

SENATE AMENDMENTS

2nd Printing

By: Martinez

H.B. No. 367

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. Section 306.003, Government Code, is amended by
7 adding Subsection (c) to read as follows:

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

22 SECTION 2. Section 306.004, Government Code, is amended by
23 adding Subsection (d) to read as follows:

24 (d) If a member of the legislature or the lieutenant

1 governor discloses to the Department of Family and Protective
2 Services or a governmental unit that is a "covered entity" under
3 Section 181.001(b), Health and Safety Code, a communication to
4 which this section applies or communicates to the department or
5 governmental unit a description of the information contained in the
6 communication that identifies or would tend to identify the citizen
7 of this state who communicated with the member or lieutenant
8 governor, the communication or the described information, as
9 applicable, in the possession of the department or governmental
10 unit is subject to and confidential under this section and may be
11 disclosed to another person only to the extent that the member of
12 the legislature or lieutenant governor elects to disclose the
13 communication or the described information.

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

ADOPTED

Wendy N Davis

FLOOR AMENDMENT NO. 1

MAY 17 2013 BY: _____

Atty Gen
Secretary of the Senate

1 Amend H.B. No. 367 (senate committee report) as follows:

2 (1) In the recital (page 1, line 20), strike "Subsection
3 (c)" and substitute "Subsections (c) and (d)".

4 (2) In SECTION 1 of the bill, in amended Section 306.003,
5 Government Code, (immediately following page 1, line 34),
6 immediately following Subsection (c), insert the following:

7 (d) If the department or governmental unit that is a
8 "covered entity" under Section 181.001(b), Health and Safety
9 Code, receives a request for public information under Chapter
10 552, and information subject to the request is information
11 described by Subsection (c), the department or governmental unit
12 shall promptly notify, in writing or by electronic means, the
13 member of the legislature or the lieutenant governor, as
14 applicable, that the department or governmental entity received
15 the request. The notification must specify the type of
16 information that is requested and include a copy of the request.

17 (3) In SECTION 2 of the bill, in the recital (page 1, line
18 36), strike "Subsection (d)" and substitute "Subsections (d) and
19 (e)".

20 (4) In SECTION 2 of the bill, in amended Section 306.004,
21 Government Code, (immediately following page 1, line 50),
22 immediately following Subsection (d), insert the following:

23 (e) If the department or governmental unit that is a
24 "covered entity" under Section 181.001(b), Health and Safety
25 Code, receives a request for public information under Chapter
26 552, and information subject to the request is information
27 described by Subsection (d), the department or governmental unit
28 shall promptly notify, in writing or by electronic means, the
29 member of the legislature or the lieutenant governor, as

1 applicable, that the department or governmental entity received
2 the request. The notification must specify the type of
3 information that is requested and include a copy of the request.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB367 by Martinez, "Mando" (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.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code requiring certain information concerning a resident of the state that is disclosed by a member of the legislature or the lieutenant governor to the Department of Family and Protective Services or certain governmental units to remain confidential unless the member or lieutenant governor elected to disclose the information.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect September 1, 2013.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: UP, KKR, KJo, SJ, VJC

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable Rodney Ellis, Chair, Senate Committee on Open Government

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB367 by Martinez, "Mando" (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.), **As Engrossed**

<p>No fiscal implication to the State is anticipated.</p>
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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: UP, KKR, KJo, SJ, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 18, 2013

TO: Honorable Linda Harper-Brown, Chair, House Committee on Government Efficiency & Reform

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB367** by Martinez, "Mando" (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.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code requiring certain information concerning a resident of the state that is disclosed by a member of the legislature or the lieutenant governor to the Department of Family and Protective Services or certain governmental units to remain confidential unless the member or lieutenant governor elected to disclose the information.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect September 1, 2013.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

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