

1 STATE OF OKLAHOMA

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

3 SENATE BILL 695

By: Wilson

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5  
6 AS INTRODUCED

7 An Act relating to officers; amending Section 1,  
8 Chapter 166, O.S.L. 2003 (51 O.S. Supp. 2008, Section  
9 24A.27), which relates to confidentiality of certain  
10 information; providing for certain natural gas  
11 utilities to keep information confidential;  
12 prohibiting certain requests for information under  
13 the Oklahoma Open Records Act; and amending Section  
14 2, Chapter 175, O.S.L. 2003, as amended by Section 1,  
15 Chapter 399, O.S.L. 2005 (51 O.S. Supp. 2008, Section  
16 24A.28), which relates to exceptions; providing for  
17 certain public utility information to be  
18 confidential; and declaring an emergency.

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

20 SECTION 1. AMENDATORY Section 1, Chapter 166, O.S.L.  
21 2003 (51 O.S. Supp. 2008, Section 24A.27), is amended to read as  
22 follows:

23 Section 24A.27 A. Any state environmental agency or public  
24 utility shall keep confidential vulnerability assessments of  
critical assets ~~in both water and wastewater systems~~. State  
environmental agencies or public utilities may use the information  
for internal purposes or allow the information to be used for survey  
purposes only. The state environmental agencies or public utilities

1 shall allow any public body to have access to the information for  
2 purposes specifically related to the public bodies function.

3 B. For purposes of this section:

4 1. "State environmental agencies" includes the:

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

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

- 17 a. producing, generating, transmitting, distributing,  
18 selling or furnishing electricity,
  - 19 b. the conveyance, transmission, reception or  
20 communications over a telephone system,
  - 21 c. transmitting directly or indirectly or distributing  
22 combustible hydrocarbon natural or synthetic natural  
23 gas for sale to the public, or
- 24

1           d.    the transportation, delivery or furnishing of water  
2                   for domestic purposes or for power.

3           C. In addition to vulnerability assessments as provided in  
4 subsection A of this section, state environmental agencies and  
5 public utilities shall not be required to release pursuant to any  
6 Oklahoma Open Records Act request, any maps, plats, plans or other  
7 infrastructure information which are confidential, as provided in  
8 subsection F of Section 24A.38 of this title. Provided, state  
9 environmental agencies and public utilities shall allow any public  
10 body to have access to the information for purposes specifically  
11 related to the public bodies function.

12           SECTION 2.        AMENDATORY        Section 2, Chapter 175, O.S.L.  
13 2003, as amended by Section 1, Chapter 399, O.S.L. 2005 (51 O.S.  
14 Supp. 2008, Section 24A.28), is amended to read as follows:

15           Section 24A.28 A. The following information may be kept  
16 confidential:

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

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

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

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

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

5       ~~1.~~ Design

6           a.   design or functional schematics that demonstrate the  
7                   relationship or connections between devices or  
8                   systems~~†, 1~~

9       ~~2.~~ System

10           b.   system configuration information~~†, 1~~

11       ~~3.~~ Security

12           c.   security monitoring and response equipment placement  
13                   and configuration~~†, 1~~

14       ~~4.~~ Specific

15           d.   specific location or placement of systems, components  
16                   or devices~~†, 1~~

17       ~~5.~~ System

18           e.   system identification numbers, names, or connecting  
19                   circuits~~†, 1~~

20       ~~6.~~ Business

21           f.   business continuity and disaster planning, or response  
22                   plans~~†, 1~~ or

23       ~~7.~~ Investigative

24

1           g. investigative information directly related to security  
2           penetrations or denial of services; ~~or~~

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

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

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

11           ~~H.~~ 9. Records received by the Oklahoma Office of Homeland  
12 Security from the United States Department of Homeland Security or  
13 records maintained or generated by the Oklahoma Office of Homeland  
14 Security involving the United States Department of Homeland  
15 Security.

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

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

19           2. Records related to the receipt and expenditure of public  
20 funds; or

21           3. Records related to the financial performance or financial  
22 administration of the Oklahoma Office of Homeland Security.

1        ~~J.~~ C. For the purposes of this section, the term "terrorism"  
2 means any act encompassed by the definitions set forth in Section  
3 1268.1 of Title 21 of the Oklahoma Statutes.

4        SECTION 3. 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.

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