

By: Gonzales of Williamson

H.B. No. 2638

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the protection and use of intellectual property by the
3 Railroad Commission of Texas.

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

5 SECTION 1. Subchapter B, Chapter 81, Natural Resources
6 Code, is amended by adding Section 81.021 to read as follows:

7 Sec. 81.021. INTELLECTUAL PROPERTY. (a) The commission
8 may:

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

11 (A) a patent for the invention, discovery, or
12 improvement of any process, machine, manufacture, or composition of
13 matter;

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

19 (C) a trademark, service mark, collective mark,
20 or certification mark for a word, name, symbol, device, or slogan
21 that the commission uses to identify and distinguish the
22 commission's goods and services from other goods and services; or

23 (D) other evidence of protection or exclusivity
24 issued for intellectual property;

1 (2) contract with a person for the sale, lease,
2 marketing, or other distribution of the commission's intellectual
3 property;

4 (3) obtain under a contract described in Subdivision
5 (2) a royalty, license right, or other appropriate means of
6 securing reasonable compensation for the development or purchase of
7 the commission's intellectual property; and

8 (4) waive or reduce the amount of compensation secured
9 by contract under Subdivision (3) if the commission determines that
10 the waiver or reduction will:

11 (A) further a goal or mission of the commission;
12 and

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

14 (b) Money paid to the commission under this section shall be
15 deposited to the credit of the oil and gas regulation and cleanup
16 fund as provided by Section 81.067.

17 SECTION 2. Section 81.067(c), Natural Resources Code, is
18 amended to read as follows:

19 (c) The fund consists of:

20 (1) proceeds from bonds and other financial security
21 required by this chapter and benefits under well-specific plugging
22 insurance policies described by Section 91.104(c) that are paid to
23 the state as contingent beneficiary of the policies, subject to the
24 refund provisions of Section 91.1091, if applicable;

25 (2) private contributions, including contributions
26 made under Section 89.084;

27 (3) expenses collected under Section 89.083;

- 1 (4) fees imposed under Section 85.2021;
- 2 (5) costs recovered under Section 91.457 or 91.459;
- 3 (6) proceeds collected under Sections 89.085 and
- 4 91.115;
- 5 (7) interest earned on the funds deposited in the
- 6 fund;
- 7 (8) oil and gas waste hauler permit application fees
- 8 collected under Section 29.015, Water Code;
- 9 (9) costs recovered under Section 91.113(f);
- 10 (10) hazardous oil and gas waste generation fees
- 11 collected under Section 91.605;
- 12 (11) oil-field cleanup regulatory fees on oil
- 13 collected under Section 81.116;
- 14 (12) oil-field cleanup regulatory fees on gas
- 15 collected under Section 81.117;
- 16 (13) fees for a reissued certificate collected under
- 17 Section 91.707;
- 18 (14) fees collected under Section 91.1013;
- 19 (15) fees collected under Section 89.088;
- 20 (16) fees collected under Section 91.142;
- 21 (17) fees collected under Section 91.654;
- 22 (18) costs recovered under Sections 91.656 and 91.657;
- 23 (19) fees collected under Section 81.0521;
- 24 (20) fees collected under Sections 89.024 and 89.026;
- 25 (21) legislative appropriations;
- 26 (22) any surcharges collected under Section 81.070;
- 27 (23) fees collected under Section 91.0115;

1 (24) ~~[money deposited to the credit of the fund under~~
2 ~~Section 81.112,~~
3 ~~[(25)]~~ fees collected under Subchapter E, Chapter 121,
4 Utilities Code; ~~[and]~~
5 (25) ~~[(26)]~~ fees collected under Section 27.0321,
6 Water Code; and
7 (26) money collected under Section 81.021.

8 SECTION 3. To the extent of any conflict, this Act prevails
9 over another Act of the 85th legislature, Regular Session, 2017,
10 relating to nonsubstantive additions to and corrections in enacted
11 codes.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.