

BILL ANALYSIS

S.B. 1132
By: Perry
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that in carrying out its mission, the Parks and Wildlife Department (TPWD) may develop inventions, products, or creative works for which it may be appropriate and necessary to obtain intellectual property protection. The parties contend that while TPWD has some authority to license and obtain royalties for certain products, there is a lack of general authority for the protection of TPWD intellectual property. S.B. 1132 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1132 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department (TPWD) to apply for, register, secure, hold, and protect under the laws of the United States, any state, or any nation a patent for an invention or discovery of, or improvement to, any process, machine, manufacture, or composition of matter; a copyright for an original work of authorship fixed in any tangible medium of expression now known or later developed that can be perceived, reproduced, or otherwise communicated; a trademark, service mark, collective mark, or certification mark for a word, name, symbol, device, or slogan, or any combination of those items, that has been adopted and used by TPWD to identify goods or services and distinguish those goods or services from other goods or services; or other evidence of protection or exclusivity issued in or for intellectual property. The bill authorizes TPWD to enter into a contract with an individual or company for the sale, lease, marketing, or other distribution of TPWD intellectual property; to obtain under such a contract a royalty, license right, or other appropriate means of securing appropriate compensation for the development or purchase of TPWD intellectual property; and to waive or reduce the amount of a fee, royalty, or other thing of monetary or nonmonetary value to be assessed by TPWD if TPWD determines that the waiver will further TPWD's goals and missions and result in a net benefit to the state.

S.B. 1132 excepts from required disclosure under state public information law intellectual property for which TPWD has applied for or received a patent, copyright, trademark, or other evidence of protection or exclusivity. The bill requires money paid to TPWD under the bill's provisions to be deposited to the credit of the game, fish, and water safety account or the state parks account, as appropriate. The bill establishes that it is not a violation of state law for a TPWD employee who conceives, creates, discovers, invents, or develops intellectual property to own or to be awarded any amount of equity interest or participation in the research,

development, licensing, or exploitation of that intellectual property with the approval of the Parks and Wildlife Commission. The bill requires the commission to institute intellectual property policies for TPWD that establish minimum standards for the public disclosure or availability of, review by TPWD of, and the licensing of products, technology, and scientific information; the identification of ownership and licensing responsibilities for each class of intellectual property; and royalty participation by inventors and TPWD.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.