

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2492**

**FISCAL  
NOTE**

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

(BY REQUEST OF THE EXECUTIVE)

[Introduced February 16, 2017; Referred  
to the Committee on Government Organization then  
the Judiciary.]

1 A BILL to amend and reenact §5A-3-44 and §5A-3-52 of the Code of West Virginia, 1931, as  
 2 amended; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-  
 3 12-2, §5A-12-3, and §5A-12-4; to amend and reenact §17A-3-23 of said code; to amend  
 4 said code by adding thereto a new section, designated §17A-3-23a; and to amend and  
 5 reenact §29B-1-4 of said code, all relating to state vehicles; creating the Fleet  
 6 Management Office; defining terms; establishing powers and duties of the director;  
 7 continuing the special fund; requiring reporting of state vehicles; authorizing a rental pool;  
 8 requiring new title, registration and license plates for state vehicles; allowing the  
 9 commissioner of the Division of Motor Vehicles to issue special plates to organizations  
 10 and entities; requiring agencies to apply for a new uniform vehicle title and registration  
 11 plate; and exempting confidential information relating to certain vehicles from public  
 12 disclosure.

*Be it enacted by the Legislature of West Virginia:*

1 That §5A-3-44 and §5A-3-52 of the Code of West Virginia, 1931, as amended, be  
 2 amended and reenacted; that said code be amended by adding thereto a new article, designated  
 3 §5A-12-1, §5A-12-2, §5A-12-3, and §5A-12-4; that §17A-3-23 of said code be amended and  
 4 reenacted; that said code be amended by adding thereto a new section designated §17A-3-23a;  
 5 and that §29B-1-4 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

### **ARTICLE 3. PURCHASING DIVISION.**

#### **§5A-3-44. Authority and duties of State Agency for Surplus Property.**

1 (a) The State Agency for Surplus Property is hereby authorized and empowered: (1) To  
 2 acquire from the United States of America such property, including equipment, materials, books  
 3 or other supplies under the control of any department or agency of the United States of America  
 4 as may be usable and necessary for educational, fire protection and prevention, rescue, or public

5 health purposes, including research; (2) to warehouse property acquired; and (3) to distribute the  
6 property to tax-supported medical institutions, hospitals, clinics, fire departments, rescue squads,  
7 health centers, school systems, schools, colleges and universities within the state, and to other  
8 nonprofit medical institutions, hospitals, clinics, volunteer fire departments, volunteer rescue  
9 squads, health centers, schools, colleges and universities within the state which have been held  
10 exempt from taxation under the Internal Revenue Code of 1986, as amended.

11 (b) For the purpose of executing its authority under this article, the State Agency for  
12 Surplus Property is authorized and empowered to adopt, amend or rescind rules and regulations  
13 as may be deemed necessary, and take other action necessary and suitable in the administration  
14 of this article, including the enactment and promulgation of rules and regulations necessary to  
15 bring this article and its administration into conformity with any federal statutes or rules and  
16 regulations promulgated under federal statutes for the acquisition and disposition of surplus  
17 property.

18 (c) The State Agency for Surplus Property is authorized and empowered to appoint  
19 advisory boards or committees necessary to the end that this article and the rules and regulations  
20 promulgated hereunder conform with federal statutes and rules and regulations promulgated  
21 under federal statutes for the acquisition and disposition of surplus property.

22 (d) The State Agency for Surplus Property is authorized and empowered to take action,  
23 make expenditures and enter into contracts, agreements and undertakings for and in the name  
24 of the state, require reports, and make investigations as may be required by law or regulation of  
25 the United States of America in connection with the receipt, warehousing and distribution of  
26 property received by the State Agency for Surplus Property from the United States of America.

27 (e) The State Agency for Surplus Property is authorized and empowered to act as a  
28 clearinghouse of information for the public and private nonprofit institutions and agencies referred  
29 to in subsection (a) of this section, to locate property available for acquisition from the United  
30 States of America, to ascertain the terms and conditions under which the property may be

31 obtained, to receive requests from the above-mentioned institutions and agencies and to transmit  
32 to them all available information in reference to the property, and to aid and assist the institutions  
33 and agencies in every way possible in the consummation or acquisition of transactions hereunder.

34 (f) The State Agency for Surplus Property shall cooperate to the fullest extent consistent  
35 with the provisions of this article, with the departments or agencies of the United States of America  
36 and shall make reports in the form and containing the information the United States of America  
37 or any of its departments or agencies may from time to time require, and it shall comply with the  
38 laws of the United States of America and the rules and regulations of any of the departments or  
39 agencies of the United States of America governing the allocation, transfer, use or accounting for  
40 property donable or donated to the state.

