

By: Pickett

H.B. No. 1832

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for and confidentiality of state agency continuity of operations plans.

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

SECTION 1. Sections 412.011(f) and (g), Labor Code, are amended to read as follows:

(f) The office shall work with each state agency to develop an agency-level ~~[business]~~ continuity of operations plan under Section 412.054.

(g) The office shall make available to each agency subject to Section 412.054 guidelines and models for each element listed in Section 412.054. The office shall assist the agency as necessary to ensure that:

(1) agency staff understands each element of the ~~[business]~~ continuity of operations plan developed under Section 412.054; and

(2) each agency provides training and conducts testing and exercises that prepare the agency for implementing ~~[practices implementation of]~~ the plan.

SECTION 2. Section 412.0128, Labor Code, is amended to read as follows:

Sec. 412.0128. CONFIDENTIALITY OF INFORMATION. Information in or derived from a workers' compensation claim file regarding an employee, and information in or derived from a risk management

1 review related to facility security or continuity of operations [~~of~~
2 ~~the Texas military forces~~], is confidential and is exempt from
3 disclosure under Chapter 552, Government Code, and may not be
4 disclosed by the office except as provided by this subchapter or
5 other law. Classified or sensitive information [~~of the Texas~~
6 ~~military forces~~] specifically preempted from disclosure by federal
7 law retains the confidentiality protection provided by this section
8 for all purposes, including disclosure to the office.

9 SECTION 3. Section [412.032](#), Labor Code, is amended to read
10 as follows:

11 Sec. 412.032. BOARD'S REPORT TO LEGISLATURE. (a) Based on
12 the recommendations of the director, the board shall report to each
13 legislature relating to:

14 (1) methods to reduce the exposure of state agencies
15 to the risks of property and liability losses, including workers'
16 compensation losses;

17 (2) the operation, financing, and management of those
18 risks;

19 (3) the handling of claims brought against the state;

20 (4) return-to-work outcomes under Section [412.0126](#)
21 for each state agency; and

22 (5) the [~~business~~] continuity of operations plan
23 developed by state agencies under Section [412.054](#).

24 (b) The report must include:

25 (1) the frequency, severity, and aggregate amount of
26 open and closed claims in the preceding biennium by category of
27 risk, including final judgments;

1 (2) the identification of each state agency that has
2 not complied with the risk management guidelines and reporting
3 requirements of this chapter;

4 (3) recommendations for the coordination and
5 administration of a comprehensive risk management program to serve
6 all state agencies, including recommendations for any necessary
7 statutory changes;

8 (4) a report of outcomes by state agency of lost time
9 due to employee injury and return-to-work programs based on the
10 information collected and analyzed by the office in Section
11 [412.0126](#); and

12 (5) an evaluation of [~~business~~] continuity of
13 operations plans developed by state agencies under Section [412.054](#)
14 for completeness and viability.

15 SECTION 4. Section [412.054](#), Labor Code, is amended to read
16 as follows:

17 Sec. 412.054. [~~BUSINESS~~] CONTINUITY OF OPERATIONS
18 PLAN. (a) Each state agency shall work with the office to develop
19 an agency-level [~~business~~] continuity of operations plan that
20 outlines procedures to keep the agency operational in case of
21 disruptions to production, finance, administration, or other
22 essential operations. The plan must include detailed information
23 regarding resumption of essential services after a catastrophe,
24 including:

25 (1) coordination with public authorities;

26 (2) management of media;

27 (3) customer service delivery;

1 (4) assessing immediate financial and operational
2 needs; and

3 (5) other services as determined by the office.

4 (b) A ~~[business]~~ continuity of operations plan that meets
5 ~~[is considered to meet]~~ the requirements of this section must be
6 submitted by each state ~~[if the agency forwards the plan to the~~
7 ~~office for review and the]~~ agency that is:

8 (1) involved in the delivery of emergency services as
9 a member of the governor's Emergency Management Council; ~~[or]~~

10 (2) part of the State Data Center program; or

11 (3) subject to this chapter or Chapter 501.

12 (c) Except as otherwise provided by this section, the
13 following information is confidential and is exempt from disclosure
14 under Chapter 552, Government Code:

15 (1) a continuity of operations plan developed under
16 this section; and

17 (2) any records written, produced, collected,
18 assembled, or maintained as part of the development or review of a
19 continuity of operations plan under this section.

20 (d) A state agency may disclose or make available
21 information that is confidential under this section to another
22 state agency, a governmental body, or a federal agency.

23 (e) Disclosing information to another state agency, a
24 governmental body, or a federal agency under this section does not
25 waive or affect the confidentiality of that information.

26 SECTION 5. Subchapter C, Chapter 552, Government Code, is
27 amended by adding Section 552.156 to read as follows:

1 Sec. 552.156. EXCEPTION: CONFIDENTIALITY OF CONTINUITY OF
2 OPERATIONS PLAN. (a) Except as otherwise provided by this section,
3 the following information is excepted from disclosure under this
4 chapter:

5 (1) a continuity of operations plan developed under
6 Section 412.054, Labor Code; and

7 (2) all records written, produced, collected,
8 assembled, or maintained as part of the development or review of a
9 continuity of operations plan developed under Section 412.054,
10 Labor Code.

11 (b) A governmental body may disclose or make available
12 information that is confidential under this section to another
13 governmental body or a federal agency.

14 (c) Disclosing information to another governmental body or
15 a federal agency under this section does not waive or affect the
16 confidentiality of that information.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.