

BILL ANALYSIS

Senate Research Center
78R5583 JD-D

S.B. 872
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Infrastructure Development and Security
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DIGEST AND PURPOSE

Currently, there is not an exception to either the Public Information Act or the Open Meetings Act for information regarding certain documents related to the security of the state and its political subdivisions. As proposed, S.B. 872 permits a governmental body to go into executive session to discuss tactical, security, or emergency procedures in a plan for preventing or responding to an act of terrorism or to discuss engineering or architectural plans if open discussion regarding the engineering or architectural plan could jeopardize the health or safety of a person or the security system. This bill also exempts from the Public Information Act records relating to tactical, security, or emergency procedures in a plan for responding to an act of terrorism.

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 551D, Government Code, by adding Sections 551.091 and 551.092, as follows:

Sec. 551.091. DELIBERATIONS RELATING TO EMERGENCY PREVENTION AND EMERGENCY RESPONSE PLANS. Provides that this chapter does not require a governmental body to conduct an open meeting to deliberate tactical, security, or emergency procedures in a plan for preventing or responding to an act of terrorism.

Sec. 551.092. DELIBERATIONS RELATING TO CERTAIN ENGINEERING, ARCHITECTURAL, OR SIMILAR PLANS. Provides that this chapter does not require a governmental body to conduct an open meeting to deliberate an engineering, architectural, or similar plan or drawing if deliberation of the plan or drawing in an open meeting could jeopardize the health or safety of an individual or the security of a system, a facility, or equipment.

SECTION 2. Amends Chapter 552C, Government Code, by adding Sections 552.146 and 552.147, as follows:

Sec. 552.146. EXCEPTION: CERTAIN EMERGENCY PREVENTION OR RESPONSE PLANS. Provides that information is excepted from the requirements of Sections 552.021 and 552.022 if the information relates to tactical, security, or emergency procedures in a plan for preventing or responding to an act of terrorism.

Sec. 552.147. EXCEPTION: CERTAIN ENGINEERING, ARCHITECTURAL, OR SIMILAR PLANS. Provides that information is excepted from the requirements of Sections 552.021 and 552.022 if the information relates to an engineering, architectural, or similar plan or drawing and disclosure of the information would jeopardize the health or safety of one or

more individuals or the security of a system, a facility, or equipment.

SECTION 3. Effective date: upon passage or September 1, 2003.