41 (g) Notwithstanding any provisions of this code to the contrary creating exemptions to this  
42 article, all state assets owned or held by a state government entity or spending unit shall be  
43 reported to and inventoried by the State Agency for Surplus Property.

**§5A-3-52. ~~Special funds for travel management created~~ Aviation Fund.**

1 ~~(a) The travel management special fund is terminated. All deposits currently in this special~~  
2 ~~fund from aviation fees shall be transferred into the Aviation Fund created in subsection c of this~~  
3 ~~section. All funds in this special fund from the monthly fee for vehicles shall be transferred into~~  
4 ~~the Fleet Management Office Fund created in subsection (b) of this section.~~

5 ~~(b) There is created in the State Treasury a special revenue account, to be known as the~~  
6 ~~Fleet Management Office Fund. Expenditures are authorized from collections, but are to be made~~  
7 ~~only in accordance with appropriation by the Legislature and in accordance with the provisions of~~  
8 ~~article three, chapter twelve of this code and upon fulfillment of the provisions of article two,~~  
9 ~~chapter eleven b of this code. Any balance remaining in the special revenue account at the end~~  
10 ~~of any state fiscal year does not revert to the General Revenue Fund but remains in the special~~  
11 ~~revenue account and shall be used solely in a manner consistent with this article. All costs and~~  
12 ~~expenses incurred pursuant to this section, including administrative, shall be paid from those~~

13 ~~funds. Charges for operating, repairing and servicing motor vehicles made against any institution,~~  
 14 ~~agency or department shall be paid into the Fleet Management Office Fund by that institution,~~  
 15 ~~department or agency.~~

16 (e) There is created in the State Treasury a special revenue account, to be known as the  
 17 Aviation Fund. Expenditures from this fund are authorized from collections but are to be made  
 18 only in accordance with appropriation by the Legislature and in accordance with the provisions of  
 19 article three, chapter twelve of this code and upon fulfillment of the provisions of article two,  
 20 chapter eleven-b of this code. Any balance remaining in the special revenue account at the end  
 21 of any state fiscal year does not revert to the General Revenue Fund but remains in the special  
 22 revenue account and shall be used solely in a manner consistent with this article. All costs and  
 23 expenses incurred pursuant to this section, including administrative, shall be paid from those  
 24 funds. Charges for operating, repairing and servicing aircraft made against any institution, agency  
 25 or department shall be paid into the Aviation Fund by that institution, department or agency.

## **ARTICLE 12. FLEET MANAGEMENT OFFICE.**

### **§ 5A-12-1. Fleet Management Office; purpose; director; and Fleet Management Fund.**

1 (a) The Fleet Management Office, as authorized by prior enactment of section two, article  
 2 one of this chapter, is continued in the Department of Administration for the purpose of managing  
 3 the state's fleet of vehicles.

4 (b) The director shall be appointed by the Secretary, and is the executive officer of the  
 5 Fleet Management Office, and has the following powers and duties to:

6 (1) Provide management services, including fueling and vehicle maintenance, and any  
 7 other service necessary to properly manage the operation and use of state vehicles;

8 (2) Maintain a database of state vehicles assigned to all agencies that includes ownership  
 9 information, purchase date, vehicle identification number, and other applicable information  
 10 necessary to carry out the requirements contained in this article;

11 (3) Assist agencies by providing data and tools necessary to evaluate, manage and track

12 costs associated with vehicle operation:

13 (4) Preapprove and assist with purchase of new or replacement vehicles for agencies, in  
14 cooperation with the Purchasing Division, including facilitating financing arrangements;

15 (5) Provide training to agency fleet coordinators of state vehicles on safe operation and  
16 policies governing vehicle use;

17 (6) Evaluate usage of state vehicles based on monthly mileage data; including establishing  
18 minimum monthly mileage criteria to justify an agency's necessity for a state vehicle;

19 (7) Provide a report annually to the Governor and Joint Committee on Government and  
20 Finance listing all state vehicles listed by agency with operation costs; and

21 (8) Propose rules for legislative approval in accordance with the provisions of article three,  
22 chapter twenty-nine-a of this code to carry out the objectives of this article.

