

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 ENGROSSED SENATE
5 BILL NO. 489

 By: Simpson, Johnson
 (Constance) and Ivester of
 the Senate

6 and

7 McNiel of the House
8

9
10 An Act relating to public records; amending 51 O.S.
11 2011, Section 24A.28, which relates to confidential
12 information; allowing certain information regarding
13 certain sources of radiation to be kept confidential;
14 listing types of information; adding certain records
15 of the Department of Environmental Quality that are
16 not to be kept confidential; and declaring an
17 emergency.

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

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

21 Section 24A.28 A. The following information may be kept
22 confidential:

23 1. Investigative evidence of a plan or scheme to commit an act
24 of terrorism;

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

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

6 4. Records including details for response or remediation after
7 an act of terrorism;

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

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

13 b. system configuration information,

14 c. security monitoring and response equipment
15 placement and configuration,

16 d. specific location or placement of systems,
17 components or devices,

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

20 f. business continuity and disaster planning, or
21 response plans, or

22 g. investigative information directly related to
23 security penetrations or denial of services;

1 6. Investigation evidence of an act of terrorism that has
2 already been committed;

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

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

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

20 a. from or relating to radioactive material licensees
21 identifying the exact location of the radioactive
22 material,

- b. describing how the radioactive material is secured from unauthorized removal or access when it is in storage,
- c. describing the control and maintenance of constant surveillance of the radioactive material when it is not in storage,
- d. describing specific policies and procedures for actions to physically protect the radioactive material,
- e. identifying possession limits or actual inventories of radionuclides,
- f. containing or describing assessments or analyses that could reveal vulnerabilities,
- g. identifying specific locations of safety and security equipment,
- h. describing emergency planning, emergency response and fire protection, and
- i. containing or describing other information that could reasonably be expected to be useful to persons with malevolent intent.

B. The following information shall not be kept confidential:

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

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

3 3. Records related to the financial performance or financial
4 administration of the Oklahoma Office of Homeland Security or the
5 Department of Environmental Quality.

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

9 D. 1. Public educational institutions may keep confidential
10 campus security plans. An institution or agency may in its
11 discretion release information contained in or related to the campus
12 security plan in order to design or implement the plan.

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

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

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON UTILITY AND ENVIRONMENTAL
5 REGULATION, dated 03/25/2013 - DO PASS.
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