

Suspending limitations on conference committee
jurisdiction, S.B. No. 1182

By: Wentworth

S.R. No. 1080

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill No. 1182 (public information and open government) to consider and take action on the following matter:

Senate Rules 12.03(3) and (4) are suspended to permit the committee to add SECTIONS 5 and 15 to the bill:

SECTION 5. 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

(3) the identity of an individual authorized to

possess, use, or access a select agent.

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

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

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

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

SECTION 15. Section 552.151, Government Code, as added by this Act, applies in relation to:

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

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

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

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

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Chapter 552, Government Code.

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 31, 2009.

Secretary of the Senate