

BILL ANALYSIS

C.S.H.B. 1191

By: Allen

State Affairs

Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the public information law provides that most information collected, assembled, or maintained by a governmental entity is subject to public disclosure. However, in recent years, the threat of terrorism has become an increasing concern for Texans. State and local emergency managers, law enforcement officials, and other government entities are growing increasingly concerned that the public disclosure of highly sensitive information could compromise their ability to plan for an effective response to a terrorist threat or attack. The purpose of C.S.H.B. 1191 is to make confidential certain specific, highly sensitive information related to emergency response providers, vulnerability assessments, construction or assembly of weapons, and encryption and security keys for communications systems.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1191 amends Subchapter H, Chapter 418 of the Government Code to require information to be confidential if it is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity and:

- relates to an emergency response provider's staffing requirements or tactical plans, or consists of a list of the emergency response provider's pager

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- relates to a vulnerability risk assessment of persons or property, including critical infrastructure; or
- relates to the details of encryption codes or security keys for a public communications system.

The term “emergency response provider” is defined to include a law enforcement agency, a fire-fighting agency, or an emergency services agency.

C.S.H.B. 1191 requires information to be confidential if it is collected, assembled, or maintained by or for a governmental entity and:

- is more than likely to assist in the construction or assembly of an explosive weapon or a chemical, biological, or nuclear weapon of mass destruction; or
- indicates the specific location of a chemical, biological agent, toxin, or radioactive material that is more than likely to be used in the construction or assembly of such a weapon.

C.S.H.B. 1191 authorizes the executive or administrative head of a governmental entity to voluntarily disclose or otherwise make available such confidential information to another person or entity during a state of disaster if the executive or administrative head believes that the other person or entity has a legitimate need for the information. The bill provides that such disclosure or making available of the information during a state of disaster does not waive or affect the confidentiality of the information.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1191 removes the provision in the original which created a specific exception from the requirements of the public information law in Chapter 552.021 of the Government Code for information that relates to the details of a security system that is used to protect public or private property.