

BILL ANALYSIS

Senate Research Center

H.B. 4461
By: Smithee (Carona)
State Affairs
5/21/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4461 relates to confidentiality of certain information maintained by the Texas Department of Insurance.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 36, Insurance Code, by adding Subchapter E, as follows:

SUBCHAPTER E. INVESTIGATION FILES

Sec. 36.251. DEFINITION. Defines "investigation file."

Sec. 36.252. INVESTIGATION FILES CONFIDENTIAL. (a) Provides that information or material acquired by the Texas Department of Insurance (TDI) that is relevant to an investigation is not a public record for the period that TDI determines is relevant to further or complete an investigation, protect persons from unwarranted injury, or serve the public interest.

(b) Provides that investigation files are not open records for purposes of Chapter 552 (Public Information), Government Code, except as specified herein.

Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT REQUIRED. Provides that TDI is not required to disclose under this subchapter information that is an attorney-client communication or attorney work product, or other information protected by a recognized privilege, a statute, an administrative rule, the Texas Rules of Civil Procedure, or the Texas Rules of Evidence.

SECTION 2. Effective date: upon passage or September 1, 2009.