23 (c) The special revenue account, known as the Fleet Management Office Fund, previously  
24 created by prior enactment of section fifty-two, article three of this chapter, is continued and shall  
25 be administered by the director. Expenditures are authorized from collections, but are to be made  
26 only in accordance with appropriation by the Legislature and in accordance with the provisions of  
27 article three, chapter twelve of this code and upon fulfillment of the provisions of article two,  
28 chapter eleven-b of this code. Any balance remaining in the special revenue account at the end  
29 of any state fiscal year does not revert to the General Revenue Fund but remains in the special  
30 revenue account and shall be used solely in a manner consistent with this article. All costs and  
31 expenses incurred pursuant to this article, including administrative, shall be paid from those funds.

**§5A-12-2. Definitions.**

1 As used in this article:

2 "Agency Fleet Coordinator" means the head of a spending unit, or his or her designee,  
3 who shall be responsible for the duties as required by this article;

4 "Agency owner" means the agency listed as the owner on the vehicle title;

5 "Director" means the Director of the Fleet Management Office;

6 “Secretary” means the Secretary of the Department of Administration;

7 “State vehicle” means any state or agency-owned, leased, operated or acquired vehicle,  
8 regardless of intended use with a vehicle rating of one ton or less, but does not include all-terrain  
9 vehicles (ATVs) or vehicles requiring a commercial driver’s license to operate.

**§5A-12-3. Requirement for reporting inventory of state vehicles.**

1 (a) Agency fleet coordinators shall provide to the Fleet Management Office data on each  
2 state vehicle, including:

3 (1) Vehicle identification number;

4 (2) Make, model and year;

5 (3) Acquisitions and dispositions;

6 (4) Fuel usage;

7 (5) Mileage; and

8 (6) Maintenance events.

9 (b) The vehicle agency owner shall report by December 31, 2017, every state vehicle to  
10 the centralized inventory database maintained by the Enterprise Resource Planning Board,  
11 including the following information:

12 (1) Vehicle identification number;

13 (2) Agency owner of the vehicle;

14 (3) Purchase date and price; and

15 (4) Make, model and year of the vehicle.

16 (c) Acquisitions and dispositions of vehicles by agencies shall be reported to the Fleet  
17 Management Office within thirty days.

18 (d) Fuel usage, maintenance events, and mileage of vehicles shall be reported by agency  
19 fleet coordinators at least monthly.

20 (e) The Fleet Management Office shall conduct an annual reconciliation of vehicle records  
21 with all agency fleet coordinators to ensure the accuracy of vehicle inventory maintained by the

22 agency, the Fleet Management Office and the centralized inventory database maintained by the  
23 Enterprise Resource Planning Board.

**§5A-12-4. Rental pool of vehicles for agency use.**

1 (a) The Fleet Management Office may maintain a pool of vehicles for short-term use by  
2 any agency that wishes to use a state vehicle when ownership of a vehicle may not be justifiable.

3 (b) The Fleet Management Office is authorized to charge rental fees to agencies using the  
4 rental pool vehicle. The fees shall be collected and deposited into the special revenue account  
5 created in section one of this article, and may be used for costs associated with operation of the  
6 rental pool, as authorized by this article.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,  
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF  
CERTIFICATES OF TITLE.**

**§17A-3-23. Registration plates to state, county, municipal and other governmental  
vehicles; use for undercover activities.**

1 (a) (1) Any motor vehicle designed to carry passengers, owned or leased by the state of  
2 West Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles  
3 used by the Governor, Treasurer, three vehicles per elected office of the Board of Public Works,  
4 vehicles operated by the State Police, not to exceed five vehicles operated by the Office of the  
5 Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division  
6 of Homeland Security and Emergency Management, vehicles operated by natural resources  
7 police officers of the Division of Natural Resources, not to exceed ten vehicles operated by the  
8 arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by  
9 the Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the  
10 Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia



11 Wing of the Civil Air Patrol and vehicles operated by probation officers employed under the  
12 Supreme Court of Appeals may not be operated or driven by any person unless it has displayed  
13 and attached to the front thereof, in the same manner as regular motor vehicle registration plates  
14 are attached, a plate of the same size as the regular registration plate, with white lettering on a  
15 green background bearing the words "West Virginia" in one line and the words "State Car" in  
16 another line and the lettering for the words "State Car" shall be of sufficient size to be plainly  
17 readable from a distance of one hundred feet during daylight.

18 (2) The vehicle shall also have attached to the rear a plate bearing a number and any  
19 other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate  
20 shall also be green with the number in white. The commissioner shall have a sufficient number of  
21 both front and rear plates to attach to all state vehicles.

