

BILL ANALYSIS

Senate Research Center

S.B. 1000
By: West
Government Organization
7/14/2003
Enrolled

DIGEST AND PURPOSE

Currently there is a provision in the General Appropriations Bill which requires a state agency to determine if Texas Legislative Council resources are available to perform a legislatively mandated statistical or demographic analysis of data before the agency uses appropriated funds to contract with a consultant or other private form of assistance to perform the analysis. S.B. 1000 will codify language from the General Appropriations bill to enable state agencies to perform any legislatively mandated analysis "in house."

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 323, Government Code, by adding Section 323.020, as follows:

Sec. 323.020. CONTRACTS TO PERFORM STATISTICAL OR DEMOGRAPHIC ANALYSIS; CONFIDENTIALITY. (a) Provides that Subsections (c)-(g) do not apply in relation to a statistical or demographic analysis of information related to the redistricting process.

(b) Authorizes the Texas Legislative Council (TLC), at the request of a state agency, to determine whether and the extent to which council resources are available to contract or otherwise agree with the agency to perform a statistical or demographic analysis of information for the agency or to assist the agency in performing the analysis. Provides that a reference in this section to performing an analysis includes assisting an agency to perform the analysis.

(c) Provides that except as provided by this section, information that TLC acquires or produces in relation to a statistical or demographic analysis performed under Subsection (b) is confidential and not public information subject to Chapter 552, including certain information.

(d) Provides that without regard to whether the council collects information for purposes of performing a statistical or demographic analysis of information under Subsection (b) indirectly through the state agency or directly from another governmental or nongovernmental entity, an individual or other entity that voluntarily provides information to the state agency or to the council for purposes of the analysis does not waive any exception from required disclosure or any privilege not to disclose the information, and the character of the information as privileged or excepted from required disclosure is not affected by that action of the individual or other entity.

(e) Provides that a final report containing a statistical or demographic analysis of information performed under Subsection (b), a cover letter or cover memorandum for the final report, and an announcement that the final report is available are not confidential and are subject to required public disclosure

under Chapter 552 except to the extent that the final report, cover letter or cover memorandum, or announcement contains information that identifies or tends to identify an individual or entity other than information that names a staff member who performed work in relation to performing the analysis or that names government officials on a letterhead.

(f) Provides that notwithstanding Subsection (c)(3), a contract or other agreement between the council and a state agency under Subsection (b) and the names of the staff members who perform work in relation to performing the analysis under the contract or agreement are not confidential. Provides that a contract or agreement between the council and a state agency under Subsection (b) is public information subject to Chapter 552.

(g) Prohibits information that an individual or other entity submits for the purpose of a statistical or demographic analysis of information performed by the council under Subsection (b) from being used against the individual or other entity in a state agency enforcement proceeding. Provides that this subsection does not affect the ability of a state agency to obtain the information by other means and to use the information, if obtained by other means, in a state agency enforcement proceeding.

SECTION 2. Amends Section 552.112, Government Code, by adding Subsection (c) to provide that information is excepted from the requirements of Section 552.021 if it is information submitted by an individual or other entity to the TLC, or to any state agency or department overseen by the Finance Commission of Texas, and the information has been or will be sent to TLC, for the purpose of performing a statistical or demographic analysis of information subject to Section 323.020. Provides that, however, this subsection does not except from the requirements of Section 552.021 information that does not identify or tend to identify an individual or other entity and that is subject to required public disclosure under Section 323.020(e).

SECTION 3. Effective date: upon passage or September 1, 2003.