

BILL NUMBER: ACR 252      CHAPTERED  
BILL TEXT

RESOLUTION CHAPTER 190  
FILED WITH SECRETARY OF STATE    SEPTEMBER 14, 2004  
ADOPTED IN SENATE    AUGUST 26, 2004  
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INTRODUCED BY    Assembly Member Mullin

JULY 8, 2004

Assembly Concurrent Resolution No. 252--Relative to the California Council on Science and Technology.

LEGISLATIVE COUNSEL'S DIGEST

ACR 252, Mullin. California Council on Science and Technology.

This measure would request the California Council on Science and Technology to create a study group, as specified, on how the State of California should treat intellectual property created under state contracts.

WHEREAS, California is home to many of the world's top research universities, national laboratories, and leading-edge high technology companies that generate significant intellectual property; and

WHEREAS, It is in the interest of the state to ensure that the results of state-funded research are promptly protected and developed; and it is in the interest of the state to facilitate, promote, and enhance technology transfer programs that will facilitate the transfer of technology into the marketplace for the public benefit; and

WHEREAS, The State of California supports the establishment of government-university-industry partnerships to develop leading-edge research results that would encourage economic development through growth of small business, development of emerging industries, and creation of jobs within the state; and

WHEREAS, The Bureau of State Audits Report, "State-Owned Intellectual Property, November 2000, stated that policies and guidelines should be established to assist state agencies in determining how best to administer state-owned intellectual property so that it can be utilized in the best interests of the public; and

WHEREAS, The Legislature supports the use of efficient models to develop and streamline infrastructures, policies, and processes for the management of intellectual property developed under state funding in order to stimulate economic development in the state similar to the approach used by the federal government; and

WHEREAS, A comprehensive intellectual property policy can foster major technological developments; and

WHEREAS, In this time of fiscal crisis, it is necessary for the state to create public-private partnerships; and

WHEREAS, The California Council on Science and Technology has a proven record of accomplishment in providing timely, impartial analyses of complex issues for the legislative and executive branches of government, including energy research in the Public Interest

Energy Research Program, Critical Path Analysis of California's Science and Technology Education System and Nanoscience and Nanotechnology: Opportunities and Challenges in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the California Council on Science and Technology to create a special study group to develop recommendations to the Governor and the Legislature on how the state should treat intellectual property created under state contracts, grants, and agreements, including, but not limited to, the following:

- (1) Promoting the utilization of intellectual property arising from state-supported contracts, grants, and agreements.
- (2) Encouraging maximum participation of small business firms in those state-supported awards.
- (3) Promoting collaboration between commercial concerns and nonprofit organizations, including universities.
- (4) Ensuring that the intellectual property created by nonprofit organizations and small business firms is used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery.
- (5) Promoting the commercialization and public availability of that intellectual property made in the state by California and United States industry and labor.
- (6) Ensuring that there are mechanisms in place that allow the state to obtain certain minimal rights in state-supported intellectual property to meet the needs of the state and protect the public against nonuse or unreasonable use of that intellectual property.
- (7) Minimizing the costs of administering policies in this area; and be it further

Resolved, That the Legislature requests the California Council on Science and Technology, upon creation of the study group, to work with its sustaining institutions, state agencies, including the office of the Attorney General, and other organizations, to complete this study. Members of the study group are to include, but are not limited to, the following:

- (1) The Department of General Services.
- (2) Experts in contract and licensing with the state and federal governments.
- (3) Research and development practitioners.
- (4) Experts in technology transfer.
- (5) Individuals representing the public interest; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Attorney General and the Department of General Services.