

BILL ANALYSIS

Senate Research Center

S.B. 1421
By: Nelson
Open Government
4/11/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the state may collect royalties, income, and other benefits realized as a result of projects undertaken with grant money. However, interest and proceeds from securities and equity ownership are not explicitly allowed to be accrued by the state.

S.B. 1421 allows the state to collect interest from securities and equity ownership that are realized as a result of a Cancer Prevention and Research Institute of Texas (CPRIT) grant project and protects the proprietary information contained in grant applications by excluding it from open records requirements.

S.B. 1421 protects the proprietary information that is entrusted to the committee in grant application for commercialization by exempting this information from open records disclosure requirements.

As proposed, S.B. 1421 amends current law relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 102.256(a), Health and Safety Code, to require the Cancer Prevention and Research Institute of Texas Oversight Committee (CPRIT; oversight committee) to establish standards that require all grant awards to be subject to an intellectual property agreement that allows the state to collect royalties, income, and other benefits, including interest or proceeds resulting from securities and equity ownership, realized as a result of projects undertaken with money awarded under Subchapter E (Cancer Prevention and Research Fund).

SECTION 2. Amends Section 102.262, Health and Safety Code, as follows:

Sec. 102.262. PUBLIC INFORMATION. (a) Creates this subsection from existing text. Makes no further changes.

(b) Provides that in order to protect the actual or potential value of information submitted to CPRIT by an applicant for or recipient of an CPRIT grant, the following information submitted by such applicant or recipient is confidential and is not subject to disclosure under Chapter 552 (Public Information), Government Code, or any other law:

(1) all information, except as provided in Subsection (a) or information that is contained in a grant award contract between CPRIT and a grant recipient, relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information, including computer programs, developed in whole or in part by an applicant for or recipient of an institute grant, regardless of whether

patentable or capable of being registered under copyright or trademark laws, that has a potential for being sold, traded, or licensed for a fee; and

(2) the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

SECTION 3. Effective date: September 1, 2011.