

AN ACT

relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.

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

SECTION 1. Section 306.003, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) If a member of the legislature or the lieutenant governor discloses to the Department of Family and Protective Services or a governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, all or part of a record to which Subsection (a) applies or communicates to the department or governmental unit a description of the information contained in the record that identifies or would tend to identify the resident of this state who communicated with the member or lieutenant governor, the record or the described information, as applicable, in the possession of the department or governmental unit is subject to and confidential under Subsection (a) and may be disclosed to any other person only to the extent that the member of the legislature or lieutenant governor elects to disclose the record or the described information.

(d) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and

1 information subject to the request is information described by
2 Subsection (c), the department or governmental unit shall promptly
3 notify, in writing or by electronic means, the member of the
4 legislature or the lieutenant governor, as applicable, that the
5 department or governmental entity received the request. The
6 notification must specify the type of information that is requested
7 and include a copy of the request.

8 SECTION 2. Section 306.004, Government Code, is amended by
9 adding Subsections (d) and (e) to read as follows:

10 (d) If a member of the legislature or the lieutenant
11 governor discloses to the Department of Family and Protective
12 Services or a governmental unit that is a "covered entity" under
13 Section 181.001(b), Health and Safety Code, a communication to
14 which this section applies or communicates to the department or
15 governmental unit a description of the information contained in the
16 communication that identifies or would tend to identify the citizen
17 of this state who communicated with the member or lieutenant
18 governor, the communication or the described information, as
19 applicable, in the possession of the department or governmental
20 unit is subject to and confidential under this section and may be
21 disclosed to another person only to the extent that the member of
22 the legislature or lieutenant governor elects to disclose the
23 communication or the described information.

24 (e) If the department or governmental unit that is a
25 "covered entity" under Section 181.001(b), Health and Safety Code,
26 receives a request for public information under Chapter 552, and
27 information subject to the request is information described by

1 Subsection (d), the department or governmental unit shall promptly
2 notify, in writing or by electronic means, the member of the
3 legislature or the lieutenant governor, as applicable, that the
4 department or governmental entity received the request. The
5 notification must specify the type of information that is requested
6 and include a copy of the request.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 367 was passed by the House on May 2, 2013, by the following vote: Yeas 144, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 367 on May 22, 2013, by the following vote: Yeas 146, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 367 was passed by the Senate, with amendments, on May 17, 2013, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor