

By: Wentworth

S.B. No. 647

A BILL TO BE ENTITLED

AN ACT

relating to excepting from required public disclosure under the public information law the assessments of a utility's vulnerability to intentional acts of harm.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.141 to read as follows:

Sec. 552.141. EXCEPTION: GOVERNMENT INFORMATION RELATED TO UTILITY VULNERABILITY. (a) In this section, "utility infrastructure or procedures" means infrastructure or procedures involved in the provision of water, wastewater, electric, telecommunications, gas, or cable service, without regard to whether the provider of the service is:

(1) a governmental or nongovernmental entity; or

(2) considered to be a utility or a provider of utility services under the Utilities Code, the Water Code, or other law.

(b) Information is excepted from the requirements of Section 552.021 if it is information:

(1) prepared or assembled by or for a governmental body for the purpose of assessing the vulnerability of utility infrastructure or procedures to disruption or damage by an intentional act of harm; or

(2) that assesses or describes existing or proposed measures to lessen the vulnerability of utility infrastructure or

1 procedures to disruption or damage by an intentional act of harm.

2 (c) A governmental body does not waive the exception from
3 required disclosure provided by this section by sharing information
4 described by this section with a federal, state, or local
5 governmental entity or with an affected provider of services.

6 SECTION 2. (a) Section 552.141, Government Code, as added
7 by this Act, applies to information prepared or assembled before,
8 on, or after the effective date of this Act.

9 (b) A public disclosure, before the effective date of this
10 Act, of information described by Section 552.141, Government Code,
11 as added by this Act, does not waive the exception from required
12 disclosure that Section 552.141 provides for the information.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.