

BILL ANALYSIS

Senate Research Center
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H.B. 367
By: Martinez, "Mando" (Davis)
Open Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, records kept from casework between members of the legislature or lieutenant governor and constituents are confidential; however, if the case is discussed with the Department of Family and Protective Services the records are no longer confidential. This prevents members of the legislature or the lieutenant governor from being able to effectively advocate and work for their constituents. Constituents, who come to their legislator or lieutenant governor for aid, lose trust and faith in their government and elected officials when their confidential records are opened and unprotected.

H.B. 367 amends current law 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.

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 Section 306.003, Government Code, by adding Subsection (c), to provide that if a member of the legislature or the lieutenant governor discloses to the Department of Family and Protective Services (DFPS) or a governmental unit that is a "covered entity" under Section 181.001(b) (relating to providing definitions for Chapter 181 (Medical Records Privacy)), Health and Safety Code, all or part of a record to which Subsection (a) (relating to providing that certain records of members of the legislature or the lieutenant governor are confidential) applies or communicates to DFPS or governmental unit a description of the information contained in the record that identifies or would tend to identify the resident of this state who communicated with the member or lieutenant governor, the record or the described information, as applicable, in the possession of DFPS or governmental unit is subject to and confidential under Subsection (a) and is authorized to be disclosed to any other person only to the extent that the member of the legislature or lieutenant governor elects to disclose the record or the described information.

SECTION 2. Amends Section 306.004, Government Code, by adding Subsection (d), to provide that if a member of the legislature or the lieutenant governor discloses to DFPS or a governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, a communication to which this section (Public Disclosure Prohibited) applies or communicates to DFPS or governmental unit a description of the information contained in the communication that identifies or would tend to identify the citizen of this state who communicated with the member or lieutenant governor, the communication or the described information, as applicable, in the possession of DFPS or governmental unit is subject to and confidential under this section and is authorized to be disclosed to another person only to the extent that the member of the legislature or lieutenant governor elects to disclose the communication or the described information.

SECTION 3. Effective date: upon passage or September 1, 2013.