

1 ENGROSSED SENATE
2 BILL NO. 695

By: Wilson of the Senate

3 and

4 Brown of the House

5
6 [officers - confidentiality - exceptions -
7 emergency]

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY Section 1, Chapter 166, O.S.L.
11 2003 (51 O.S. Supp. 2008, Section 24A.27), is amended to read as
12 follows:

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

21 B. For purposes of this section:

22 1. "State environmental agencies" includes the:

- 23 a. Oklahoma Water Resources Board,
24 b. Oklahoma Corporation Commission,

- 1 c. State Department of Agriculture,
- 2 d. Oklahoma Conservation Commission,
- 3 e. Department of Wildlife Conservation,
- 4 f. Department of Mines, and
- 5 g. Department of Environmental Quality;

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

- 11 a. producing, generating, transmitting, distributing,
12 selling or furnishing electricity,
- 13 b. the conveyance, transmission, reception or
14 communications over a telephone system,
- 15 c. transmitting directly or indirectly or distributing
16 combustible hydrocarbon natural or synthetic natural
17 gas for sale to the public, or
- 18 d. the transportation, delivery or furnishing of water
19 for domestic purposes or for power.

20 C. In addition to vulnerability assessments as provided in
21 subsection A of this section, state environmental agencies and
22 public utilities shall not be required to release pursuant to any
23 Oklahoma Open Records Act request, any maps, plats, plans or other
24 infrastructure information which are confidential, as provided in

1 subsection A of Section 24A.28 of this title. Provided, state
2 environmental agencies and public utilities shall allow any public
3 body to have access to the information for purposes specifically
4 related to the public bodies function.

5 SECTION 2. AMENDATORY Section 2, Chapter 175, O.S.L.
6 2003, as amended by Section 1, Chapter 399, O.S.L. 2005 (51 O.S.
7 Supp. 2008, Section 24A.28), is amended to read as follows:

8 Section 24A.28 A. The following information may be kept
9 confidential:

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

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

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

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

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

21 ~~1.~~ Design

22 a. design or functional schematics that demonstrate the
23 relationship or connections between devices or
24 systems_{+,}

1 ~~2. System~~

2 b. system configuration information~~;~~

3 ~~3. Security~~

4 c. security monitoring and response equipment placement
5 and configuration~~;~~

6 ~~4. Specific~~

7 d. specific location or placement of systems, components
8 or devices~~;~~

9 ~~5. System~~

10 e. system identification numbers, names, or connecting
11 circuits~~;~~

12 ~~6. Business~~

13 f. business continuity and disaster planning, or response
14 plans~~;~~ or

15 ~~7. Investigative~~

16 g. investigative information directly related to security
17 penetrations or denial of services; ~~or~~

18 ~~F.~~ 6. Maps, plats, plans or other infrastructure information
19 relating to critical assets, as defined in Section 24A.27 of this
20 title, operated by state environmental agencies or public utilities;

21 7. Investigation evidence of an act of terrorism that has
22 already been committed~~;~~

1 ~~G.~~ 8. Records received, maintained or generated by the Oklahoma
2 Office of Homeland Security which include confidential private
3 business information or an individual's private records~~;~~ or

4 ~~H.~~ 9. Records received by the Oklahoma Office of Homeland
5 Security from the United States Department of Homeland Security or
6 records maintained or generated by the Oklahoma Office of Homeland
7 Security involving the United States Department of Homeland
8 Security.

9 ~~I.~~ B. The following information shall not be kept confidential:

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

12 2. Records related to the receipt and expenditure of public
13 funds; or

14 3. Records related to the financial performance or financial
15 administration of the Oklahoma Office of Homeland Security.

16 ~~J.~~ C. For the purposes of this section, the term "terrorism"
17 means any act encompassed by the definitions set forth in Section
18 1268.1 of Title 21 of the Oklahoma Statutes.

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

23

24

1 Passed the Senate the 3rd day of March, 2009.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

7
8 _____
9 Presiding Officer of the House
10 of Representatives