

1 AN ACT

2 relating to the disclosure of research, research sponsors, and
3 interested parties by persons contracting with governmental
4 entities and state agencies.

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

6 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
7 amended by adding Section 51.954 to read as follows:

8 Sec. 51.954. DISCLOSURE OF SPONSORS OF RESEARCH IN PUBLIC
9 COMMUNICATIONS. (a) In any public communication the content of
10 which is based on the results of sponsored research, a faculty
11 member or other employee or appointee of an institution of higher
12 education who conducted or participated in conducting the research
13 shall conspicuously disclose the identity of each sponsor of the
14 research.

15 (b) In this section:

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

18 (2) "Public communication" means oral or written
19 communication intended for public consumption or distribution,
20 including:

21 (A) testimony in a public administrative,
22 legislative, regulatory, or judicial proceeding;

23 (B) printed matter including a magazine,
24 journal, newsletter, newspaper, pamphlet, or report; or

1 (C) posting of information on a website or
2 similar Internet host for information.

3 (3) "Sponsor" means an entity that contracts for or
4 provides money or materials for research.

5 (4) "Sponsored research" means research:

6 (A) that is conducted under a contract with or a
7 grant from an individual or entity, other than the institution
8 conducting the research, for the purpose of the research; and

9 (B) in which payments received or the value of
10 materials received under that contract or grant, or under a
11 combination of more than one such contract or grant, constitutes at
12 least 50 percent of the cost of conducting the research.

13 SECTION 2. Subchapter Z, Chapter 51, Education Code, is
14 amended by adding Section 51.955 to read as follows:

15 Sec. 51.955. PROHIBITED STATE AGENCY ACTIONS RELATED TO
16 DISCLOSURE OF PUBLICLY FUNDED RESEARCH. (a) In this section,
17 "institution of higher education" has the meaning assigned by
18 Section 61.003.

19 (b) A state agency that expends appropriated funds may not:

20 (1) enter into a research contract with an institution
21 of higher education if that contract contains a provision
22 precluding public disclosure of any final data generated or
23 produced in the course of executing the contract unless the agency
24 reasonably determines that the premature disclosure of such data
25 would adversely affect public safety, the protection of
26 intellectual property rights of the institution of higher
27 education, publication rights in professional scientific

1 publications, or valuable confidential information of the
2 institution of higher education or a third party; or

3 (2) adopt a rule that is based on research conducted
4 under a contract entered into with an institution of higher
5 education unless the agency:

6 (A) has made the results of the research and all
7 data supporting the research publicly available; or

8 (B) reasonably determines that the premature
9 disclosure of such data would adversely affect public safety, the
10 protection of intellectual property rights of the institution of
11 higher education, publication rights in professional scientific
12 publications, or valuable confidential information of the
13 institution of higher education or a third party.

14 (c) Subsection (b)(1) does not apply to a research contract
15 between an institution of higher education and the Cancer
16 Prevention and Research Institute of Texas.

17 (d) A response to a request for information regarding
18 research described by Subsection (b) must be made in accordance
19 with Chapter 552, Government Code.

20 (e) This section does not require the public disclosure of
21 personal identifying information or any other information the
22 disclosure of which is otherwise prohibited by law.

23 SECTION 3. Subchapter Z, Chapter 2252, Government Code, is
24 amended by adding Section 2252.908 to read as follows:

25 Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES. (a) In
26 this section:

27 (1) "Business entity" means any entity recognized by

1 law through which business is conducted, including a sole
2 proprietorship, partnership, or corporation.

3 (2) "Governmental entity" means a municipality,
4 county, public school district, or special-purpose district or
5 authority.

6 (3) "Interested party" means a person who has a
7 controlling interest in a business entity with whom a governmental
8 entity or state agency contracts or who actively participates in
9 facilitating the contract or negotiating the terms of the contract,
10 including a broker, intermediary, adviser, or attorney for the
11 business entity.

12 (4) "State agency" means a board, commission, office,
13 department, or other agency in the executive, judicial, or
14 legislative branch of state government. The term includes an
15 institution of higher education as defined by Section 61.003,
16 Education Code.

17 (b) This section applies only to a contract of a
18 governmental entity or state agency that:

19 (1) requires an action or vote by the governing body of
20 the entity or agency before the contract may be signed; or

21 (2) has a value of at least \$1 million.

22 (c) Notwithstanding Subsection (b), this section does not
23 apply to:

24 (1) a sponsored research contract of an institution of
25 higher education;

26 (2) an interagency contract of a state agency or an
27 institution of higher education; or

1 (3) a contract related to health and human services
2 if:

3 (A) the value of the contract cannot be
4 determined at the time the contract is executed; and

5 (B) any qualified vendor is eligible for the
6 contract.

7 (d) A governmental entity or state agency may not enter into
8 a contract described by Subsection (b) with a business entity
9 unless the business entity, in accordance with this section and
10 rules adopted under this section, submits a disclosure of
11 interested parties to the governmental entity or state agency at
12 the time the business entity submits the signed contract to the
13 governmental entity or state agency.

14 (e) The disclosure of interested parties must be submitted
15 on a form prescribed by the Texas Ethics Commission that includes:

16 (1) a list of each interested party for the contract of
17 which the contracting business entity is aware; and

18 (2) the signature of the authorized agent of the
19 contracting business entity, acknowledging that the disclosure is
20 made under oath and under penalty of perjury.

21 (f) Not later than the 30th day after the date the
22 governmental entity or state agency receives a disclosure of
23 interested parties required under this section, the governmental
24 entity or state agency shall submit a copy of the disclosure to the
25 Texas Ethics Commission.

26 (g) The Texas Ethics Commission shall adopt rules necessary
27 to implement this section, prescribe the disclosure of interested

1 parties form, and post a copy of the form on the commission's
2 Internet website.

3 SECTION 4. (a) Not later than December 1, 2015, the Texas
4 Ethics Commission shall adopt the rules, prescribe the disclosure
5 of interested parties form, and post the form on the commission's
6 Internet website as required by Section 2252.908, Government Code,
7 as added by this Act.

8 (b) Section 2252.908, Government Code, as added by this Act,
9 applies only to a contract entered into on or after January 1, 2016.

10 SECTION 5. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1295 was passed by the House on May 11, 2015, by the following vote: Yeas 135, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1295 on May 28, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1295 on May 31, 2015, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1295

I certify that H.B. No. 1295 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1295 on May 31, 2015, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor