

Suspending limitations on conference committee jurisdiction, S.B. No. 1182 (Wentworth/Ortiz, Jr.)

By: Wentworth

S.R. No. 1062

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 81st
2 Legislature, Regular Session, 2009, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on Senate
5 Bill 1182 (public information and open government) to consider and
6 take action on the following matter:

7 Senate Rules 12.03(3) and (4) are suspended to permit the
8 committee to add SECTIONS 4 and 13 to the bill:

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

11 Sec. 552.151. EXCEPTION: INFORMATION REGARDING SELECT
12 AGENTS. (a) The following information that pertains to a
13 biological agent or toxin identified or listed as a select agent
14 under federal law, including under the Public Health Security and
15 Bioterrorism Preparedness and Response Act of 2002 (Pub. L. No.
16 107-188) and regulations adopted under that Act, is excepted from
17 the requirements of Section 552.021:

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

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

24 (3) the identity of an individual authorized to

1 possess, use, or access a select agent.

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

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

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

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

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

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

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

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

25 (B) the attorney general determined before the
26 effective date of this Act to be subject to disclosure under Chapter
27 552, Government Code.

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