

BILL ANALYSIS

H.B. 1832
By: Pickett
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State agencies in Texas must be prepared to ensure the continuing performance of critical government functions under all conditions, including during an emergency that disrupts normal operations. Currently, the State Office of Risk Management is required to work with each state agency to develop an agency-level business continuity plan. Concerns have been raised about the lack of confidentiality protections for such plans, which tend to contain sensitive information that could expose state agency vulnerabilities. H.B. 1832 seeks to protect the confidentiality of this sensitive information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1832 amends the Labor Code to change from business continuity plan to continuity of operations plan the name of the agency-level plan that each state agency develops with the State Office of Risk Management (SORM) to outline procedures for continuing essential agency operations in case of disruptions. The bill specifies that the implementation assistance SORM is required to provide to the state agency includes ensuring that the agency provides training and conducts testing and exercises that prepare the agency for implementing the plan. The bill removes from the statutory provision establishing as confidential information in or derived from a risk management review related to facility security or continuity of operations the condition that the information relates to the Texas military forces. The bill clarifies that such confidential information is exempt from disclosure under state public information law.

H.B. 1832 removes the specification that a continuity of operations plan is considered to meet the prescribed plan requirements if the agency forwards the plan to SORM for review and the agency is involved in the delivery of emergency services as a member of the governor's Emergency Management Council or is part of the State Data Center program. The bill instead requires a continuity of operations plan that meets the prescribed requirements to be submitted by each state agency that is involved in the delivery of emergency services as a member of the governor's Emergency Management Council, is part of the State Data Center program, or is subject to statutory provisions relating to SORM or relating to workers' compensation insurance coverage for state employees, including employees under the direction or control of the board of regents of Texas Tech University.

H.B. 1832 establishes that a continuity of operations plan and any records written, produced, collected, assembled, or maintained as part of the development or review of a continuity of operations plan are confidential and exempt from disclosure under state public information law. The bill authorizes a state agency to disclose or make confidential information available to another state agency, a governmental body, or a federal agency and establishes that such disclosure does not waive or affect the confidentiality of that information.

H.B. 1832 amends the Government Code to except from disclosure under state public information law a continuity of operations plan and all records written, produced, collected, assembled, or maintained as part of the development or review of such a plan. The bill authorizes a governmental body to disclose or make available such information to another governmental body or a federal agency and establishes that such disclosure does not waive or affect the confidentiality of the information.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.