

BILL ANALYSIS

Senate Research Center
78R1525 JRD-D

S.B. 647
By: Wentworth
Infrastructure Development and Security
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As Filed

DIGEST AND PURPOSE

Immediately following the terrorist attacks of September 11, 2001, the San Antonio Water Supply (SAWS) conducted two vulnerability assessments to identify and correct problem areas. The Environmental Protection Agency (EPA) now provides grant assistance to large publicly and privately owned drinking water and wastewater systems to develop a vulnerability assessment, emergency response and operating plan, security enhancement plans and designs, or a combination of these items. The assessment determines the most critical assets in a water system and details their interrelationships with other assets in the system. The copy sent to the EPA is exempt from the Freedom of Information Act, but the assessment is not exempt from the Texas Open Records Act.

As proposed, S.B. 647 exempts from the Texas Open Records Act, information regarding the vulnerability of utility infrastructure or procedures and plans to mitigate those vulnerabilities.

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 552C, Government Code, by adding Section 552.141, as follows:

Sec. 552.141. EXCEPTION: GOVERNMENT INFORMATION RELATED TO UTILITY VULNERABILITY. (a) Defines “utility infrastructure or procedures.”

(b) Exempts from the requirements of Section 552.201 (Availability of Public Information) information prepared or assembled to assess or describe the vulnerability of utility infrastructure or procedures or existing or proposed measures to lessen the vulnerability of utility infrastructure or procedures from intentional acts of harm

SECTION 2. (a) and (b) Makes application of this Act retroactive.

SECTION 3. Effective date: upon passage or September 1, 2003.