

Suspending limitations on conference committee
jurisdiction, H.B. No. 1295 (Capriglione/Hancock)

By: Capriglione

H.R. No. 3488

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 84th Legislature, Regular Session, 2015, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 1295 (the disclosure of
6 research, research sponsors, and interested parties by persons
7 contracting with governmental entities and state agencies) to
8 consider and take action on the following matter:

9 House Rule 13, Section 9(a)(4), is suspended to permit the
10 committee to add text on a matter not included in either the house
11 or senate version of the bill by adding, in SECTION 2 of the bill,
12 proposed Sections 51.955(b) and (c), Education Code, as follows:

13 (b) A state agency that expends appropriated funds may not:
14 (1) enter into a research contract with an institution
15 of higher education if that contract contains a provision
16 precluding public disclosure of any final data generated or
17 produced in the course of executing the contract unless the agency
18 reasonably determines that the premature disclosure of such data
19 would adversely affect public safety, the protection of
20 intellectual property rights of the institution of higher
21 education, publication rights in professional scientific
22 publications, or valuable confidential information of the
23 institution of higher education or a third party; or

24 (2) adopt a rule that is based on research conducted

1 under a contract entered into with an institution of higher
2 education unless the agency:

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

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

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

14 Explanation: The change is necessary to protect public
15 safety, certain intellectual property and publication rights, and
16 certain valuable confidential information and to exempt the Cancer
17 Prevention and Research Institute of Texas from disclosure of final
18 data generated or produced in the course of executing a contract
19 with an institution of higher education.