LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 18, 2013

TO: Honorable Bill Callegari, Chair, House Committee On Pensions

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2444** by Callegari (Relating to the confidentiality of information held by a public retirement system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to remove a provision that allows retirement systems to have sole discretion to determine whether individual member records are confidential or subject to public disclosure. The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2013.

The Employees Retirement System estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

The Texas County and District Retirement Systems (TCDRS) reported there would be no fiscal impact to TCDRS or their member counties and districts to implement the provisions of the bill.

The Texas Municipal Retirement System (TMRS) indicated that currently, TMRS is governed by Government Code, Section 855.115, which provides that information contained in records concerning members, retirees, annuitants, or beneficiaries is confidential and may not be disclosed in a form identifiable with a specific individual, except under certain circumstances to certain authorized individuals. TMRS is also subject to Government Code, Section 552.0038, which allows TMRS sole discretion to determine whether a record is subject to the confidentiality provisions. It is uncertain how the change in statute might impact the administration of open records requests that are received by TMRS; however, the amounts are not anticipated to be significant.

The Texas Municipal League reported there could be some additional costs for requesting an Attorney General opinion when records are requested; however, the amounts are not anticipated to be significant.

Source Agencies: 302 Office of the Attorney General, 323 Teacher Retirement System, 327 Employees Retirement System, 338 Pension Review Board

LBB Staff: UP, RB, EP, PFe, WM, TP