

BILL ANALYSIS

Senate Research Center

H.B. 1191
By: Allen (Wentworth)
Infrastructure Development and Security
4/10/2003
Engrossed

DIGEST AND PURPOSE

Current Texas law provides that most information collected, assembled, or maintained by a governmental entity is subject to public disclosure. However, the threat of terrorism has become an increasing concern. State and local emergency managers, law enforcement officials, and other government entities are growing increasingly concerned that public disclosure of highly sensitive information could compromise effective preparedness or response planning. H.B. 1191 establishes, in specific areas, what constitutes confidential information, and the circumstances that authorize disclosure.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 418H, Government Code, by adding Sections 418.176-418.182, as follows:

Sec. 418.176. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO EMERGENCY RESPONSE PROVIDERS. (a) Provides that information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and meets certain criteria.

(b) Defines "governmental entity" for this section and Sections 418.177-418.182.

Sec. 418.177. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO RISK OR VULNERABILITY ASSESSMENT. Provides that information is confidential if it meets certain criteria.

Sec. 418.178. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CONSTRUCTION OR ASSEMBLY OF WEAPONS. (a) Defines "explosive weapon."

(b) Provides that information is confidential if it is information collected, assembled, or maintained by or for a governmental entity and meets certain criteria.

Sec. 418.179. CONFIDENTIALITY OF CERTAIN ENCRYPTION CODES AND SECURITY KEYS FOR COMMUNICATIONS SYSTEM. Provides that information is confidential if the information meets certain criteria.

Sec. 418.180. CONFIDENTIALITY OF CERTAIN INFORMATION PREPARED FOR UNITED STATES. Provides that information in the possession of a governmental entity that was prepared at the request or direction of the United States, other than financial information, and relates to an act of terrorism or related criminal activity is confidential.

Sec. 418.181. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO

CRITICAL INFRASTRUCTURE. Provides that those documents, or portions of documents, in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities to an act of terrorism described in a vulnerability assessment or other report.

Sec. 418.182. DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION. (a) Provides that this section applies only to information that is confidential under Sections 418.176-418.181.

(b) Authorizes, at any time during a state of disaster, the executive or administrative head of the governmental entity to voluntarily disclose or otherwise make available all or part of the confidential information to another person or other entity if the executive or administrative head believes that the other person or entity has a legitimate need for the information.

(c) Provides that the disclosure, or making available of confidential information, under Subsection (b) does not waive or affect the confidentiality of the information.

(d) Provides that a governmental body subject to Chapter 551 is not required to conduct an open meeting to deliberate information to which this section applies. Requires the governmental body, notwithstanding Section 551.103(a) (Certified Agenda or Tape Recording Required), Government Code, to make a tape recording of the proceedings of a closed meeting to deliberate the information.

SECTION 2. Effective date: upon passage or September 1, 2003.