

By: Cortez

H.B. No. 2891

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(b) The comptroller shall establish in the comptroller's office an office of state-owned intellectual property and commercial equity to monitor and track the intellectual property and commercial equity in which this state has an ownership interest or through its operations may acquire an ownership interest.

(c) Not later than December 31 of each even-numbered year, the office shall collect information from each state agency and from independent sources as necessary regarding the intellectual property and commercial equity in which the agency has an ownership interest. The information submitted by the state agency must contain:

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

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

6 (3) the status of the intellectual property or
7 commercial equity.

8 (d) The office shall:

9 (1) continuously monitor each grant, expenditure, or
10 loan made by a state agency to fund a research and development
11 project or another project that is likely to lead to an innovation
12 in which a patent or other intellectual property right may be
13 awarded; and

14 (2) determine whether there is an appropriate
15 opportunity for this state to assume an ownership interest in
16 intellectual property or a commercial equity position in the
17 project.

18 (e) From the information submitted under Subsection (c),
19 the office shall electronically publish a biennial comprehensive
20 report detailing:

21 (1) the intellectual property and commercial equity in
22 which the state has an ownership interest;

23 (2) opportunities for this state to acquire an
24 ownership interest in intellectual property or commercial equity;
25 and

26 (3) methods by which this state can maximize its
27 revenue and offer economic benefits by holding an ownership

1 interest in a project or activity that the state partly or wholly
2 funds.

3 (f) The comptroller may assign other duties to the office as
4 the comptroller determines appropriate.

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 office of state-owned intellectual
10 property and commercial equity established by the comptroller under
11 Section 403.0302 any technological innovation developed by the
12 agency that:

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

16 (2) was developed:

17 (A) during the preceding calendar year; or

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

21 SECTION 3. Not later than December 1, 2013, the comptroller
22 of public accounts of the State of Texas shall establish the office
23 of state-owned intellectual property and commercial equity as
24 required by Section 403.0302, Government Code, as added by this
25 Act.

26 SECTION 4. This Act takes effect September 1, 2013.