

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Smithee

H.B. No. 4461

A BILL TO BE ENTITLED

AN ACT

relating to confidentiality of certain information maintained by the Texas Department of Insurance.

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

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

SUBCHAPTER E. INVESTIGATION FILES

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

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

(2) subject to Section 701.151.

Sec. 36.252. INVESTIGATION FILES CONFIDENTIAL. (a) Information or material acquired by the department that is relevant to an investigation is not a public record for the period that the department determines is relevant to further or complete an investigation, protect persons from unwarranted injury, or serve the public interest.

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

1           Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT  
2 REQUIRED. The department is not required to disclose under this  
3 subchapter:

4                   (1) information that is:

5                           (A) an attorney-client communication; or

6                           (B) an attorney work product; or

7                   (2) other information protected by a recognized  
8 privilege, a statute, an administrative rule, the Texas Rules of  
9 Civil Procedure, or the Texas Rules of Evidence.

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, 2009.

ADOPTED

MAY 27 2009

*Letty Spaw*  
Secretary of the Senate

By: Caron

S.B. No. 4461

Substitute the following for S.B. No. 4461:

By: Caron

C.S.S.B. No. 4461

A BILL TO BE ENTITLED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

relating to confidentiality of certain information maintained by the Texas Department of Insurance.

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

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

SUBCHAPTER E. INVESTIGATION FILES

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

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

(2) subject to Section 701.151.

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

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

Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT

1 REQUIRED. The department is not required to disclose under this  
2 subchapter:

3 (1) information that is:

4 (A) an attorney-client communication; or

5 (B) an attorney work product; or

6 (2) other information protected by a recognized  
7 privilege, a statute, an administrative rule, the Texas Rules of  
8 Civil Procedure, or the Texas Rules of Evidence.

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4461** by Smithee (Relating to confidentiality of certain information maintained by the Texas Department of Insurance.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Insurance Code relating to confidentiality of certain information maintained by the Texas Department of Insurance (TDI). To implement the provisions of the bill, TDI would amend certain internal practices. Based on TDI's analysis, any costs associated with the provisions of this bill could be absorbed within existing agency resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, SZ, KJG, CH



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4461** by Smithee (Relating to confidentiality of certain information maintained by the Texas Department of Insurance.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Insurance Code relating to confidentiality of certain information maintained by the Texas Department of Insurance (TDI). To implement the provisions of the bill, TDI would amend certain internal practices. Based on TDI's analysis, any costs associated with the provisions of this bill could be absorbed within existing agency resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, KJG, CH





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4461** by Smithee (Relating to confidentiality of certain information maintained by the Texas Department of Insurance.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Insurance Code relating to confidentiality of certain information maintained by the Texas Department of Insurance (TDI). To implement the provisions of the bill, TDI would amend certain internal practices. Based on TDI's analysis, any costs associated with the provisions of this bill could be absorbed within existing agency resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, KJG, CH



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 23, 2009**

**TO:** Honorable John T. Smithee, Chair, House Committee on Insurance

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4461** by Smithee (Relating to confidentiality of certain information maintained by the Texas Department of Insurance.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Insurance Code relating to confidentiality of certain information maintained by the Texas Department of Insurance (TDI). To implement the provisions of the bill, TDI would amend certain internal practices. Based on TDI's analysis, any costs associated with the provisions of this bill could be absorbed within existing agency resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, KJG, CH



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 28, 2009**

**TO:** Honorable John T. Smithee, Chair, House Committee on Insurance

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4461** by Smithee (Relating to confidentiality of certain information maintained by the Texas Department of Insurance.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Insurance Code relating to confidentiality of certain information maintained by the Texas Department of Insurance (TDI). To implement the provisions of the bill, TDI would amend certain internal practices. Based on TDI's analysis, any costs associated with the provisions of this bill could be absorbed within existing agency resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, KJG, CH

5

