

CHAPTER 818

S.B. No. 840

An Act relating to the establishment and activities of a Center for Technology Development and Transfer at The University of Texas at Austin; making certain information confidential; amending Title 3, Education Code, as amended, by adding Section 65.45 to Subchapter C of Chapter 65 and Section 51.911 to Subchapter Z of Chapter 51.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 65, Title 3, Education Code, as amended, is amended by adding a new Section 65.45 to read as follows:

"Section 65.45. CENTER FOR TECHNOLOGY DEVELOPMENT AND TRANSFER. (a) The legislature finds that it is essential to the economic growth of the state that the potential for the development and growth of high technology industry be promoted and expanded. As a means of accomplishing this purpose, the board is authorized to establish, maintain, and support a Center for Technology Development and Transfer at The University of Texas at Austin and may accept and administer, upon terms and conditions acceptable to the board, gifts, grants, and donations to aid in the establishment, maintenance, and operation of the center.

“(b) Subject to the rules and regulations of the board, the center may solicit and submit for approval of the board agreements with individuals, corporations, partnerships, associations, and state or federal agencies for funding the discovery, development, and commercialization of new products, technology, and scientific information. At the discretion of the board, research facilities and personnel at the various component institutions of The University of Texas System may be utilized to achieve the purposes of this section.

“(c) As a means of carrying out the purposes of the center under this section, the board may, either through the center or through one or more corporations incorporated by the board:

“(1) own and license rights to products, technology, and scientific information;

“(2) own shares in corporations engaged in the development, manufacture, or marketing of products, technology, or scientific information under a license from the board, the center, or a corporation owned or controlled by the board;

“(3) participate as the general partner or as a limited partner, either directly or through a subsidiary corporation formed for that purpose, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, or scientific information under a license from the board, the center, or a corporation owned or controlled by the board; and

“(4) carry on such other activities as the board may deem appropriate for achieving the purposes of this section.

“(d) The Center for Technology Development and Transfer established by this section shall not receive general revenue funds through special item appropriation in the biennial General Appropriations Act.

“(e) The Center for Technology Development and Transfer established by this section shall cooperate fully with similar programs operated by other state-supported institutions of higher education in this state.”

SECTION 2. Subchapter Z, Chapter 51, Title 3, Education Code, as amended, is amended by adding a new Section 51.911 to read as follows:

“Section 51.911. PROTECTION OF CERTAIN INFORMATION. In order to protect the actual or potential value, the following information shall be confidential and shall not be subject to disclosure under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon’s Texas Civil Statutes), or otherwise:

“(1) all information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee; or

“(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties.”

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 7, 1985, by the following vote: Yeas 31, Nays 0; Senate concurred in House amendment on May 27, 1985, by a viva-voce vote; passed the House, with amendment, on May 21, 1985, by a non-record vote.

Approved: June 15, 1985

Effective: August 26, 1985