

By: Rodriguez

S.B. No. 1038

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure by public institutions of higher education of the identity of private sponsors of certain research.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.955 to read as follows:

Sec. 51.955. DISCLOSURE IN PUBLICATIONS OF PRIVATE SPONSORS OF RESEARCH. (a) An institution of higher education that publishes the results of the institution's privately sponsored research shall conspicuously disclose the identity of each sponsor in the publication.

(b) An institution of higher education shall require any entity publishing the results of the institution's privately sponsored research to enter into an agreement stating that the publication may identify the institution as the producer of the research only if the entity conspicuously discloses in the publication the identity of each sponsor of the research.

(c) This section does not apply to:

- (1) research in the humanities or social sciences;
- (2) a sponsor that is a governmental entity; or
- (3) a sponsor that is a recipient of a research contract or grant from the federal government if funds under that contract or grant that are passed through to the institution of higher education are the only funds provided by the sponsor for the

1 research.

2 (d) In this section:

3 (1) "Institution of higher education" has the meaning
4 assigned by Section 61.003.

5 (2) "Privately sponsored research" means research
6 conducted by a faculty member or other appointee or employee of an
7 institution of higher education under a contract with or a grant
8 from an individual, a for-profit or nonprofit corporation, or a
9 foundation in which:

10 (A) payments under the contract or grant funding
11 the research, or under more than one such contract or grant funding
12 the research, constitute at least 50 percent of the cost of
13 conducting the research; or

14 (B) under the contract or grant, the individual,
15 corporation, or foundation has authority to approve any of the
16 following:

17 (i) the research study design;

18 (ii) the collection, analysis, and
19 interpretation of data;

20 (iii) the writing of any report of the
21 research results; or

22 (iv) the decision to submit the report to a
23 scholarly journal or other substantive publication.

24 (3) "Publication" means the communication of
25 information to the public in printed text, including electronic
26 text posted on a website, bulletin board, or similar Internet host
27 for information.

1 (4) "Sponsor" means an individual, corporation, or
2 foundation that contracts for or provides a grant for privately
3 sponsored research.

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