

By: Armbrister

S.B. No. 349

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the intellectual property rights of the Department of  
3 Information Resources and certain other state agency intellectual  
4 property matters.

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

6 SECTION 1. Section 2054.052, Government Code, is amended by  
7 adding Subsections (e) and (f) to read as follows:

8 (e) The department may:

9 (1) acquire, apply for, register, secure, hold,  
10 protect, and renew under the laws of the State of Texas, the United  
11 States, any state in the United States, or any nation:

12 (A) a patent for the invention, discovery, or  
13 improvement of any new and useful process, machine, manufacture,  
14 composition of matter, art, or method, including any new use of a  
15 known process, machine, manufacture, composition of matter, art, or  
16 method;

17 (B) a copyright for an original work of  
18 authorship fixed in any tangible medium of expression, now known or  
19 later developed, from which it can be perceived, reproduced, or  
20 otherwise communicated, either directly or with the aid of a  
21 machine or device;

22 (C) a trademark, service mark, collective mark,  
23 or certification mark for a word, name, symbol, device, or slogan  
24 that the department uses to identify and distinguish its goods and

1 services from other goods and services; or

2 (D) other evidence of protection or exclusivity  
3 issued for intellectual property;

4 (2) contract with a person or entity for the  
5 reproduction, distribution, public performance, display,  
6 advertising, marketing, lease, licensing, sale, use, or other  
7 distribution of the department's intellectual property;

8 (3) obtain under a contract described in Subdivision  
9 (2) a royalty, license right, or other appropriate means of  
10 securing reasonable compensation for the exercise of rights with  
11 respect to the department's intellectual property; and

12 (4) waive, increase, or reduce the amount of  
13 compensation secured by contract under Subdivision (3) if the  
14 department determines that the waiver, increase, or reduction will:

15 (A) further a goal or mission of the department;  
16 and

17 (B) result in a net benefit to the state.

18 (f) Except as provided by Section 2054.115(c), money paid to  
19 the department under this section shall be deposited to the credit  
20 of the general revenue fund.

21 SECTION 2. Subsection (a), Section 2054.124, Government  
22 Code, is amended to read as follows:

23 (a) At least once in every four-year period, each [~~Each~~]  
24 state agency shall perform an [~~a biennial~~] audit of software  
25 licenses for software installed in the agency's desktop and  
26 portable computers.

27 SECTION 3. This Act takes effect September 1, 2003.