

By: McClendon

H.B. No. 649

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure to a state agency of certain information used or considered in the performance of a contract or agreement with the agency.

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

SECTION 1. Subchapter C, Chapter 2261, Government Code, is amended by adding Section 2261.103 to read as follows:

Sec. 2261.103. DISCLOSURE PROVISION REQUIRED. (a)
Notwithstanding Section 2261.001, this section applies to each contract or agreement for goods or services entered into by a state agency, including a contract or agreement entered into under Chapter 2054, 2254, 2267, or 2269.

(b) Each state agency shall include a provision in each of its contracts or agreements for goods or services that requires a party to the contract or agreement and any subcontractor on request to disclose to the state agency information concerning any formula, material, method, work product, trade secret, process, or research used or considered in the performance of the contract or agreement, regardless of whether that information is confidential under any other law.

(c) Information disclosed to a state agency under this section is confidential and not subject to disclosure under Chapter 552. The disclosure required under this section does not waive or affect the confidentiality of the information for purposes of state

1 or federal law or waive the right to except to the required
2 disclosure of the information in the future.

3 SECTION 2. The change in law made by this Act applies only
4 to a contract or agreement entered into on or after the effective
5 date of this Act. A contract or agreement entered into before the
6 effective date of this Act is governed by the law in effect at the
7 time the contract or agreement was entered into, and the former law
8 is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2015.