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February 21, 2013

By: Simpson of the Senate

and

McNiell of the House

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

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

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

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

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

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

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

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

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

5 a. design or functional schematics that demonstrate
6 the relationship or connections between devices
7 or systems,

8 b. system configuration information,

9 c. security monitoring and response equipment
10 placement and configuration,

11 d. specific location or placement of systems,
12 components or devices,

13 e. system identification numbers, names, or
14 connecting circuits,

15 f. business continuity and disaster planning, or
16 response plans, or

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

19 6. Investigation evidence of an act of terrorism that has
20 already been committed;

21 7. Records received, maintained or generated by the Oklahoma
22 Office of Homeland Security which include confidential private
23 business information or an individual's private records; ~~and~~
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1 8. Records received by the Oklahoma Office of Homeland Security
2 from the United States Department of Homeland Security or records
3 maintained or generated by the Oklahoma Office of Homeland Security
4 involving the United States Department of Homeland Security; and

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

15 a. from or relating to radioactive material licensees
16 identifying the exact location of the radioactive
17 material,

18 b. describing how the radioactive material is secured
19 from unauthorized removal or access when it is in
20 storage,

21 c. describing the control and maintenance of constant
22 surveillance of the radioactive material when it is
23 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;
- 2. Records related to the receipt and expenditure of public funds; or
- 3. Records related to the financial performance or financial administration of the Oklahoma Office of Homeland Security or the Department of Environmental Quality.

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

4 D. 1. Public educational institutions may keep confidential
5 campus security plans. An institution or agency may in its
6 discretion release information contained in or related to the campus
7 security plan in order to design or implement the plan.

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
23 February 21, 2013 - DO PASS
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