

1-1 By: Pickett (Senate Sponsor - Taylor of Galveston) H.B. No. 1832  
1-2 (In the Senate - Received from the House May 4, 2015;  
1-3 May 5, 2015, read first time and referred to Committee on Business  
1-4 and Commerce; May 21, 2015, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 21, 2015, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Eltife	X			
1-10	Creighton			X	
1-11	Ellis	X			
1-12	Huffines	X			
1-13	Schwertner	X			
1-14	Seliger	X			
1-15	Taylor of Galveston	X			
1-16	Watson	X			
1-17	Whitmire	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1832 By: Taylor of Galveston

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the requirements for and confidentiality of state  
1-22 agency continuity of operations plans.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 412.011(f) and (g), Labor Code, are  
1-25 amended to read as follows:

1-26 (f) The office shall work with each state agency to develop  
1-27 an agency-level ~~[business]~~ continuity of operations plan under  
1-28 Section 412.054.

1-29 (g) The office shall make available to each agency subject  
1-30 to Section 412.054 guidelines and models for each element listed in  
1-31 Section 412.054. The office shall assist the agency as necessary  
1-32 to ensure that:

1-33 (1) agency staff understands each element of the  
1-34 ~~[business]~~ continuity of operations plan developed under Section  
1-35 412.054; and

1-36 (2) each agency provides training and conducts testing  
1-37 and exercises that prepare the agency for implementing ~~[practices~~  
1-38 ~~implementation of]~~ the plan.

1-39 SECTION 2. Section 412.0128, Labor Code, is amended to read  
1-40 as follows:

1-41 Sec. 412.0128. CONFIDENTIALITY OF INFORMATION. (a)  
1-42 Information in or derived from a workers' compensation claim file  
1-43 regarding an employee, and information in or derived from a risk  
1-44 management review related to facility security or continuity of  
1-45 operations ~~[of the Texas military forces]~~, is confidential and is  
1-46 exempt from disclosure under Chapter 552, Government Code, and may  
1-47 not be disclosed by the office except as provided by Subsection (b),  
1-48 other provisions of this subchapter, or other law. Classified or  
1-49 sensitive information ~~[of the Texas military forces]~~ specifically  
1-50 preempted from disclosure by federal law retains the  
1-51 confidentiality protection provided by this section for all  
1-52 purposes, including disclosure to the office.

1-53 (b) Forms, standards, and other instructional,  
1-54 informational, or planning materials adopted by the office to  
1-55 provide guidance or assistance to a state agency in developing a  
1-56 continuity of operations plan under Section 412.054 are public  
1-57 information subject to disclosure under Chapter 552, Government  
1-58 Code.

1-59 SECTION 3. Section 412.032, Labor Code, is amended to read  
1-60 as follows:

2-1           Sec. 412.032. BOARD'S REPORT TO LEGISLATURE. (a) Based on  
 2-2 the recommendations of the director, the board shall report to each  
 2-3 legislature relating to:

2-4           (1) methods to reduce the exposure of state agencies  
 2-5 to the risks of property and liability losses, including workers'  
 2-6 compensation losses;

2-7           (2) the operation, financing, and management of those  
 2-8 risks;

2-9           (3) the handling of claims brought against the state;

2-10          (4) return-to-work outcomes under Section 412.0126  
 2-11 for each state agency; and

2-12          (5) the ~~[business]~~ continuity of operations plan  
 2-13 developed by state agencies under Section 412.054.

2-14          (b) The report must include:

2-15           (1) the frequency, severity, and aggregate amount of  
 2-16 open and closed claims in the preceding biennium by category of  
 2-17 risk, including final judgments;

2-18           (2) the identification of each state agency that has  
 2-19 not complied with the risk management guidelines and reporting  
 2-20 requirements of this chapter;

2-21           (3) recommendations for the coordination and  
 2-22 administration of a comprehensive risk management program to serve  
 2-23 all state agencies, including recommendations for any necessary  
 2-24 statutory changes;

2-25           (4) a report of outcomes by state agency of lost time  
 2-26 due to employee injury and return-to-work programs based on the  
 2-27 information collected and analyzed by the office in Section  
 2-28 412.0126; and

2-29           (5) an evaluation of ~~[business]~~ continuity of  
 2-30 operations plans developed by state agencies under Section 412.054  
 2-31 for completeness and viability.

2-32          SECTION 4. Section 412.054, Labor Code, is amended to read  
 2-33 as follows:

2-34          Sec. 412.054. ~~[BUSINESS]~~ CONTINUITY OF OPERATIONS  
 2-35 PLAN. (a) Each state agency shall work with the office to develop  
 2-36 an agency-level ~~[business]~~ continuity of operations plan that  
 2-37 outlines procedures to keep the agency operational in case of  
 2-38 disruptions to production, finance, administration, or other  
 2-39 essential operations. The plan must include detailed information  
 2-40 regarding resumption of essential services after a catastrophe,  
 2-41 including:

2-42           (1) coordination with public authorities;  
 2-43           (2) management of media;  
 2-44           (3) customer service delivery;  
 2-45           (4) assessing immediate financial and operational  
 2-46 needs; and

2-47           (5) other services as determined by the office.

2-48          (b) A ~~[business]~~ continuity of operations plan that meets  
 2-49 ~~[is considered to meet]~~ the requirements of this section must be  
 2-50 submitted by each state ~~[if the agency forwards the plan to the~~  
 2-51 ~~office for review and the]~~ agency that is:

2-52           (1) involved in the delivery of emergency services as  
 2-53 a member of the governor's Emergency Management Council; ~~[or]~~

2-54           (2) part of the State Data Center program; or

2-55           (3) subject to this chapter or Chapter 501.

2-56          (c) Except as otherwise provided by this section, the  
 2-57 following information is confidential and is exempt from disclosure  
 2-58 under Chapter 552, Government Code:

2-59           (1) a continuity of operations plan developed under  
 2-60 this section; and

2-61           (2) any records written, produced, collected,  
 2-62 assembled, or maintained as part of the development or review of a  
 2-63 continuity of operations plan under this section.

2-64           (d) Forms, standards, and other instructional,  
 2-65 informational, or planning materials adopted by the office to  
 2-66 provide guidance or assistance to a state agency in developing a  
 2-67 continuity of operations plan under this section are public  
 2-68 information subject to disclosure under Chapter 552, Government  
 2-69 Code.

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

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

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

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

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

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

(b) Forms, standards, and other instructional, informational, or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under Section 412.054, Labor Code, are public information subject to disclosure under this chapter.

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

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

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

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