

BILL ANALYSIS

Senate Research Center
77R7237 JD-F

S.B. 839
By: Wentworth
State Affairs
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As Filed

DIGEST AND PURPOSE

Information on caves is collected by a number of private volunteer groups. These groups often make site-specific data available to public agencies on request but these groups have been reluctant to provide regional information because of the sensitive nature of the data and the Public Information Act. If the public discovers the location of the caves, the result may be the destruction of bat colonies, looting of archaeological and paleontological sites, and the destruction of delicate cave formations. Once the government obtains the cave data, it is then subject to a public information request. As proposed, S.B. 839 provides an exemption from the Public Information Act for information regarding the location of caves as defined by the Natural Resources Code.

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 552C, Government Code, by adding Section 552.137, as follows:

Sec. 552.137. EXCEPTION: INFORMATION RELATING TO LOCATION OF CAVES. Defines “cave” and “owner.” Provides that information is excepted from the requirements of Section 552.021 if it is information that identifies the location of a cave in this state. Provides that this subsection does not apply to a cave that is regularly open to the public on the payment of an admission charge. Authorizes information excepted from disclosure to be disclosed if the owner consents to the disclosure, and authorizes the owner to restrict the manner of disclosure and the person or persons to whom the disclosure may be made. Requires, if the state is the owner, for the consent to disclosure of information excepted from disclosure to be in writing and made by certain individuals.

SECTION 2. Effective date: September 1, 2001.