22 (3) Before issuing a registration and plate to any vehicle as prescribed by this section, the  
23 commissioner shall verify that the vehicle is a state owned or operated vehicle.

24 (4) Beginning July 1, 2018, and every four years after that, registration and plates issued  
25 pursuant to this subsection shall be renewed by the agency, department, bureau, commission or  
26 institution by application prescribed by the commissioner. The commissioner shall consider any  
27 registration issued pursuant to this section expired if not renewed by July 1, 2018.

28 (b) Registration plates issued to vehicles owned by quasi-state entities, including those  
29 community action program organizations created pursuant to section one, article thirteen of  
30 chapter seven; area agencies on aging created pursuant to section five, article five-s of chapter  
31 sixteen; and early education programs created pursuant to section forty-four, article five of chapter  
32 eighteen of this code, shall be white on black with the words "West Virginia" on the bottom.

33 ~~(b)~~ (c) Registration plates issued to vehicles owned by counties shall be white on red with  
34 the word "County" on top of the plate and the words "West Virginia" on the bottom.

35 ~~(c)~~ (d) Registration plates issued to a city or municipality shall be white on blue with the  
36 word "City" on top and the words "West Virginia" on the bottom.

37           ~~(d)~~ (e) Registration plates issued to a city or municipality law-enforcement department  
38 shall include blue lettering on a white background with the words "West Virginia" on top of the  
39 plate and shall be further designed by the commissioner to include a law-enforcement shield  
40 together with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-  
41 enforcement department motor vehicle. The colors may not be reversed and shall be of  
42 reflectorized material. The registration plates issued to counties, municipalities and other  
43 governmental agencies authorized to receive colored plates hereunder shall be affixed to both  
44 the front and rear of the vehicles.

45           ~~(e)~~ (f) (1) Registration plates issued to vehicles operated by county sheriffs shall be  
46 designed by the commissioner in cooperation with the sheriffs' association with the word "Sheriff"  
47 on top of the plate and the words "West Virginia" on the bottom. The plate shall contain a gold  
48 shield representing the sheriff's star and a number assigned to that plate by the commissioner.  
49 Every county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff,  
50 unless otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1,  
51 2002.

52           (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil  
53 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and  
54 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner  
55 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,  
56 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

57           ~~(f)~~ (g) The commissioner is authorized to designate the colors and design of any other  
58 registration plates that are issued without charge to any other agency in accordance with the  
59 motor vehicle laws.

60           ~~(g)~~ (h) Upon application, the commissioner is authorized to issue a maximum of five Class  
61 A license plates per applicant to be used by county sheriffs and municipalities on law-enforcement  
62 vehicles while engaged in undercover investigations.

63           ~~(h)~~ (i) The commissioner is authorized to issue a maximum of five Class A license plates  
64 to be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial  
65 driver examination fraud investigation and driver's license issuance fraud detection and fraud  
66 prevention.

67           ~~(i)~~ (j) The commissioner is authorized to issue an unlimited number of license plates per  
68 applicant to authorized drug and violent crime task forces in the State of West Virginia when the  
69 chairperson of the control group of a drug and violent crime task force signs a written affidavit  
70 stating that the vehicle or vehicles for which the plates are being requested will be used only for  
71 official undercover work conducted by a drug and violent crime task force.

72           ~~(j)~~ (k) The commissioner is authorized to issue twenty Class A license plates to the  
73 Criminal Investigation Division of the Department of Revenue for use by its investigators.

74           ~~(k)~~ (l) The commissioner may issue a maximum of ten Class A license plates to the  
75 Division of Natural Resources for use by natural resources police officers. The commissioner shall  
76 designate the color and design of the registration plates to be displayed on the front and the rear  
77 of all other state-owned vehicles owned by the Division of Natural Resources and operated by  
78 natural resources police officers.

79           ~~(l)~~ (m) The commissioner is authorized to issue an unlimited number of Class A license  
80 plates to the Commission on Special Investigations for state-owned vehicles used for official  
81 undercover work conducted by the Commission on Special Investigations.

82           ~~(m)~~ (n) The commissioner is authorized to issue a maximum of two Class A plates to the  
83 Division of Protective Services for state-owned vehicles used by the Division of Protective  
84 Services in fulfilling its mission.

