

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 367

**FISCAL
NOTE**

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Introduced February 21, 2017; Referred
to the Committee on Government Organization; and
then to the Committee on Finance]

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.