An Act

ENROLLED SENATE
BILL NO. 489

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

and

McNiel 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.

SUBJECT: Confidential information

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;

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

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

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

b. system configuration information,

c. security monitoring and response equipment placement and configuration,

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

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

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

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

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

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

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

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

a. from or relating to radioactive material licensees identifying the exact location of the radioactive 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;

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.

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

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

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

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

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

Passed the Senate the 4th day of March, 2013.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 2nd day of April, 2013.

Mike Jackson
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 3rd day of April, 2013, at 4:18 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 8th day of April, 2013, at 1:21 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 8th day of April, 2013, at 2:20 o'clock P. M.

By: Kenny V. Parmer