

By: Lindsay

S.B. No. 764

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 meetings and information of certain governmental
4 bodies relating to the security of a port in this state.

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

6 SECTION 1. Subchapter D, Chapter 551, Government Code, is
7 amended by adding Section 551.094 to read as follows:

8 Sec. 551.094. DELIBERATIONS RELATING TO SECURITY MEASURES
9 OF PORT. (a) This section applies only to a governmental body that
10 governs a port in this state.

11 (b) This chapter does not require the governmental body to
12 conduct an open meeting to deliberate regarding the following
13 matters relating to the security of the port, if deliberation of the
14 security measures in an open meeting could jeopardize the security
15 of the port:

16 (1) a security plan for the protection of the port;

17 (2) a report, audit, assessment, evaluation, or
18 recommendation relating to the port; or

19 (3) information that is not required to be disclosed
20 to the public under the Maritime Transportation Security Act of
21 2002, Pub. L. 107-295, including:

22 (A) facility security plans, vessel security
23 plans, and port vulnerability assessments; and

24 (B) other information relating to security

1 plans, procedures, or programs for vessels or facilities authorized
2 under Chapter 701, Subtitle VI, Title 26, United States Code.

3 SECTION 2. Subchapter C, Chapter 552, Government Code, is
4 amended by adding Section 552.148 to read as follows:

5 Sec. 552.148. EXCEPTION: SECURITY MEASURES OF PORT. (a)
6 Information is excepted from the requirements of Section 552.021 if
7 the information relates to security measures of a port in this state
8 and disclosure of the information could jeopardize the security of
9 the port, including:

10 (1) a security plan for the protection of the port;

11 (2) a report, audit, assessment, evaluation, or
12 recommendation relating to the port; or

13 (3) information that is not required to be disclosed
14 to the public under the Maritime Transportation Security Act of
15 2002, Pub. L. 107-295, including:

16 (A) facility security plans, vessel security
17 plans, and port vulnerability assessments; and

18 (B) other information relating to security
19 plans, procedures, or programs for vessels or facilities authorized
20 under Chapter 701, Subtitle VI, Title 26, United States Code.

21 (b) Section 552.022, providing that a category of
22 information described by Subsection (a) of that section is not
23 excepted from required disclosure under this chapter unless it is
24 expressly confidential under another law, does not apply to
25 information excepted from the requirements of Section 552.021 by
26 Subsection (a) of this section.

27 SECTION 3. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.