

# SENATE AMENDMENTS

**2<sup>nd</sup> Printing**

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.

ADOPTED

MAY 26 2015

*Adair Spaw*  
Secretary of the Senate

By: *Larry Taylor*

H.B. No. 1832

Substitute the following for H.B. No. 1832:

By: *H. Taylor*

C.S. H. B. No. 1832

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

14 (1) agency staff understands each element of the  
15 [~~business~~] continuity of operations plan developed under Section  
16 412.054; and

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

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

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

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

10 (b) Forms, standards, and other instructional,  
11 informational, or planning materials adopted by the office to  
12 provide guidance or assistance to a state agency in developing a  
13 continuity of operations plan under Section 412.054 are public  
14 information subject to disclosure under Chapter 552, Government  
15 Code.

16 SECTION 3. Section 412.032, Labor Code, is amended to read  
17 as follows:

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

21 (1) methods to reduce the exposure of state agencies  
22 to the risks of property and liability losses, including workers'  
23 compensation losses;

24 (2) the operation, financing, and management of those  
25 risks;

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

27 (4) return-to-work outcomes under Section 412.0126

1 for each state agency; and

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

4 (b) The report must include:

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

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

11 (3) recommendations for the coordination and  
12 administration of a comprehensive risk management program to serve  
13 all state agencies, including recommendations for any necessary  
14 statutory changes;

15 (4) a report of outcomes by state agency of lost time  
16 due to employee injury and return-to-work programs based on the  
17 information collected and analyzed by the office in Section  
18 412.0126; and

19 (5) an evaluation of [~~business~~] continuity of  
20 operations plans developed by state agencies under Section 412.054  
21 for completeness and viability.

22 SECTION 4. Section 412.054, Labor Code, is amended to read  
23 as follows:

24 Sec. 412.054. [~~BUSINESS~~] CONTINUITY OF OPERATIONS  
25 PLAN. (a) Each state agency shall work with the office to develop  
26 an agency-level [~~business~~] continuity of operations plan that  
27 outlines procedures to keep the agency operational in case of



1 disruptions to production, finance, administration, or other  
2 essential operations. The plan must include detailed information  
3 regarding resumption of essential services after a catastrophe,  
4 including:

5 (1) coordination with public authorities;  
6 (2) management of media;  
7 (3) customer service delivery;  
8 (4) assessing immediate financial and operational  
9 needs; and

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

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

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

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

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

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

22 (1) a continuity of operations plan developed under  
23 this section; and

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

27 (d) Forms, standards, and other instructional,

1 informational, or planning materials adopted by the office to  
2 provide guidance or assistance to a state agency in developing a  
3 continuity of operations plan under this section are public  
4 information subject to disclosure under Chapter 552, Government  
5 Code.

6 (e) A state agency may disclose or make available  
7 information that is confidential under this section to another  
8 state agency, a governmental body, or a federal agency.

9 (f) Disclosing information to another state agency, a  
10 governmental body, or a federal agency under this section does not  
11 waive or affect the confidentiality of that information.

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

14 Sec. 552.156. EXCEPTION: CONFIDENTIALITY OF CONTINUITY OF  
15 OPERATIONS PLAN. (a) Except as otherwise provided by this section,  
16 the following information is excepted from disclosure under this  
17 chapter:

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

20 (2) all records written, produced, collected,  
21 assembled, or maintained as part of the development or review of a  
22 continuity of operations plan developed under Section 412.054,  
23 Labor Code.

24 (b) Forms, standards, and other instructional,  
25 informational, or planning materials adopted by the office to  
26 provide guidance or assistance to a state agency in developing a  
27 continuity of operations plan under Section 412.054, Labor Code,

1 are public information subject to disclosure under this chapter.

2 (c) A governmental body may disclose or make available  
3 information that is confidential under this section to another  
4 governmental body or a federal agency.

5 (d) Disclosing information to another governmental body or  
6 a federal agency under this section does not waive or affect the  
7 confidentiality of that information.

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

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1832** by Pickett (Relating to the requirements for and confidentiality of state agency continuity of operations plans. ), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Labor Code and Government Code allowing certain agency plans and materials to be exempt from disclosure.

The State Office of Risk Management indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 479 State Office of Risk Management

**LBB Staff:** UP, SD, CL, CM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 20, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1832** by Pickett (Relating to the requirements for and confidentiality of state agency continuity of operations plans.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Labor Code and Government Code allowing certain agency plans and materials to be exempt from disclosure.

The State Office of Risk Management indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 479 State Office of Risk Management

**LBB Staff:** UP, CL, CM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 5, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1832** by Pickett (Relating to the requirements for and confidentiality of state agency continuity of operations plans.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Labor Code and Government Code allowing certain agency plans to be exempt from disclosure.

The State Office of Risk Management indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 479 State Office of Risk Management

**LBB Staff:** UP, CL, ESi, EP, CM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 20, 2015**

**TO:** Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1832** by Pickett (Relating to the requirements for and confidentiality of state agency continuity of operations plans.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Labor Code and Government Code allowing certain agency plans to be exempt from disclosure.

The State Office of Risk Management indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 479 State Office of Risk Management

**LBB Staff:** UP, ESi, EP, CM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**OPEN GOVERNMENT IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**May 20, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1832** by Pickett (Relating to the requirements for and confidentiality of state agency continuity of operations plans.), **Committee Report 2nd House, Substituted**

As a result of this bill there will be a restriction upon the open records law and the access to government information.

The bill would exempt certain information relating to a worker's compensation claim file and a continuity of operations plan from disclosure under Chapter 552, Government Code.

**Source Agencies:**

**LBB Staff:** UP, SD, KVe



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**OPEN GOVERNMENT IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**May 6, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1832** by Pickett (Relating to the requirements for and confidentiality of state agency continuity of operations plans.), **As Engrossed**

As a result of this bill there will be a restriction upon the open records law and the access to government information.

The bill would exempt certain information relating to a worker's compensation claim file and a continuity of operations plan from disclosure under Chapter 552, Government Code.

**Source Agencies:**

**LBB Staff:** UP, SD, KVe