

BILL ANALYSIS

Senate Research Center
82R15729 CJC-D

H.B. 682
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Government Organization
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As Texas faces a difficult budget this biennium, it is important to find new sources of revenue to address the shortfall and to soften the effect on essential programs. Opening state websites to advertisements that are tasteful and not intrusive is one approach to building state revenues.

H.B. 682 allows advertisements to be placed on state agency websites and on the official State of Texas website through contracts that are subject to certain rules of the Department of Information Resources and to the extent allowed under federal law.

H.B. 682 amends current law relating to leasing advertising space on state agency Internet websites.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Information Resources in SECTION 1 (Section 2054.064, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 2054, Government Code, by adding Section 2054.064, as follows:

Sec. 2054.064. ADVERTISING ON STATE INTERNET WEBSITES. (a) Defines, in this section "department" and "state agency."

(b) Requires a state agency, in accordance with rules adopted by the Department of Information Resources (DIR) and to the extent allowed under federal law to contract with a private entity to lease advertising space on the agency's official Internet website, and requires DIR to contract with a private entity to lease advertising space on the official Internet website for the State of Texas.

(c) Requires DIR to develop a standard contract for the lease of advertising space on an Internet website under this section. Requires that the standard contract developed by DIR include terms that provide for the payment of a fee by the person leasing the advertising space in an amount set by DIR rule, and require the advertisements to comply with the rules adopted by DIR relating to content and composition.

(d) Requires DIR to adopt rules to implement this section. Requires that the rules establish:

(1) guidelines relating to the content and composition of advertisements that may be placed on an Internet website;

(2) procedures for procuring advertisements that relate, to the greatest extent practicable, to the stated purpose of the state agency;

(3) policies that require each advertisement to be clearly labeled on the Internet website as an advertisement, and a disclaimer on each Internet website that clearly states that the State of Texas does not endorse the products or services advertised on the state agency Internet website;

(4) a schedule of fees to be charged for the lease of advertising space under this section; and

(5) the amount of the lease payment that a private entity may retain for administering the lease contract.

(e) Requires a private entity administering a lease under this section to collect the fees due from the leasing entity. Requires that after deduction of the private entity's fees, the remainder of the fees collected under this section be forwarded to the comptroller of public accounts to be deposited to the credit of the general revenue fund.

SECTION 2. Effective date: September 1, 2011.