course in that subject in accordance with the school district’s prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

SECTION 3. This Act applies beginning with the 2013–2014 school year.

SECTION 4. 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 the Senate on April 15, 2013: Yeas 31, Nays 0; the Senate concurred in House amendments on May 23, 2013: Yeas 31, Nays 0; passed the House, with amendments, on May 17, 2013: Yeas 138, Nays 2, four present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1204

S.B. No. 1368

AN ACT

relating to public information pertaining to the official business of governmental bodies and 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. Section 552.002, Government Code, is amended to read as follows:

Sec. 552.002. DEFINITION OF PUBLIC INFORMATION; MEDIA CONTAINING PUBLIC INFORMATION. (a) In this chapter, “public information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body; 
(2) for a governmental body and the governmental body: 
(A) owns the information; 
(B) has a right of access to the information; or 
(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or 
(3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body.

(a-1) Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer’s or employee’s official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

(a-2) The definition of “public information” provided by Subsection (a) applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

(b) The media on which public information is recorded include:

(1) paper;
(2) film;
(3) a magnetic, optical, solid state, or other device that can store an electronic signal;
(4) tape;
(5) Mylar; and
(6) any physical material on which information may be recorded, including linen.
silk, and vellum.

(c) The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

SECTION 2. Section 552.003, Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) “Official business” means any matter over which a governmental body has any authority, administrative duties, or advisory duties.

SECTION 3. 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.

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

SECTION 4. Section 2252.907, Government Code, as added by this Act, applies only to a contract for which a state governmental entity first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act. A contract for which a state governmental entity advertised or otherwise solicited bids, proposals, offers, or qualifications before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

Passed the Senate on April 25, 2013: Yeas 24, Nays 4; the Senate concurred in House amendments on May 24, 2013: Yeas 27, Nays 4; passed the House, with amendments, on May 22, 2013: Yeas 93, Nays 56, one present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1205

S.B. No. 1373

AN ACT

relating to display of the Honor and Remember flag.

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

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.0065 to read as follows:

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