

Assembly Concurrent Resolution

No. 252

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, as introduced, 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.

Fiscal committee: yes.

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

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

11 WHEREAS, The State of California supports the establishment
12 of government-university-industry partnerships to develop
13 leading-edge research results that would encourage economic

1 development through growth of small business, development of
2 emerging industries, and creation of jobs within the state; and
3 WHEREAS, The Bureau of State Audits Report,
4 “State-Owned” Intellectual Property, November 2000, stated that
5 policies and guidelines should be established to assist state
6 agencies in determining how best to administer state-owned
7 intellectual property so that it can be utilized in the best interests
8 of the public; and

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

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

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

19 WHEREAS, The California Council on Science and
20 Technology has a proven record of accomplishment in providing
21 timely, impartial analyses of complex issues for the legislative and
22 executive branches of government, including energy research in
23 the Public Interest Energy Research Program, Critical Path
24 Analysis of California’s Science and Technology Education
25 System and Nanoscience and Nanotechnology: Opportunities and
26 Challenges in California; now, therefore, be it

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

34 (1) Promoting the utilization of intellectual property arising
35 from state-supported contracts, grants, and agreements.

36 (2) Encouraging maximum participation of small business
37 firms in those state-supported awards.

38 (3) Promoting collaboration between commercial concerns
39 and nonprofit organizations, including universities.



1 (4) Ensuring that the intellectual property created by nonprofit
2 organizations and small business firms is used in a manner to
3 promote free competition and enterprise without unduly
4 encumbering future research and discovery.

5 (5) Promoting the commercialization and public availability of
6 that intellectual property made in the state by California and
7 United States industry and labor.

8 (6) Ensuring that there are mechanisms in place that allow the
9 state to obtain certain minimal rights in state-supported
10 intellectual property to meet the needs of the state and protect the
11 public against nonuse or unreasonable use of that intellectual
12 property.

13 (7) Minimizing the costs of administering policies in this area;
14 and be it further

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

21 (1) The Department of General Services.

22 (2) Experts in contract and licensing with the state and federal
23 governments.

24 (3) Research and development practitioners.

25 (4) Experts in technology transfer.

26 (5) Individuals representing the public interest; and be it
27 further

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

