

By: Eiland

H.B. No. 1474

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain information contained in records about members,  
3 retirees, annuitants, or beneficiaries of the Texas County and  
4 District Retirement System.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 845.115(a), Government Code, is amended  
7 to read as follows:

8 (a) Information contained in records in the custody of the  
9 retirement system or maintained in the custody of another  
10 governmental entity or an administrator or carrier acting in  
11 cooperation with or on behalf of the retirement system concerning  
12 an individual member, retiree, annuitant, or beneficiary is  
13 confidential and is not subject to public disclosure under Chapter  
14 552. The information [~~under Section 552.101, and~~] may not be  
15 disclosed in a form identifiable with a specific individual unless:

16 (1) the information is disclosed to:

17 (A) the individual or the individual's attorney,  
18 guardian, executor, administrator, conservator, or other person  
19 who the director determines is acting in the interest of the  
20 individual or the individual's estate;

21 (B) a spouse or former spouse of the individual  
22 and the director determines that the information is relevant to the  
23 spouse's or former spouse's interest in member accounts, benefits,  
24 or other amounts payable by the retirement system;

1                   (C) a governmental official or employee and the  
2 director determines that disclosure of the information requested is  
3 reasonably necessary to the performance of the duties of the  
4 official or employee; or

5                   (D) a person authorized by the individual in  
6 writing to receive the information; or

7                   (2) the information is disclosed pursuant to a  
8 subpoena and the director determines that the individual will have  
9 a reasonable opportunity to contest the subpoena.

10           SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2005.