

## **BILL ANALYSIS**

Senate Research Center  
78R5898 JD-F

S.B. 764  
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### **DIGEST AND PURPOSE**

Under current federal law, Texas ports are required to conduct investigations on the port's vulnerability to terrorist attack. Federal law makes certain reports and meetings regarding the findings of such risk assessments confidential, but current state law does not explicitly exclude such information and meetings from the Open Meetings and Public Information Acts. As proposed, S.B. 764 allows a port authority board to meet in a closed session in to discuss information and reports related the security of the port. In addition, S.B. 764 exempts security reports and assessments from disclosure requirements under the Public Information Act.

### **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 Section 551.094, as follows:

Sec. 551.094. DELIBERATIONS RELATING TO SECURITY MEASURES OF PORT.

(a) Provides that this section applies only to a governmental body that governs a port in this state.

(b) Provides that this chapter does not require the governmental body to conduct an open meeting to deliberate regarding certain matters relating to the security of the port, if deliberation of the security measures in an open meeting could jeopardize the security of the port.

SECTION 2. Amends Chapter 552C, Government Code, by adding Section 552.148, as follows:

Sec. 552.148. EXCEPTION: SECURITY MEASURES OF PORT. (a) Exempts information from the requirements of Section 552.021 if the information relates to security measures of a port in this state and disclosure of the information could jeopardize the security of the port, including certain information.

(b) Provides that Section 552.022, providing that certain information is not excepted from required disclosure under this chapter unless it is expressly confidential under another law, does not apply to information excepted from the requirements of Section 552.021 by Subsection (a).

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