

BILL ANALYSIS

H.B. 367
By: Martinez, "Mando"
Government Efficiency & Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point out that currently, in regard to a Department of Family and Protective Services (DFPS) case, a record relating to such a case that was generated by a communication between a member of the legislature, including the lieutenant governor, and a constituent is confidential. However, these parties express concern that such a record loses this protection from public disclosure if the member or lieutenant governor discusses the case with DFPS. The parties assert that this situation prevents members of the legislature or the lieutenant governor from being able to effectively advocate and work for constituents. The parties further contend that constituents who come to their legislator or the lieutenant governor for help may lose trust and faith in their government and elected officials when their confidential records are opened and unprotected.

H.B. 367 seeks to address this issue by keeping casework records of members of the legislature or lieutenant governor confidential when dealing with DFPS.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 367 amends the Government Code to retain the confidential status of a communication between a state legislator or the lieutenant governor and a Texas resident, a record consisting exclusively of memoranda of such a communication, or a description of the contents of that record that is disclosed in whole or in part by the legislator or lieutenant governor to the Department of Family and Protective Services or to a governmental unit that is a "covered entity" under medical records privacy provisions of the Health and Safety Code to the extent that the communication, record, or description identifies or would tend to identify the resident while the communication, record, or description is in the possession of the department or governmental unit. The bill makes such a communication, record, or description subject to disclosure to any other person only to the extent that the legislator or lieutenant governor elects to disclose the communication, record, or described information.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.