

BILL ANALYSIS

Senate Research Center

S.B. 176
By: Carona
Open Government
7/1/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows state agencies to contract with outside consultants to benefit from expertise that agencies may not possess. These contractors may submit their work in the form of reports, and these reports may be copyrighted or otherwise have limitations on their distribution. Such limitations unreasonably impede the public's access to information.

The comptroller of public accounts of the State of Texas maintains a statewide Contract Management Guide. Appendix 9 of the guide recommends the inclusion of "work made for hire" provisions in contracts to specify that work performed pursuant to a contract becomes the exclusive property of the agency, but there is no requirement in current law that this or similar provisions be included in a contract. If a work is made for hire, the employer or other person for whom the work was prepared is the initial owner of the copyright unless both parties involved have signed a written agreement to the contrary.

S.B. 176 amends current law relating to the distribution of certain consultants' reports.

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 Subchapter B, Chapter 2254, Government Code, by adding Section 2254.041, as follows:

Sec. 2254.041. DISTRIBUTION OF CONSULTANT REPORTS. (a) Requires that a consulting services contract include provisions that allow the state agency contracting with the consultant and any other state agency and the legislature, at the contracting state agency's discretion, to distribute the consultant report, if any, and to post the report on the agency's Internet website or the website of a standing committee of the legislature.

(b) Provides that this section does not affect the application of Chapter 552 (Public Information) to a consultant's report.

SECTION 2. (a) Provides that, except as provided by Subsection (b) of this section, Section 2254.041, Government Code, as added by this Act, applies only to a consulting services contract entered into on or after the effective date of this Act. Provides that a consulting services contract entered into before the effective date of this Act is governed by the law in effect on the date the contract is entered into, and that law is continued in effect for that purpose.

(b) Provides that Section 2254.041, Government Code, as added by this Act, does not apply to a consulting services contract entered into on or after the effective date of this Act if the state agency entered into negotiations for the consulting services contract before the effective date of this Act, and the contract is executed before December 31, 2013.

SECTION 3. Effective date: upon passage or September 1, 2013.