

BILL ANALYSIS

Senate Research Center
78R9746 E

S.B. 1875
By: Ratliff
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DIGEST AND PURPOSE

Under current Federal law, certain public water supply systems are required to make vulnerability assessments and emergency response plans in order to safeguard the systems against terrorist attack. Although federal law safeguards such plans and assessments from public release, state law provides that such information is to be considered public and made available as such. As proposed, S.B. 1875 amends the Texas Open Meeting and Public Information Acts to authorize deliberations related to water supply and sewage system security to be held in closed meetings and to authorize the withholding of security-related documents and plans from public release. The bill clarifies that information pertaining to public expenditures remains public, and that sharing information between local, state, and federal agencies will continue to be allowed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 551D, Government Code, by adding Section 551.0761, as follows:

Sec. 551.0761. CERTAIN DELIBERATIONS CONCERNING PUBLIC WHOLESALE WATER OR SEWERAGE SYSTEM. (a) Provides that this chapter does not require a governmental body to conduct an open meeting to deliberate any matters concerning an assessment of the vulnerability of its system to a terrorist attack or other intentional acts intended to disrupt the public water or sewerage systems.

(b) Provides that a public wholesale water or sewerage supply or a public water or sewerage system is considered to be a public supply or system without regard to whether the supply or system is owned or operated by a governmental or nongovernmental entity.

SECTION 2. Amends Section 551.103, Government Code, by adding Subsection (e), to require a governmental body to make a tape recording of the proceedings of each closed meeting conducted under Section 551.0761.

SECTION 3. Amends Chapter 522C, Government Code, by adding Section 552.147, as follows:

Sec. 552.147. EXCEPTION: CERTAIN INFORMATION RELATING TO PUBLIC WHOLESALE WATER OR SEWERAGE SUPPLY OR PUBLIC WATER OR SEWERAGE SYSTEM. (a) Provides that information is excepted from the requirements of Section 552.021 under certain circumstances.

(b) Provides that a public wholesale water or sewerage supply or a public water or sewerage system is considered to be a public supply or system without regard to whether the supply or system is owned or operated by a governmental or nongovernmental entity.

(c) Provides that this section does not except from the requirements of Section 552.021 information that identifies expenditures made by the governmental body to take certain actions.

(d) Provides that a governmental body does not waive the exception from required disclosure provided by this section by sharing information described by Subsection (a) with a federal, state, or local governmental entity. Requires a state or local governmental agency that receives such information to take appropriate steps to protect the security of the information and to prevent unauthorized disclosure of the information.

SECTION 4. (a) Provides that Section 552.147, Government Code, as added by this Act, applies to information prepared or assembled before, on, or after the effective date of this Act.

(b) Provides that a public disclosure before the effective date of this Act of information described by Section 552.147(a), Government Code, as added by this Act, does not waive the exception from required disclosure provided by Section 552.147.

SECTION 5. Effective date: upon passage or September 1, 2003.