

1-1 By: Eiland (Senate Sponsor - Janek) H.B. No. 1474
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on State
1-4 Affairs; May 19, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 19, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain information contained in records about members,
1-9 retirees, annuitants, or beneficiaries of the Texas County and
1-10 District Retirement System.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 845.115(a), Government Code, is amended
1-13 to read as follows:

1-14 (a) Information contained in records in the custody of the
1-15 retirement system or maintained in the custody of another
1-16 governmental entity or an administrator or carrier acting in
1-17 cooperation with or on behalf of the retirement system concerning
1-18 an individual member, retiree, annuitant, or beneficiary is
1-19 confidential and is not subject to public disclosure under Chapter
1-20 552. The information [~~under Section 552.101, and~~] may not be
1-21 disclosed in a form identifiable with a specific individual unless:

1-22 (1) the information is disclosed to:

1-23 (A) the individual or the individual's attorney,
1-24 guardian, executor, administrator, conservator, or other person
1-25 who the director determines is acting in the interest of the
1-26 individual or the individual's estate;

1-27 (B) a spouse or former spouse of the individual
1-28 and the director determines that the information is relevant to the
1-29 spouse's or former spouse's interest in member accounts, benefits,
1-30 or other amounts payable by the retirement system;

1-31 (C) a governmental official or employee and the
1-32 director determines that disclosure of the information requested is
1-33 reasonably necessary to the performance of the duties of the
1-34 official or employee; or

1-35 (D) a person authorized by the individual in
1-36 writing to receive the information; or

1-37 (2) the information is disclosed pursuant to a
1-38 subpoena and the director determines that the individual will have
1-39 a reasonable opportunity to contest the subpoena.

1-40 SECTION 2. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2005.

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