

By: Brown, Zedler, Garza

H.B. No. 682

A BILL TO BE ENTITLED

AN ACT

relating to leasing advertising space on state agency Internet websites.

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

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.064 to read as follows:

Sec. 2054.064. ADVERTISING ON STATE INTERNET WEBSITES. (a)

In this section:

(1) "Department" means the Department of Information Resources or a successor agency.

(2) "State agency" means any department, board, commission, or other agency in the executive branch of state government, including the office of the governor. The term does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) In accordance with rules adopted by the department and to the extent allowed under federal law:

(1) a state agency shall contract with a private entity to lease advertising space on the agency's official Internet website; and

(2) the department shall contract with a private entity to lease advertising space on the official Internet website for the State of Texas.

(c) The department shall develop a standard contract for the

1 lease of advertising space on an Internet website under this
2 section. The standard contract developed by the department must
3 include terms that:

4 (1) provide for the payment of a fee by the person
5 leasing the advertising space in an amount set by department rule;
6 and

7 (2) require the advertisements to comply with the
8 rules adopted by the department relating to content and
9 composition.

10 (d) The department shall adopt rules to implement this
11 section. The rules must establish:

12 (1) guidelines relating to the content and composition
13 of advertisements that may be placed on an Internet website;

14 (2) procedures for procuring advertisements that
15 relate, to the greatest extent practicable, to the stated purpose
16 of the state agency;

17 (3) policies that require:

18 (A) each advertisement to be clearly labeled on
19 the Internet website as an advertisement; and

20 (B) a disclaimer on each Internet website that
21 clearly states that the State of Texas does not endorse the products
22 or services advertised on the state agency Internet website;

23 (4) a schedule of fees to be charged for the lease of
24 advertising space under this section; and

25 (5) the amount of the lease payment that a private
26 entity may retain for administering the lease contract.

27 (e) A private entity administering a lease under this

1 section shall collect the fees due from the leasing entity. After
2 deduction of the private entity's fees, the remainder of the fees
3 collected under this section shall be forwarded to the comptroller
4 to be deposited to the credit of the general revenue fund.

5 SECTION 2. This Act takes effect September 1, 2011.