

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 16, 2011

SENATE BILL

No. 170

Introduced by Senator Pavley

February 3, 2011

An act to add Sections 40004 and 40005 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 170, as amended, Pavley. Air pollution control district: adverse effects of air pollution: intellectual property.

Existing law authorizes local and regional districts ~~with jurisdiction over the~~ *to have the primary responsibility for* control of air pollution from all sources, other than emissions from motor vehicles.

This bill would authorize the districts to sponsor, coordinate, and promote projects that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution. The bill would authorize a district to negotiate what share, if any, of the intellectual property, or benefits resulting from intellectual property, developed from the use of district funds, including funds discharged as grants, will accrue to that district. The bill would require revenues generated *from revenue sharing agreements* to be deposited into a special account and used for specified purposes. *Under certain circumstances, the bill would prohibit a district from receiving a benefit pursuant to these provisions in excess of the amount of the district's investment.* If the state or a subdivision of the state purchases or licenses a good, service, or process for which a district accrues a benefit resulting from the intellectual property interest, the bill would require the district, upon the request of the Department of General

Services, to provide reimbursement to the General Fund for the amount of the benefit accrued.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40004 is added to the Health and Safety
2 Code, to read:

3 40004. A district may sponsor, coordinate, and promote projects
4 that will lead to the prevention, mitigation, or cure of the adverse
5 effects of air pollution, including the adverse health effects of air
6 pollution.

7 SEC. 2. Section 40005 is added to the Health and Safety Code,
8 to read:

9 40005. (a) A district may negotiate what share, if any, of the
10 intellectual property, or benefits resulting from intellectual
11 property, developed from the use of district funds, including funds
12 discharged as grants, will accrue to that district.

13 (b) A district may negotiate revenue sharing agreements with
14 recipients of district funds, including the collection of royalties.
15 Proceeds obtained by the district from these revenue sharing
16 agreements shall accrue to the district and be deposited into a
17 special account that may only be used, subject to the district's
18 ability to recover its expenses and its administrative costs, for
19 either of the following purposes:

20 (1) To fund projects pursuant to Section 40004 that will lead to
21 the prevention, mitigation, or cure of the adverse effects of air
22 pollution, including the adverse health effects of air pollution.

23 (2) To develop low-polluting fuels or technologies.

24 (c) *A district shall not receive a benefit pursuant to this section*
25 *in excess of the amount of the district's investment in the*
26 *development of a process, machine, or article of manufacture, if*
27 *the district adopts a rule or regulation that mandates the use of*
28 *that process, machine, or article of manufacture and that*
29 *regulation or rule was adopted after the development of the*
30 *process, machine, or article of manufacture.*

31 (e)

32 (d) If the state or a subdivision of the state purchases or licenses
33 a good, service, or process for which a district accrues a benefit

1 resulting from an intellectual property interest negotiated pursuant
2 to subdivision (a) or (b), upon the request of the Department of
3 General Services, the district shall prepare reimbursement to the
4 General Fund for the amount of the benefit accrued.

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