

By: Capriglione

H.B. No. 973

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of information held by a public retirement system.

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

SECTION 1. Sections 552.0038(b), (h), and (i), Government Code, are amended to read as follows:

(b) Except as provided by this section [~~Subsections (c) through (i)~~], the governing body of a public retirement system is subject to this chapter in the same manner as a governmental body.

(h) [~~The retirement system has sole discretion in determining whether a record is subject to this section.~~] For purposes of this section, a record includes any identifying information about a person, living or deceased, who is or was a member, annuitant, retiree, beneficiary, alternate payee, program participant, or person eligible for benefits from the retirement system under any retirement plan or program administered by the retirement system.

(i) To the extent of a conflict between this section and any other law with respect to the confidential information held by a public retirement system [~~or other entity described by Subsection (c)~~] concerning an individual member, annuitant, retiree, beneficiary, alternate payee, program participant, or person eligible for benefits from the retirement system, this section prevails [~~the prevailing provision is the provision that provides~~

1 ~~the greater substantive and procedural protection for the privacy~~
2 ~~of information concerning that individual member, annuitant,~~
3 ~~retiree, beneficiary, alternate payee, program participant, or~~
4 ~~person eligible for benefits].~~

5 SECTION 2. Sections 552.0038(c), (d), and (f), Government
6 Code, are repealed.

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.