

BILL ANALYSIS

C.S.S.B. 1304
By: Rodriguez
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many Texas institutions of higher education perform scientific and social research and publish reports of research results. Funding for such reports can come from a variety of sources, including but not limited to, private corporations, government agencies and non-profit agencies. The potential conflict of interest that can arise from certain funding relationships should be addressed through disclosure requirements to maintain the integrity of these research reports.

C.S.S.B. 1304 amends the Education Code to require institutions of higher education that contract with certain entities for the preparation of a particular report to include in that report a disclosure statement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1304 amends the Education Code by adding a provision requiring institutions of higher education that contract with a for-profit entity for the institution, in return for payment from the entity, to conduct research, analysis, a survey, or other academic, scientific, or technical work and prepare a report of that work to include a statement in that report. C.S.S.B. 1304 requires the statement to include the identity of the entity providing the payment as well as a disclosure that the institution of higher education received payment to conduct the work and prepare the report.

C.S.S.B. 1304 states that the requirements of this bill do not apply to research, analysis, a survey, or other academic, scientific, or technical work that is publicly funded by a governmental entity, including any funding received through pass-through funding, or that is performed under any agreement executed before September 1, 2011, regardless of the source of the funding.

EFFECTIVE DATE

September 1, 2011

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1304 applies the provisions of this bill to an institution of higher education, as defined by Section 61.003, that contracts with a for-profit entity for the institution, in return for payment from the entity, to conduct research, analysis, a survey, or other academic, scientific, or technical work and prepare a report of that work, whereas S.B. 1304 applied to an institution of higher education, as defined by Section 61.003, that receives payment from another entity to conduct research, analysis, a survey, or other academic, scientific, or technical work and prepare a report of that work.

C.S.S.B. 1304 requires institutions of higher education to include in certain reports, a statement that the institution received payment to conduct the work and prepare the report and the identity of the entity providing the payment, whereas S.B. 1304 included these provisions, along with an additional provision that the statement include the amount of the payment.

C.S.S.B. 1304 adds a provision that was not included in S.B. 1304 that states that provisions of this bill do not apply to research, analysis, a survey, or other academic, scientific, or technical work that is publicly funded by a governmental entity, including any funding received through pass-through funding, or that is performed under any agreement executed before September 1, 2011, regardless of the source of the funding.

C.S.S.B. 1304 states that the effective date of the bill is September 1, 2011, whereas S.B. 1304 stated that the bill would take effect immediately if it received a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, or, if it did not receive the vote necessary for immediate effect, it would take effect September 1, 2011.