

By: Ratliff

S.B. No. 1875

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 wholesale water and  
5 sewerage supplies and public water and sewerage 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 WHOLESALE WATER OR SEWERAGE SUPPLY OR PUBLIC WATER OR SEWERAGE  
11 SYSTEM. (a) This chapter does not require a governmental body to  
12 conduct an open meeting to deliberate any matters concerning an  
13 assessment of the vulnerability of its system to a terrorist attack  
14 or other intentional acts intended to substantially disrupt the  
15 ability of the public wholesale water or sewerage supply or the  
16 public water or sewerage system to provide a safe and reliable  
17 supply of water or sewerage service, or those portions of an  
18 emergency response plan specifying the technical details of  
19 particular vulnerabilities described in an assessment.

20 (b) For purposes of this section, a public wholesale water  
21 or sewerage supply or a public water or sewerage system is  
22 considered to be a public supply or system without regard to whether  
23 the supply or system is owned or operated by a governmental or  
24 nongovernmental entity.

1 SECTION 2. Section 551.103, Government Code, is amended by  
2 adding Subsection (e) to read as follows:

3 (e) A governmental body shall make a tape recording of the  
4 proceedings of each closed meeting conducted under Section  
5 551.0761.

6 SECTION 3. Subchapter C, Chapter 552, Government Code, is  
7 amended by adding Section 552.147 to read as follows:

8 Sec. 552.147. EXCEPTION: CERTAIN INFORMATION RELATING TO  
9 PUBLIC WHOLESALE WATER OR SEWERAGE SUPPLY OR PUBLIC WATER OR  
10 SEWERAGE SYSTEM. (a) Information is excepted from the  
11 requirements of Section 552.021 if:

12 (1) the information relates to an assessment by or for  
13 a governmental body of the vulnerability of its system to a  
14 terrorist attack or other intentional acts intended to  
15 substantially disrupt the ability of the public wholesale water or  
16 sewerage supply or the public water or sewerage system to provide a  
17 safe and reliable supply of water or sewerage service, or those  
18 portions of an emergency response plan specifying the technical  
19 details of particular vulnerabilities described in such an  
20 assessment; and

21 (2) disclosure of the information may present a risk  
22 to, or otherwise may compromise, the health or safety of the public.

23 (b) For purposes of this section, a public wholesale water  
24 or sewerage supply or a public water or sewerage system is  
25 considered to be a public supply or system without regard to whether  
26 the supply or system is owned or operated by a governmental or  
27 nongovernmental entity.

1        (c) This section does not except from the requirements of  
2 Section 552.021 information that identifies expenditures made by  
3 the governmental body to:

- 4            (1) develop information described by Subsection (a);  
5 or  
6            (2) implement any measures described in the  
7 information.

8        (d) A governmental body does not waive the exception from  
9 required disclosure provided by this section by sharing information  
10 described by Subsection (a) with a federal, state, or local  
11 governmental entity. A state or local governmental entity that  
12 receives information described by Subsection (a) from a  
13 governmental body shall take appropriate steps to protect the  
14 security of the information and to prevent unauthorized disclosure  
15 of the information.

16        SECTION 4. (a) Section 552.147, Government Code, as added  
17 by this Act, applies to information prepared or assembled before,  
18 on, or after the effective date of this Act.

19        (b) A public disclosure, before the effective date of this  
20 Act, of information described by Subsection (a), Section 552.147,  
21 Government Code, as added by this Act, does not waive the exception  
22 from required disclosure that Section 552.147 provides for the  
23 information.

24        SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.