



2007 ASSEMBLY BILL 728

January 24, 2008 - Introduced by Representatives MONTGOMERY, PETERSEN, SOLETSKI, BALLWEG, BIES, TOWNSEND, PETROWSKI, MURSAU and A. OTT, cosponsored by Senators HANSEN, SCHULTZ and ROESSLER. Referred to Committee on Homeland Security and State Preparedness.

1 **AN ACT to create** 19.36 (14) of the statutes; **relating to:** withholding utility
2 security system plans from public inspection.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a state or local governmental entity is required to permit a requester to inspect records created or kept by the entity. This bill creates another exception for any record containing a utility security system plan.

The bill defines "security system plan" as a plan for the physical or electronic security of facilities, telecommunications systems, or information technology systems owned or operated by a utility. "Security system plan" is also defined to include any information or other communication related to such a plan, or any threat assessment, vulnerability or capability assessment, or threat response plan or any emergency evacuation plan. The bill defines "utility" as any person that generates, transmits, or distributes electricity, transports or distributes natural gas, operates a public water system, or provides telecommunications or sewer service.

The bill allows a state or local governmental entity to withhold public access to any record containing a security system plan, or a portion of such a plan, if the state or local governmental entity determines that a facility or system that is the subject of the plan is so vital to the state that the incapacity or destruction of the facility or

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system would have a debilitating impact on the physical or economic security of the state or on public health, safety, or welfare.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 19.36 (14) of the statutes is created to read:

2 **19.36 (14) UTILITY SECURITY SYSTEM PLANS.** (a) In this subsection:

3 1. “Security system plan” means a plan for the physical or electronic security
4 of facilities, telecommunications systems, or information technology systems owned
5 or operated by a utility, including any information, photograph, audio or visual
6 presentation, schematic diagram, survey, recommendation, consultation, or other
7 communication related to such a plan, and including any threat assessment,
8 vulnerability or capability assessment, or threat response plan or any emergency
9 evacuation plan.

10 2. “Utility” means a person that generates, transmits, or distributes
11 electricity, transports or distributes natural gas, operates a public water system, or
12 provides telecommunications or sewer service.

13 (b) An authority may withhold access to any record containing a security
14 system plan or a portion of a security system plan if the authority determines that
15 a facility or system that is the subject of the plan is so vital to the state that the
16 incapacity or destruction of the facility or system would have a debilitating impact
17 on the physical or economic security of the state or on public health, safety, or welfare.

18 **(END)**