

1-1 By: Smithee (Senate Sponsor - Carona) H.B. No. 4461
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on State
1-4 Affairs; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4461 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to confidentiality of certain information maintained by
1-11 the Texas Department of Insurance.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 36, Insurance Code, is amended by adding
1-14 Subchapter E to read as follows:

1-15 SUBCHAPTER E. INVESTIGATION FILES

1-16 Sec. 36.251. DEFINITION. In this subchapter,
1-17 "investigation file" means any information collected, assembled,
1-18 or maintained by or on behalf of the department with respect to an
1-19 investigation conducted under this code or other law. The term does
1-20 not include information or material acquired by the department that
1-21 is:

1-22 (1) relevant to an investigation by the insurance
1-23 fraud unit; and

1-24 (2) subject to Section 701.151.

1-25 Sec. 36.252. INVESTIGATION FILES CONFIDENTIAL. (a)
1-26 Information or material acquired by the department that is relevant
1-27 to an investigation is not a public record for the period that the
1-28 department determines is relevant to further or complete an
1-29 investigation.

1-30 (b) Investigation files are not open records for purposes of
1-31 Chapter 552, Government Code, except as specified herein.

1-32 Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT
1-33 REQUIRED. The department is not required to disclose under this
1-34 subchapter:

1-35 (1) information that is:

1-36 (A) an attorney-client communication; or

1-37 (B) an attorney work product; or

1-38 (2) other information protected by a recognized
1-39 privilege, a statute, an administrative rule, the Texas Rules of
1-40 Civil Procedure, or the Texas Rules of Evidence.

1-41 SECTION 2. This Act takes effect immediately if it receives
1-42 a vote of two-thirds of all the members elected to each house, as
1-43 provided by Section 39, Article III, Texas Constitution. If this
1-44 Act does not receive the vote necessary for immediate effect, this
1-45 Act takes effect September 1, 2009.

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