

By: Davis  
(Alvarado, Flynn)

S.B. No. 1368

A BILL TO BE ENTITLED

AN ACT

relating to contracts by certain state governmental entities that  
involve the exchange or creation of public information.

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

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is  
amended by adding Section 2252.907 to read as follows:

Sec. 2252.907. CONTRACTS INVOLVING EXCHANGE OR CREATION OF  
PUBLIC INFORMATION. (a) A contract between a state governmental  
entity and a nongovernmental vendor involving the exchange or  
creation of public information as defined by Section 552.002 that  
the state governmental entity collects, assembles, or maintains or  
has a right of access to must:

(1) be drafted in consideration of the requirements of  
Chapter 552; and

(2) contain a provision that requires the vendor to  
make the information not otherwise excepted from disclosure under  
Chapter 552 available in a specific format that is:

(A) agreed upon in the contract; and

(B) accessible by the public.

(b) This section may not be waived by contract or otherwise.

(c) A request for public information regarding a contract  
described by this section must be submitted to the officer or  
employee responsible for responding to open records requests for  
the state governmental entity that executed the contract.

1        (d) In this section, "state governmental entity" means a  
2 state agency, board, commission, office, department, or other  
3 agency in the executive or legislative branch of state government.

4        SECTION 2. The change in law made by this Act applies only  
5 to a contract for which a state governmental entity first  
6 advertises or otherwise solicits bids, proposals, offers, or  
7 qualifications on or after the effective date of this Act. A  
8 contract for which a state governmental entity advertised or  
9 otherwise solicited bids, proposals, offers, or qualifications  
10 before the effective date of this Act is governed by the law in  
11 effect immediately before the effective date of this Act, and that  
12 law is continued in effect for that purpose.

13        SECTION 3. This Act takes effect September 1, 2013.