

1-1 By: Perry S.B. No. 1132  
1-2 (In the Senate - Filed March 10, 2015; March 17, 2015, read  
1-3 first time and referred to Committee on Agriculture, Water, and  
1-4 Rural Affairs; March 30, 2015, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; March 30, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Perry	X		
1-9	Zaffirini	X		
1-10	Creighton	X		
1-11	Hall	X		
1-12	Hinojosa	X		
1-13	Kolkhorst	X		
1-14	Rodríguez	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the protection and use of certain products,  
1-18 information, and technology of the Parks and Wildlife Department.  
1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-20 SECTION 1. Chapter 11, Parks and Wildlife Code, is amended  
1-21 by adding Subchapter M to read as follows:  
1-22 SUBCHAPTER M. INTELLECTUAL PROPERTY  
1-23 Sec. 11.351. PROTECTION AND USE OF INTELLECTUAL PROPERTY.  
1-24 (a) The department may:  
1-25 (1) apply for, register, secure, hold, and protect  
1-26 under the laws of the United States, any state, or any nation:  
1-27 (A) a patent for an invention or discovery of, or  
1-28 improvement to, any process, machine, manufacture, or composition  
1-29 of matter;  
1-30 (B) a copyright for an original work of  
1-31 authorship fixed in any tangible medium of expression now known or  
1-32 later developed that can be perceived, reproduced, or otherwise  
1-33 communicated;  
1-34 (C) a trademark, service mark, collective mark,  
1-35 or certification mark for a word, name, symbol, device, or slogan,  
1-36 or any combination of those items, that has been adopted and used by  
1-37 the department to identify goods or services and distinguish those  
1-38 goods or services from other goods or services; or  
1-39 (D) other evidence of protection or exclusivity  
1-40 issued in or for intellectual property;  
1-41 (2) enter into a contract with an individual or  
1-42 company for the sale, lease, marketing, or other distribution of  
1-43 intellectual property of the department;  
1-44 (3) obtain under a contract entered into under  
1-45 Subdivision (2) a royalty, license right, or other appropriate  
1-46 means of securing appropriate compensation for the development or  
1-47 purchase of intellectual property of the department; and  
1-48 (4) waive or reduce the amount of a fee, royalty, or  
1-49 other thing of monetary or nonmonetary value to be assessed by the  
1-50 department if the department determines that the waiver will:  
1-51 (A) further the goals and missions of the  
1-52 department; and  
1-53 (B) result in a net benefit to the state.  
1-54 (b) Intellectual property for which the department has  
1-55 applied for or received a patent, copyright, trademark, or other  
1-56 evidence of protection or exclusivity is excepted from required  
1-57 disclosure under Chapter 552, Government Code.  
1-58 (c) Money paid to the department under this section shall be  
1-59 deposited to the credit of the game, fish, and water safety account  
1-60 or the state parks account, as appropriate.  
1-61 (d) It is not a violation of Chapter 572, Government Code,

or another law of this state for an employee of the department 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 commission.

(e) The commission shall institute intellectual property policies for the department that establish minimum standards for:

(1) the public disclosure or availability of products, technology, and scientific information, including inventions, discoveries, trade secrets, and computer software;

(2) review by the department of products, technology, and scientific information, including consideration of ownership and appropriate legal protection;

(3) the licensing of products, technology, and scientific information;

(4) the identification of ownership and licensing responsibilities for each class of intellectual property; and

(5) royalty participation by inventors and the department.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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