

1-1 By: Davis S.B. No. 1368
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
 1-3 first time and referred to Committee on Open Government;
 1-4 April 23, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 3, Nays 0; April 23, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1368 By: Davis

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to contracts by certain state governmental entities that
 1-18 involve the exchange or creation of public information.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter Z, Chapter 2252, Government Code, is
 1-21 amended by adding Section 2252.907 to read as follows:

1-22 Sec. 2252.907. CONTRACTS INVOLVING EXCHANGE OR CREATION OF
 1-23 PUBLIC INFORMATION. (a) A contract between a state governmental
 1-24 entity and a nongovernmental vendor involving the exchange or
 1-25 creation of public information as defined by Section 552.002 that
 1-26 the state governmental entity collects, assembles, or maintains or
 1-27 has a right of access to must:

1-28 (1) be drafted in consideration of the requirements of
 1-29 Chapter 552; and

1-30 (2) contain a provision that requires the vendor to
 1-31 make the information not otherwise excepted from disclosure under
 1-32 Chapter 552 available in a specific format that is:

1-33 (A) agreed upon in the contract; and

1-34 (B) accessible by the public.

1-35 (b) This section may not be waived by contract or otherwise.

1-36 (c) A request for public information regarding a contract
 1-37 described by this section must be submitted to the officer or
 1-38 employee responsible for responding to open records requests for
 1-39 the state governmental entity that executed the contract.

1-40 (d) In this section, "state governmental entity" means a
 1-41 state agency, board, commission, office, department, or other
 1-42 agency in the executive or legislative branch of state government.

1-43 SECTION 2. The change in law made by this Act applies only
 1-44 to a contract for which a state governmental entity first
 1-45 advertises or otherwise solicits bids, proposals, offers, or
 1-46 qualifications on or after the effective date of this Act. A
 1-47 contract for which a state governmental entity advertised or
 1-48 otherwise solicited bids, proposals, offers, or qualifications
 1-49 before the effective date of this Act is governed by the law in
 1-50 effect immediately before the effective date of this Act, and that
 1-51 law is continued in effect for that purpose.

1-52 SECTION 3. This Act takes effect September 1, 2013.

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