

By: Geren

H.B. No. 1302

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the application of the open meetings law and the public
3 information law to deliberations and information regarding the
4 safety, security or integrity of public water and sewer supplies
5 and public water and sewer systems.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter D, Chapter 551, Government Code, is
8 amended by adding Section 551.0761 to read as follows:

9 Sec. 551.0761 CERTAIN DELIBERATIONS CONCERNING PUBLIC
10 WATER SUPPLIES AND PUBLIC WATER AND SEWER SYSTEMS. This chapter
11 does not require a governmental body to conduct an open meeting to
12 deliberate any matters concerning any response to, or protection
13 from, potential or actual threats of terrorism or vandalism to the
14 safety, security or integrity of a public water or sewer supply or a
15 public water or sewer system.

16 SECTION 2. Subchapter C, Chapter 552, Government Code, is
17 amended by adding Section 552.147 to read as follows:

18 Sec. 552.147. EXEMPTION: CERTAIN INFORMATION RELATING TO
19 THE SAFETY, SECURITY OR INTEGRITY OR PUBLIC WATER SUPPLIES AND
20 PUBLIC WATER AND SEWER SYSTEMS. (a) Information is excepted from
21 the requirements of Section 552.021 if:

22 (1) the information relates to responses to, or
23 protection from, potential or actual threats of terrorism or
24 vandalism to the safety, security or integrity of a public water or

1 sewer supply or a public water or sewer system; and

2 (2) the governmental body determines that disclosure
3 of the information may present a risk to, or otherwise may
4 compromise, the health or safety of the public.

5 (b) This section does not except from the requirements of
6 Section 552.021 information that:

7 (1) is requested by a law enforcement official of the
8 United States or a state or local government in the performance of
9 the official's duties;

10 (2) is requested or required by an agency of the United
11 States or a state or local government for purposes of enforcing the
12 agency's statutory duties; or

13 (3) identifies expenditures by the governmental body
14 for development of the information or implementation of any
15 measures described in the information.

16 (c) A law enforcement office or state or local government
17 agency shall promulgate rules for the protection of information
18 disclosed to a law enforcement official or state or local
19 government agency and the information is excepted from the
20 requirements of Section 552.021 to the same extent that it is
21 excepted from those requirements by the governmental body providing
22 the information.

23 (d) Information described by the subsection (a) may be
24 provided to other governmental bodies without becoming public
25 information if the information is provided in the course of
26 cooperative planning for response to, or protection from, potential
27 or actual threats of terrorism or vandalism. The other

1 governmental bodies shall ensure that the information is excepted
2 from the requirements of Section 552.021 to the same extent that it
3 is excepted from those requirements by the governmental body
4 providing the information.

5 SECTION 3. (a) Section 552.147, Government Code, as added
6 by this Act, applies to information prepared or assembled before,
7 on, or after the effective date of this act.

8 (b) A public disclosure, before the effective date of this
9 Act, of information described by Section 552.147, Government Code,
10 as added by this Act, does not waive the exception from required
11 disclosure that Section 552.147 provides for the information.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, the
16 Act takes effect September 1, 2003.