

1-1 By: Nelson S.B. No. 1421
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Select Committee on Open Government;
1-4 April 18, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 18, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1421 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the awarding of grants provided by the Cancer
1-11 Prevention and Research Institute of Texas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 102.256, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (a) The oversight committee shall establish standards that
1-16 require all grant awards to be subject to an intellectual property
1-17 agreement that allows the state to collect royalties, income, and
1-18 other benefits, including interest or proceeds resulting from
1-19 securities and equity ownership, realized as a result of projects
1-20 undertaken with money awarded under Subchapter E.

1-21 SECTION 2. Section 102.262, Health and Safety Code, is
1-22 amended to read as follows:

1-23 Sec. 102.262. PUBLIC INFORMATION. (a) The following
1-24 information is public information and may be disclosed under
1-25 Chapter 552, Government Code:

1-26 (1) the applicant's name and address;
1-27 (2) the amount of funding applied for;
1-28 (3) the type of cancer to be addressed under the
1-29 proposal; and

1-30 (4) any other information designated by the institute
1-31 with the consent of the grant applicant.

1-32 (b) In order to protect the actual or potential value of
1-33 information submitted to the institute by an applicant for or
1-34 recipient of an institute grant, the following information
1-35 submitted by such applicant or recipient is confidential and is not
1-36 subject to disclosure under Chapter 552, Government Code, or any
1-37 other law:

1-38 (1) all information, except as provided in Subsection
1-39 (a), that is contained in a grant award contract between the
1-40 institute and a grant recipient, relating to a product, device, or
1-41 process, the application or use of such a product, device, or
1-42 process, and all technological and scientific information,
1-43 including computer programs, developed in a whole or in part by an
1-44 applicant for or recipient of an institute grant, regardless of
1-45 whether patentable or capable of being registered under copyright
1-46 or trademark laws, that has a potential for being sold, traded, or
1-47 licensed for a fee; and

1-48 (2) the plans, specifications, blueprints, and
1-49 designs, including related proprietary information, of a
1-50 scientific research and development facility.

1-51 SECTION 3. This Act takes effect September 1, 2011.

1-52 * * * * *