 Section 24A.28 A. The following information may be kept
5 confidential:

6 ~~A.~~ 1. Investigative evidence of a plan or scheme to commit an
7 act of terrorism;

8 ~~B.~~ 2. Assessments of the vulnerability of government facilities
9 or public improvements to an act of terrorism and work papers
10 directly related to preparing the assessment of vulnerability;

11 ~~C.~~ 3. Records including details for deterrence or prevention of
12 or protection from an act or threat of an act of terrorism;

13 ~~D.~~ 4. Records including details for response or remediation
14 after an act of terrorism;

15 ~~E.~~ 5. Information technology of a public body or public
16 official but only if the information specifically identifies:

17 ~~1.—Design~~

18 a. design or functional schematics that demonstrate the
19 relationship or connections between devices or
20 systems~~;~~

21 ~~2.—System~~

22 b. system configuration information~~;~~

23 ~~3.—Security~~

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1 records maintained or generated by the Oklahoma Office of Homeland
2 Security involving the United States Department of Homeland
3 Security.

4 ~~F.~~ B. The following information shall not be kept confidential:

5 1. Records related to federal grants administered by the
6 Oklahoma Office of Homeland Security;

7 2. Records related to the receipt and expenditure of public
8 funds; or

9 3. Records related to the financial performance or financial
10 administration of the Oklahoma Office of Homeland Security.

11 ~~F.~~ C. For the purposes of this section, the term "terrorism"
12 means any act encompassed by the definitions set forth in Section
13 1268.1 of Title 21 of the Oklahoma Statutes.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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