

By: Davis

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

SECTION 2. The change in law made by this Act applies only

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

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