85           ~~(n)~~ (o) The commissioner is authorized to issue Class A registration plates for vehicles  
86 used by the Medicaid Fraud Control Unit created by section seven, article seven, chapter nine of  
87 this code.

88           ~~(o)~~ (p) The commissioner is authorized to issue Class A registration plates for vehicles

89 used by the West Virginia Insurance Fraud Unit created by section eight, article forty-one, chapter  
90 thirty-three of this code.

91 ~~(p)~~ (q) No other registration plate may be issued for, or attached to, any state-owned  
92 vehicle.

93 ~~(q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and~~  
94 ~~rear plates produced to attach to all state-owned cars. The numbered registration plates for the~~  
95 ~~vehicles shall start with the number five hundred and the commissioner shall issue consecutive~~  
96 ~~numbers for all state-owned cars.~~

97 (r) It is the duty of each office, department, bureau, commission or institution furnished  
98 any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle  
99 by any official or employee.

100 (s) The commissioner may issue special registration plates for motor vehicles titled in the  
101 name of the Division of Public Transit or in the name of a public transit authority as defined in this  
102 subsection and operated by a public transit authority or a public transit provider to transport  
103 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
104 urban mass transportation authority created pursuant to the provisions of article twenty-seven,  
105 chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under  
106 the Internal Revenue Code and whose purpose is to provide mass transportation to the public at  
107 large. The special registration plate shall be designed by the commissioner and shall display the  
108 words "public transit" or words or letters of similar effect to indicate the public purpose of the use  
109 of the vehicle. The special registration plate shall be issued without charge.

110 (t) Any person who violates the provisions of this section is guilty of a misdemeanor and,  
111 upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates have  
112 concurrent jurisdiction with circuit courts for the enforcement of this section.

**§17A-3-23a. Application for certificate of title to state government vehicles; rulemaking.**

1 (a) No later than July 1, 2018, each state government entity with special registration plates

2 as authorized by section twenty-three of this article, shall apply for a new certificate of title for  
3 each vehicle on an application prescribed by the commissioner.

4 (b) The commissioner may not approve an application for a new certificate of title or issue  
5 a special registration plate pursuant to subsection (a) of section twenty-three unless the vehicle  
6 for which application is made has been reported in the centralized inventory database maintained  
7 by the Enterprise Resource Planning Board.

8 (c) The certificate of title shall be issued to the owner of the vehicle in a standard and  
9 uniform format developed by the commissioner, in cooperation with the Fleet Management Office,  
10 established pursuant to article twelve of chapter five-a of this code, and the Enterprise Resource  
11 Planning Board, established pursuant to article six-d, chapter twelve of this code, to ensure  
12 uniformity across inventory records.

13 (d) The commissioner is authorized to propose legislative rules necessary to carry out the  
14 duties required by this section.

## **CHAPTER 29B. FREEDOM OF INFORMATION.**

### **ARTICLE 1. PUBLIC RECORDS.**

#### **§29B-1-4. Exemptions.**

1 (a) There is a presumption of public accessibility to all public records, subject only to the  
2 following categories of information which are specifically exempt from disclosure under the  
3 provisions of this article:

4 (1) Trade secrets, as used in this section, which may include, but are not limited to, any  
5 formula, plan pattern, process, tool, mechanism, compound, procedure, production data or  
6 compilation of information which is not patented which is known only to certain individuals within  
7 a commercial concern who are using it to fabricate, produce or compound an article or trade or a  
8 service or to locate minerals or other substances, having commercial value, and which gives its  
9 users an opportunity to obtain business advantage over competitors;

10 (2) Information of a personal nature such as that kept in a personal, medical or similar file,  
11 if the public disclosure of the information would constitute an unreasonable invasion of privacy,  
12 unless the public interest by clear and convincing evidence requires disclosure in this particular  
13 instance: *Provided*, That this article does not preclude an individual from inspecting or copying  
14 his or her own personal, medical or similar file;

15 (3) Test questions, scoring keys and other examination data used to administer a licensing  
16 examination, examination for employment or academic examination;

17 (4) (A) Records of law-enforcement agencies that deal with the detection and investigation  
18 of crime and the internal records and notations of such law-enforcement agencies which are  
19 maintained for internal use in matters relating to law enforcement;

20 (B) Records identifying motor vehicles used, and the agencies using them, for undercover  
21 investigation activities conducted by state law-enforcement agencies or other agencies that are  
22 authorized by this code to use undercover or unmarked vehicles;

23 (5) Information specifically exempted from disclosure by statute;

