

By: Laubenberg

H.J.R. No. 112

Substitute the following for H.J.R. No. 112:

By: Harper-Brown

C.S.H.J.R. No. 112

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting the authority of the  
2 state to collect, receive, store, or share certain personal  
3 financial information.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article I, Texas Constitution, is amended by  
6 adding Section 34 to read as follows:

7 Sec. 34. (a) An executive agency of this state has no  
8 compelling interest in the personal financial information of an  
9 individual engaging in private business, and, therefore, an  
10 executive agency of this state may not collect, receive, or store  
11 personal financial information or data about any person, including  
12 financial information or data about a person's borrowing or  
13 spending habits or history, relationships with financial  
14 institutions or other lenders, credit card-related information, or  
15 income, other than:

16 (1) financial information or data that an individual  
17 provides to the executive agency regarding the individual or a  
18 person related to the individual; or

19 (2) financial information or data that is obtained for  
20 purposes of performing an audit of an entity regulated by the  
21 executive agency, if the executive agency does not store the  
22 information or data after the audit is complete.

23 (b) Financial information and data collected, received, or  
24 stored by an executive agency of this state in the course of

1 business of the agency and in accordance with this section may not  
2 be shared with a third party if the individual to whom the  
3 information or data pertains has no knowledge of the collection,  
4 receipt, or storage of the information or data.

5 (c) Subsections (a) and (b) of this section do not apply to:

6 (1) financial information or data collected,  
7 received, stored, or shared for purposes of enforcing criminal,  
8 child support, or tax laws; or

9 (2) financial information or data provided by an  
10 individual to seek or obtain a benefit, a privilege, an office, or  
11 employment, or to enter into a transaction with this state or an  
12 agency of this state.

13 SECTION 2. This proposed constitutional amendment shall be  
14 submitted to the voters at an election to be held November 5, 2013.  
15 The ballot shall be printed to provide for voting for or against the  
16 proposition: "The constitutional amendment limiting the authority  
17 of the state to collect, receive, store, or share certain personal  
18 financial information."