

1-1 By: West S.B. No. 1000
1-2 (In the Senate - Filed March 7, 2003; March 13, 2003, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 23, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a statistical or demographic analysis conducted by the
1-9 Texas Legislative Council for a state agency and to information
1-10 collected by the council in the course of performing the analysis.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter C, Chapter 2113, Government Code, is
1-13 amended by adding Section 2113.108 to read as follows:

1-14 Sec. 2113.108. CERTAIN STUDIES INVOLVING STATISTICAL OR
1-15 DEMOGRAPHIC ANALYSIS. (a) A state agency may not use appropriated
1-16 money to contract with a consultant or other nongovernmental entity
1-17 to perform or assist the agency in performing a statistical or
1-18 demographic analysis of information collected by or for the agency
1-19 in the course of conducting a study that the agency is required to
1-20 conduct under state law unless the agency first contacts the Texas
1-21 Legislative Council to determine whether the resources of the
1-22 council are available to perform or assist the agency in performing
1-23 that analysis. For purposes of this section, performing a
1-24 statistical or demographic analysis of information in the course of
1-25 conducting a study includes designing the analysis and collecting
1-26 the information required for purposes of the study.

1-27 (b) If the Texas Legislative Council determines that
1-28 council resources are available to perform or assist the state
1-29 agency in performing all or part of the statistical or demographic
1-30 analysis, the agency must contract with the council to perform or
1-31 assist the agency in performing that analysis to the extent that the
1-32 council determines that council resources are available to the
1-33 agency.

1-34 SECTION 2. Chapter 323, Government Code, is amended by
1-35 adding Section 323.020 to read as follows:

1-36 Sec. 323.020. CONTRACTS TO PERFORM STATISTICAL OR
1-37 DEMOGRAPHIC ANALYSIS; CONFIDENTIALITY OF INFORMATION NOT AFFECTED.
1-38 (a) The council may determine whether and the extent to which
1-39 council resources are available to perform or assist a state agency
1-40 in performing a statistical or demographic analysis of information
1-41 as described by Section 2113.108.

1-42 (b) Information that the council collects in relation to the
1-43 statistical or demographic analysis that is confidential under
1-44 state or federal law does not lose its confidential character
1-45 because of its collection by the council, without regard to whether
1-46 the council collected the information indirectly through the state
1-47 agency or directly from another governmental or nongovernmental
1-48 entity. An entity that voluntarily provides information to the
1-49 council for purposes of the analysis does not waive any exception
1-50 from required disclosure or any privilege not to disclose the
1-51 information, and the confidential character of the information is
1-52 not affected by that action of the entity.

1-53 SECTION 3. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2003.

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