24 (6) Records, archives, documents or manuscripts describing the location of undeveloped  
25 historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any  
26 public body upon which the donor has attached restrictions on usage or the handling of which  
27 could irreparably damage the record, archive, document or manuscript;

28 (7) Information contained in or related to examination, operating or condition reports  
29 prepared by, or on behalf of, or for the use of any agency responsible for the regulation or  
30 supervision of financial institutions, except those reports which are by law required to be published  
31 in newspapers;

32 (8) Internal memoranda or letters received or prepared by any public body ;

33 (9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist  
34 acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the  
35 public health;

36 (10) Those portions of records containing specific or unique vulnerability assessments or  
37 specific or unique response plans, data, databases and inventories of goods or materials collected  
38 or assembled to respond to terrorist acts; and communication codes or deployment plans of law-  
39 enforcement or emergency response personnel;

40 (11) Specific intelligence information and specific investigative records dealing with  
41 terrorist acts or the threat of a terrorist act shared by and between federal and international law-  
42 enforcement agencies, state and local law-enforcement and other agencies within the Department  
43 of Military Affairs and Public Safety;

44 (12) National security records classified under federal executive order and not subject to  
45 public disclosure under federal law that are shared by federal agencies and other records related  
46 to national security briefings to assist state and local government with domestic preparedness for  
47 acts of terrorism;

48 (13) Computing, telecommunications and network security records, passwords, security  
49 codes or programs used to respond to or plan against acts of terrorism which may be the subject  
50 of a terrorist act;

51 (14) Security or disaster recovery plans, risk assessments, tests or the results of those  
52 tests;

53 (15) Architectural or infrastructure designs, maps or other records that show the location  
54 or layout of the facilities where computing, telecommunications or network infrastructure used to  
55 plan against or respond to terrorism are located or planned to be located;

56 (16) Codes for facility security systems; or codes for secure applications for facilities  
57 referred to in subdivision (15) of this subsection;

58 (17) Specific engineering plans and descriptions of existing public utility plants and  
59 equipment;

60 (18) Customer proprietary network information of other telecommunications carriers,  
61 equipment manufacturers and individual customers, consistent with 47 U.S.C. §222;

62 (19) Records of the Division of Corrections, Regional Jail and Correctional Facility  
63 Authority and the Division of Juvenile Services relating to design of corrections, jail and detention  
64 facilities owned or operated by the agency, and the policy directives and operational procedures  
65 of personnel relating to the safe and secure management of inmates or residents, that if released,  
66 could be used by an inmate or resident to escape a facility, or to cause injury to another inmate,  
67 resident or to facility personnel ;

68 (20) Information related to applications under section four, article seven, chapter sixty-one  
69 of this code, including applications, supporting documents, permits, renewals, or any other  
70 information that would identify an applicant for or holder of a concealed weapon permit: *Provided:*  
71 That information in the aggregate that does not identify any permit holder other than by county or  
72 municipality is not exempted: *Provided, however,* That information or other records exempted  
73 under this subdivision may be disclosed to a law enforcement agency or officer: (i) to determine  
74 the validity of a permit, (ii) to assist in a criminal investigation or prosecution, or (iii) for other lawful  
75 law-enforcement purposes; and

76 (21) Personal information of law-enforcement officers maintained by the public body in the  
77 ordinary course of the employer-employee relationship. As used in this paragraph, "personal  
78 information" means a law-enforcement officer's social security number, health information, home  
79 address, personal address, personal telephone numbers and personal email addresses and those  
80 of his or her spouse, parents and children as well as the names of the law-enforcement officer's  
81 spouse, parents and children.

82 (b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the  
83 term "terrorist act" means an act that is likely to result in serious bodily injury or damage to property  
84 or the environment and is intended to:

85 (1) Intimidate or coerce the civilian population;

86 (2) Influence the policy of a branch or level of government by intimidation or coercion;

87 (3) Affect the conduct of a branch or level of government by intimidation or coercion; or



88           (4) Retaliate against a branch or level of government for a policy or conduct of the  
89 government.

90           (c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section  
91 do not make subject to the provisions of this chapter any evidence of an immediate threat to public  
92 health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the  
93 attention of a public entity in the course of conducting a vulnerability assessment response or  
94 similar activity.

NOTE: The purpose of this bill is to provide for a centralized inventory of state vehicles, require reregistering and retitling of all state vehicles, and to exempt vehicles used for undercover law enforcement from disclosure under the Freedom of Information Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.