

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2918

By: Richardson of the House

and

Branan of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public records; amending 51 O.S.
12 2011, Section 24A.28, which relates to confidential
13 information; allowing certain information regarding
14 certain sources of radiation to be kept confidential;
15 listing types of information; adding certain records
16 of the Department of Environmental Quality that are
17 not to be kept confidential; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.28, is
21 amended to read as follows:

22 Section 24A.28 A. The following information may be kept
23 confidential:
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1 1. Investigative evidence of a plan or scheme to commit an act
2 of terrorism;

3 2. Assessments of the vulnerability of government facilities or
4 public improvements to an act of terrorism and work papers directly
5 related to preparing the assessment of vulnerability;

6 3. Records including details for deterrence or prevention of or
7 protection from an act or threat of an act of terrorism;

8 4. Records including details for response or remediation after
9 an act of terrorism;

10 5. Information technology of a public body or public official
11 but only if the information specifically identifies:

12 a. design or functional schematics that demonstrate
13 the relationship or connections between devices
14 or systems,

15 b. system configuration information,

16 c. security monitoring and response equipment
17 placement and configuration,

18 d. specific location or placement of systems,
19 components or devices,

20 e. system identification numbers, names, or
21 connecting circuits,

22 f. business continuity and disaster planning, or
23 response plans, or
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1 g. investigative information directly related to
2 security penetrations or denial of services;

3 6. Investigation evidence of an act of terrorism that has
4 already been committed;

5 7. Records received, maintained or generated by the Oklahoma
6 Office of Homeland Security which include confidential private
7 business information or an individual's private records; ~~and~~

8 8. Records received by the Oklahoma Office of Homeland Security
9 from the United States Department of Homeland Security or records
10 maintained or generated by the Oklahoma Office of Homeland Security
11 involving the United States Department of Homeland Security; and

12 9. Records received, maintained or generated by the Department
13 of Environmental Quality that contain information regarding sources
14 of radiation in quantities determined by the United States Nuclear
15 Regulatory Commission to be significant to public health and safety,
16 by whomever possessed, whether in transit or at fixed sites, when
17 the information could reasonably be expected to have an adverse
18 effect on the health and safety of the public by increasing the
19 likelihood of theft, diversion or sabotage of the radiation sources
20 or facilities. The information may include but is not limited to
21 information:

- 1 a. from or relating to radioactive material licensees
2 identifying the exact location of the radioactive
3 material,
- 4 b. describing how the radioactive material is secured
5 from unauthorized removal or access when it is in
6 storage,
- 7 c. describing the control and maintenance of constant
8 surveillance of the radioactive material when it is
9 not in storage,
- 10 d. describing specific policies and procedures for
11 actions to physically protect the radioactive
12 material,
- 13 e. identifying possession limits or actual inventories of
14 radionuclides,
- 15 f. containing or describing assessments or analyses that
16 could reveal vulnerabilities,
- 17 g. identifying specific locations of safety and security
18 equipment,
- 19 h. describing emergency planning, emergency response and
20 fire protection, and
- 21 i. containing or describing other information that could
22 reasonably be expected to be useful to persons with
23 malevolent intent.

1 B. The following information shall not be kept confidential:

2 1. Records related to federal grants administered by the
3 Oklahoma Office of Homeland Security or the Department of
4 Environmental Quality;

5 2. Records related to the receipt and expenditure of public
6 funds; or

7 3. Records related to the financial performance or financial
8 administration of the Oklahoma Office of Homeland Security or the
9 Department of Environmental Quality.

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

13 D. 1. Public educational institutions may keep confidential
14 campus security plans. An institution or agency may in its
15 discretion release information contained in or related to the campus
16 security plan in order to design or implement the plan.

17 2. Nothing in this subsection shall preclude an institution or
18 agency within The Oklahoma State System of Higher Education from
19 collecting and releasing information relating to campus crime
20 statistics and campus security policies as is required pursuant to
21 the Jeanne Clery Disclosure of Campus Security Policy and Campus
22 Crime Statistics Act, 20 U.S.C. 1092(f).

1 3. For purposes of this subsection, "campus security plan"
2 shall include, but is not limited to, prevention and response
3 procedures to and notification procedures for perceived or actual
4 security threats and incidents on or impacting the campus.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND
11 ENVIRONMENT, dated 02/09/2012 - DO PASS, As Amended and Coauthored.

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