SECTION 1. Sections 263.251(a) and (b), Local Government Code, are amended to read as follows:

(a) The commissioners court of a county may adopt a procedure by which the county may:

(1) lease to another entity advertising space located:

(A) in or on a building or part of a building owned by the county;

(B) on a vehicle owned by the county; or

(C) on an official county website; or

(D) on a vehicle leased by the county, with the vehicle owner's consent; or

(2) sell advertising space located on correspondence distributed by the county through the United States Postal Service.

(b) The procedure must include a requirement that the county publish, before a sale or lease of advertising space is made, a notice of its intent to sell or lease the advertising space. The notice must:

(1) be published:

(A) at least one time in a newspaper of general circulation in the county not earlier than the 30th day or later than the 14th day before the date the award of the sale or lease is made; and

(B) on the county's official website continuously for the 14 days immediately before the date the award of the sale or lease is made;

(2) include a description of the advertising space, including its location and a description of the part of any real or personal property that the advertising space occupies; and

(3) include a description of the procedure by which bids or proposals for the sale or lease may be submitted.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 2, 2013: Yeas 31, Nays 0.

Approved May 16, 2013.

Effective May 16, 2013.

CHAPTER 47

H.B. No. 2377

AN ACT
relating to the use of legislatively produced audio or visual materials; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 306.005, Government Code, is amended to read as follows:

Sec. 306.005. USE OF LEGISLATIVELY PRODUCED AUDIO OR VISUAL MATERIALS IN POLITICAL ADVERTISING PROHIBITED. (a) A person may not use audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature in political advertising.

(b) After a formal hearing held as provided by Subchapter E, Chapter 571, the Texas Ethics Commission may impose a civil penalty against a person who violates this section. The amount of the penalty may not exceed $5,000 for each violation.

(c) Subsection (a) does not prohibit describing or quoting the verbal content of the audio or visual materials in political advertising.
(d) Subsection (a) does not apply to a photograph of a current or former member of the legislature obtained from a house, committee, or agency of the legislature that is used in accordance with terms and conditions established by the entity from which the photograph was obtained.

(e) In this section:

(1) “Political advertising” has the meaning assigned by Section 251.001, Election Code.

(2) “Visual materials” means photographic, video, or other material containing a still or moving recorded image or images.

SECTION 2. Chapter 306, Government Code, is amended by adding Section 306.0055 to read as follows:

Sec. 306.0055. LEGISLATIVELY PRODUCED PHOTOGRAPHS. A house, committee, or agency of the legislature may charge for a photograph produced by or under the direction of the entity the fair market value of the photograph.

SECTION 3. Section 306.006, Government Code, is amended to read as follows:

Sec. 306.006. COMMERCIAL USE OF LEGISLATIVELY PRODUCED AUDIO OR VISUAL MATERIALS. (a) A person may not use audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature for a commercial purpose unless the legislative entity that produced the audio or visual materials or under whose direction the audio or visual materials were produced gives its permission for the person's commercial use and:

1. the person uses the audio or visual materials only for educational or public affairs programming, including news programming, that does not also constitute a use prohibited under Section 306.005; or

2. the person transmits an unedited feed of the audio or visual materials:
   (A) to paid subscribers; or
   (B) on an Internet website that is accessible to the public.

(b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class C misdemeanor.

(c) The legislative entity that produced the audio or visual materials or under whose direction the audio or visual materials were produced shall give its permission to a person to use the materials for a commercial purpose described by Subsection (a)(1) if the person or the person’s representative submits to the legislative entity a signed, written request for the use that:

1. states the purpose for which the audio or visual materials will be used and the stated purpose is allowed under Subsection (a)(1); and

2. contains an agreement by the person that the audio or visual materials will not be used for a commercial purpose other than the stated purpose.

(d) Subsection (a)(2) does not apply to visual materials consisting of photographs or other still images. A legislative entity is not required to give its permission to any person to use materials for a purpose described by Subsection (a)(2) and may limit the number of persons to whom it gives its permission to use materials for a purpose described by Subsection (a)(2).

(e) Subsection (a) and an agreement under Subsection (c)(2) do not prohibit compiling, describing, quoting from, analyzing, or researching the verbal content of the audio or visual materials for a commercial purpose.

(f) In addition to the criminal penalty that may be imposed under Subsection (b), the attorney general shall enforce this section at the request of the legislative entity by bringing a civil action to enjoin a violation of Subsection (a) or of an agreement under Subsection (c)(2).

(g) In this section:

1. “Commercial purpose” means a purpose that is intended to result in a profit or other tangible benefit.
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(2) "Visual materials" has the meaning assigned by Section 306.005.

SECTION 4. The change in law made by this Act applies only to an offense or other violation of the law amended by this Act committed on or after the effective date of this Act. An offense or other violation of that law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or other violation was committed before the effective date of this Act if any element of the offense or violation was committed before that date.

SECTION 5. This Act takes effect September 1, 2013.

Passed by the House on April 3, 2013: Yeas 145, Nays 2, 2 present, not voting; passed by the Senate on May 2, 2013: Yeas 31, Nays 0.

Approved May 16, 2013.

Effective September 1, 2013.

CHAPTER 48

H.B. No. 2472

AN ACT

relating to the continuation and functions of the Department of Information Resources and certain procurement functions of the comptroller of public accounts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2054.005(a), Government Code, is amended to read as follows:

(a) The Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, [2021].

SECTION 2. Section 2054.021(g), Government Code, is amended to read as follows:

(g) The training program must provide information to the person regarding:

(1) the enabling legislation that created the department and its policymaking body to which the person is appointed to serve;

(2) the programs operated by the department;

(3) the role and functions of the department;

(4) the rules of the department, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the department;

(6) the results of the most recent formal audit of the department;

(7) the requirements of the:

(A) open meetings law, Chapter 551;

(B) open records law, Chapter 552; and

(C) administrative procedure law, Chapter 2001;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the department or the Texas Ethics Commission; and

(10) contract management training.

SECTION 3. Section 2054.022(c), Government Code, is amended to read as follows:

(c) An employee of the department, other than the executive director,

(1) may not participate in the department’s bidding process, including the proposal development related to a contract and the negotiation of a contract, if