

BILL ANALYSIS

H.B. 2638
By: Gonzales, Larry
Energy Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern about recent reports that certain private organizations have misrepresented themselves as the Railroad Commission of Texas in public forums and that the unauthorized use of the railroad commission logo on flyers and advertisements has led to confusion among the public. H.B. 2638 seeks to address this issue by providing for the protection of the railroad commission's intellectual property.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2638 amends the Natural Resources Code to authorize the Railroad Commission of Texas to apply for, register, secure, hold, and protect under the laws of the United States or any state or nation a patent for the invention, discovery, or improvement of any process, machine, manufacture, or composition of matter; a copyright for an original work of authorship fixed in any tangible medium of expression, known or later developed, from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device; a trademark, service mark, collective mark, or certification mark for a word, name, symbol, device, or slogan that the railroad commission uses to identify and distinguish the railroad commission's goods and services from other goods and services; or other evidence of protection or exclusivity issued for intellectual property. The bill authorizes the railroad commission to contract with a person for the sale, lease, marketing, or other distribution of the railroad commission's intellectual property and to obtain under the contract a royalty, license right, or other appropriate means of securing reasonable compensation for the development or purchase of the railroad commission's intellectual property. The bill authorizes the railroad commission to waive or reduce the amount of compensation secured by a contract if the railroad commission determines that the waiver or reduction will further a goal or mission of the railroad commission and result in a net benefit to the state. The bill requires money paid to the railroad commission for intellectual property to be deposited to the credit of the oil and gas regulation and cleanup fund.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.