

1-1 By: Ratliff S.B. No. 1875
1-2 (In the Senate - Filed March 21, 2003; March 24, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 2, 2003, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the application of the open meetings law and the public
1-9 information law to deliberations and information regarding the
1-10 safety, security, or integrity of public wholesale water and
1-11 sewerage supplies and public water and sewerage systems.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 551, Government Code, is
1-14 amended by adding Section 551.0761 to read as follows:

1-15 Sec. 551.0761. CERTAIN DELIBERATIONS CONCERNING PUBLIC
1-16 WHOLESALE WATER OR SEWERAGE SUPPLY OR PUBLIC WATER OR SEWERAGE
1-17 SYSTEM. (a) This chapter does not require a governmental body to
1-18 conduct an open meeting to deliberate any matters concerning an
1-19 assessment of the vulnerability of its system to a terrorist attack
1-20 or other intentional acts intended to substantially disrupt the
1-21 ability of the public wholesale water or sewerage supply or the
1-22 public water or sewerage system to provide a safe and reliable
1-23 supply of water or sewerage service, or those portions of an
1-24 emergency response plan specifying the technical details of
1-25 particular vulnerabilities described in an assessment.

1-26 (b) For purposes of this section, a public wholesale water
1-27 or sewerage supply or a public water or sewerage system is
1-28 considered to be a public supply or system without regard to whether
1-29 the supply or system is owned or operated by a governmental or
1-30 nongovernmental entity.

1-31 SECTION 2. Section 551.103, Government Code, is amended by
1-32 adding Subsection (e) to read as follows:

1-33 (e) A governmental body shall make a tape recording of the
1-34 proceedings of each closed meeting conducted under Section
1-35 551.0761.

1-36 SECTION 3. Subchapter C, Chapter 552, Government Code, is
1-37 amended by adding Section 552.147 to read as follows:

1-38 Sec. 552.147. EXCEPTION: CERTAIN INFORMATION RELATING TO
1-39 PUBLIC WHOLESALE WATER OR SEWERAGE SUPPLY OR PUBLIC WATER OR
1-40 SEWERAGE SYSTEM. (a) Information is excepted from the
1-41 requirements of Section 552.021 if:

1-42 (1) the information relates to an assessment by or for
1-43 a governmental body of the vulnerability of its system to a
1-44 terrorist attack or other intentional acts intended to
1-45 substantially disrupt the ability of the public wholesale water or
1-46 sewerage supply or the public water or sewerage system to provide a
1-47 safe and reliable supply of water or sewerage service, or those
1-48 portions of an emergency response plan specifying the technical
1-49 details of particular vulnerabilities described in such an
1-50 assessment; and

1-51 (2) disclosure of the information may present a risk
1-52 to, or otherwise may compromise, the health or safety of the public.

1-53 (b) For purposes of this section, a public wholesale water
1-54 or sewerage supply or a public water or sewerage system is
1-55 considered to be a public supply or system without regard to whether
1-56 the supply or system is owned or operated by a governmental or
1-57 nongovernmental entity.

1-58 (c) This section does not except from the requirements of
1-59 Section 552.021 information that identifies expenditures made by
1-60 the governmental body to:

1-61 (1) develop information described by Subsection (a);

1-62 or

1-63 (2) implement any measures described in the
1-64 information.

2-1 (d) A governmental body does not waive the exception from
2-2 required disclosure provided by this section by sharing information
2-3 described by Subsection (a) with a federal, state, or local
2-4 governmental entity. A state or local governmental entity that
2-5 receives information described by Subsection (a) from a
2-6 governmental body shall take appropriate steps to protect the
2-7 security of the information and to prevent unauthorized disclosure
2-8 of the information.

2-9 SECTION 4. (a) Section 552.147, Government Code, as added
2-10 by this Act, applies to information prepared or assembled before,
2-11 on, or after the effective date of this Act.

2-12 (b) A public disclosure, before the effective date of this
2-13 Act, of information described by Subsection (a), Section 552.147,
2-14 Government Code, as added by this Act, does not waive the exception
2-15 from required disclosure that Section 552.147 provides for the
2-16 information.

2-17 SECTION 5. This Act takes effect immediately if it receives
2-18 a vote of two-thirds of all the members elected to each house, as
2-19 provided by Section 39, Article III, Texas Constitution. If this
2-20 Act does not receive the vote necessary for immediate effect, this
2-21 Act takes effect September 1, 2003.

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