

House Bill 1295
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 51.954. DISCLOSURE OF SPONSORS OF RESEARCH IN PUBLIC COMMUNICATIONS. (a) In any public communication the content of which is based on the results of sponsored research, a faculty member or other employee or appointee of an institution of higher education who conducted or participated in conducting the research shall conspicuously disclose the identity of each sponsor of the research. This subsection does not require the disclosure of interested parties in a contract that is exempt from disclosure under Section 2252.908, Government Code.

(b) In this section:

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

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

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

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

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

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

(4) "Sponsored research" means research:

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

(B) in which payments received or the value of materials

SENATE VERSION (IE)

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(b) In this section:

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

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received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.

No equivalent provision.

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received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.

SECTION __. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.955 to read as follows:
Sec. 51.955. DISCLOSURE OF PUBLICLY FUNDED RESEARCH. (a) In this section, “institution of higher education” has the meaning assigned by Section 61.003.
(b) A contract for research that is conducted by an institution of higher education and supported by appropriated funds must provide that any data generated or produced in the course of executing the research contract must be available to the public on request.
(c) A state agency that expends appropriated funds may not:
(1) enter into a research contract with an institution of higher education if that contract contains a provision precluding public disclosure of any data generated or produced in the course of executing the contract; or
(2) adopt a rule that is based on research conducted under a contract entered into with an institution of higher education unless the agency has made the results of the research and all data supporting the research publicly available.
(d) An institution of higher education shall respond to requests for information under this section in accordance with Chapter 552, Government Code.
(e) This section does not require the public disclosure of personal identifying information or any other information the disclosure of which is otherwise prohibited by law. [FA2]

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SECTION 2. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.908 to read as follows:

Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES.

(a) In this section:

(1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

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

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

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

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

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

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

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

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

(2) an interagency contract of a state agency or an institution

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of higher education; or

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

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

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

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

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

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

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

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

(g) The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the

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commission's Internet website.

SECTION 3. (a) Not later than December 1, 2015, the Texas Ethics Commission shall adopt the rules, prescribe the disclosure of interested parties form, and post the form on the commission's Internet website as required by Section 2252.908, Government Code, as added by this Act.
(b) Section 2252.908, Government Code, as added by this Act, applies only to a contract entered into on or after January 1, 2016.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 3. Same as House version.

SECTION 4. Same as House version.