

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

(b) At the request of a state agency, the council may 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. A reference in this section to performing an analysis includes assisting an agency to perform the analysis.

(c) Except as provided by this section, information that the council 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:

(1) any information that identifies or tends to

1 identify an individual or other entity that submitted information
2 or that was asked to submit information for the analysis;

3 (2) working drafts and working papers developed in
4 performing the analysis;

5 (3) contracts and subcontracts entered into for
6 purposes of performing the analysis;

7 (4) internal and interagency correspondence sent or
8 received in the course of performing the analysis;

9 (5) memoranda of understanding entered into in
10 relation to performing the analysis; and

11 (6) data, data files, databases, computer coding,
12 computer specification programs, data use agreements, and data
13 dictionaries acquired or used in performing the analysis.

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

25 (e) A final report containing a statistical or demographic
26 analysis of information performed under Subsection (b), a cover
27 letter or cover memorandum for the final report, and an

1 announcement that the final report is available are not
2 confidential and are subject to required public disclosure under
3 Chapter 552 except to the extent that the final report, cover letter
4 or cover memorandum, or announcement contains information that
5 identifies or tends to identify an individual or entity other than
6 information that names a staff member who performed work in
7 relation to performing the analysis or that names government
8 officials on a letterhead.

9 (f) Notwithstanding Subsection (c)(3), a contract or other
10 agreement between the council and a state agency under Subsection
11 (b) and the names of the staff members who perform work in relation
12 to performing the analysis under the contract or agreement are not
13 confidential. A contract or agreement between the council and a
14 state agency under Subsection (b) is public information subject to
15 Chapter 552.

16 (g) Information that an individual or other entity submits
17 for the purpose of a statistical or demographic analysis of
18 information performed by the council under Subsection (b) may not
19 be used against the individual or other entity in a state agency
20 enforcement proceeding. This subsection does not affect the
21 ability of a state agency to obtain the information by other means
22 and to use the information, if obtained by other means, in a state
23 agency enforcement proceeding.

24 SECTION 2. Section 552.112, Government Code, is amended by
25 adding Subsection (c) to read as follows:

26 (c) Information is excepted from the requirements of
27 Section 552.021 if it is information submitted by an individual or

1 other entity to the Texas Legislative Council, or to any state
2 agency or department overseen by the Finance Commission of Texas
3 and the information has been or will be sent to the Texas
4 Legislative Council, for the purpose of performing a statistical or
5 demographic analysis of information subject to Section 323.020.
6 However, this subsection does not except from the requirements of
7 Section 552.021 information that does not identify or tend to
8 identify an individual or other entity and that is subject to
9 required public disclosure under Section 323.020(e).

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

David Newkum
President of the Senate

Jim Cusick
Speaker of the House

I hereby certify that S.B. No. 1000 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Larry Saw
Secretary of the Senate

I hereby certify that S.B. No. 1000 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 143, Nays 0, one present not voting.

Robert Hawey
Chief Clerk of the House

Approved:

20 JUN '03
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:30 AM O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State