

R E S O L U T I O N

BE IT RESOLVED by the House of Representatives of the State of Texas, 81st Legislature, Regular Session, 2009, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on Senate Bill 1182 (public information and open government) to consider and take action on the following matter:

House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add SECTIONS 4 and 13 to the bill:

SECTION 4. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.151 to read as follows:

Sec. 552.151. EXCEPTION: INFORMATION REGARDING SELECT AGENTS. (a) The following information that pertains to a biological agent or toxin identified or listed as a select agent under federal law, including under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. No. 107-188) and regulations adopted under that Act, is excepted from the requirements of Section 552.021:

(1) the specific location of a select agent within an approved facility;

(2) personal identifying information of an individual whose name appears in documentation relating to the chain of custody of select agents, including a materials transfer agreement;

and

1 (3) the identity of an individual authorized to
2 possess, use, or access a select agent.

3 (b) This section does not except from disclosure the
4 identity of the select agents present at a facility.

5 (c) This section does not except from disclosure the
6 identity of an individual faculty member or employee whose name
7 appears or will appear on published research.

8 (d) This section does not except from disclosure otherwise
9 public information relating to contracts of a governmental body.

10 (e) If a resident of another state is present in Texas and is
11 authorized to possess, use, or access a select agent in conducting
12 research or other work at a Texas facility, information relating to
13 the identity of that individual is subject to disclosure under this
14 chapter only to the extent the information would be subject to
15 disclosure under the laws of the state of which the person is a
16 resident.

17 SECTION 13. Section 552.151, Government Code, as added by
18 this Act, applies in relation to:

19 (1) a request for public information under Chapter
20 552, Government Code, made before, on, or after the effective date
21 of this Act; and

22 (2) information that on the effective date of this Act
23 has not yet been disclosed that:

24 (A) was the subject of a request for information
25 made before the effective date of this Act; and

26 (B) the attorney general determined before the
27 effective date of this Act to be subject to disclosure under Chapter

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1 552, Government Code.

2 Explanation: This addition is necessary to amend the Texas
3 public information law to track federal law by making information
4 pertaining to certain biological agents and toxins confidential.

Ortiz, Jr.

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Speaker of the House

I certify that H.R. No. 2880 was adopted by the House on May 30, 2009, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House