

By: Cortez

H.B. No. 2891

Substitute the following for H.B. No. 2891:

By: Vo

C.S.H.B. No. 2891

A BILL TO BE ENTITLED

AN ACT

relating to duties of the comptroller's office regarding state-owned intellectual property and commercial equity.

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

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0302 to read as follows:

Sec. 403.0302. STATE-OWNED INTELLECTUAL PROPERTY AND COMMERCIAL EQUITY. (a) In this section:

(1) "Commercial equity" means an ownership interest in a commercial enterprise.

(2) "Expressive work" means:

(A) a fictional or nonfictional entertainment, dramatic, literary, or musical work that is a play, book, magazine, newspaper, musical composition, audiovisual work, radio or television program, work of art, or work of political or newsworthy value; or

(B) an advertisement or commercial announcement of a work described by Paragraph (A).

(3) "Intellectual property" means an intangible asset that is subject to statutory protection under applicable patent, copyright, or trademark law. The term includes an invention, industrial design, identifying mark or symbol, electronic publication, trade secret, and literary, musical, artistic, photographic, or film work.

1           (4) "State agency" has the meaning assigned by Section  
2 403.241.

3           (b) The comptroller, using existing resources, shall  
4 compile a list of the intellectual property and commercial equity  
5 in which this state has an ownership interest or through its  
6 operations may acquire an ownership interest.

7           (c) Not later than December 31 of each even-numbered year,  
8 the comptroller shall collect information from each state agency  
9 regarding the intellectual property and commercial equity in which  
10 the agency has an ownership interest or may acquire an ownership  
11 interest. The information submitted by the state agency must  
12 contain:

13                 (1) the total amount the state agency spent to acquire  
14 the ownership interest, including the amount of any grant awarded  
15 or loan granted, and the value of any other operations;

16                 (2) any realized or unrealized gain that has resulted  
17 from the ownership interest; and

18                 (3) the status of the intellectual property or  
19 commercial equity.

20           (d) For purposes of Subsection (c), an ownership interest  
21 does not include a grant awarded or other assistance provided under  
22 Subchapter B, Chapter 485.

23           (e) From the information submitted under Subsection (c),  
24 the comptroller shall electronically publish a biennial  
25 comprehensive report detailing the intellectual property and  
26 commercial equity in which the state has an ownership interest.

27           (f) This section does not apply to an expressive work:

1           (1) that is created by a person who at the time the  
2 work was created was not employed by or otherwise providing  
3 services to the state related to the work; or

4           (2) in which the state has no ownership interest.

5           SECTION 2. Section 2111.002, Government Code, is amended to  
6 read as follows:

7           Sec. 2111.002. REPORTING. Each state agency shall report  
8 to the lieutenant governor, ~~and~~ the speaker of the house of  
9 representatives, and the comptroller any technological innovation  
10 developed by the agency that:

11           (1) has potential commercial application, is  
12 proprietary, or could be protected under intellectual property  
13 laws; and

14           (2) was developed:

15                   (A) during the preceding calendar year; or

16                   (B) before the preceding calendar year but was  
17 not previously reported to the lieutenant governor, ~~and~~ the  
18 speaker of the house of representatives, and the comptroller.

19           SECTION 3. This Act takes effect September 1, 2013.