
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1308 Session of
2011

INTRODUCED BY TOMLINSON, PICCOLA, SCARNATI, DINNIMAN, M. WHITE,
ALLOWAY, GREENLEAF, EARLL AND MENSCH, OCTOBER 27, 2011

REFERRED TO EDUCATION, OCTOBER 27, 2011

AN ACT

1 Authorizing the State System of Higher Education and its
2 employees to enter into certain economic development
3 agreements; providing for approval and notice, for reports
4 and for limitations; and making an inconsistent repeal.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the State System
9 of Higher Education Intellectual Property Act.

10 Section 2. Scope of act.

11 This act shall apply to all economic development transactions
12 entered into by State-owned universities and system employees.

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Economic development agreement." An agreement that allows a
18 State-owned university to develop and market intellectual
19 property owned or created by a State System of Higher Education

1 employee.

2 "State-owned university." One of the 14 institutions under
3 the State System of Higher Education or any other institution
4 that may be admitted to the State System of Higher Education
5 subsequent to the enactment of this act in accordance with the
6 provisions of the act of March 10, 1949 (P.L.30, No.14), known
7 as the Public School Code of 1949.

8 "System employee." An individual employed by the State
9 System of Higher Education or one of its constituent
10 universities.

11 Section 4. Authorization.

12 State-owned universities and system employees may enter into
13 economic development agreements that inure to the benefit of the
14 State-owned universities and system employees.

15 Section 5. Approval and notice.

16 (a) Review and approval.--Agreements entered into under this
17 act shall be reviewed and approved in accordance with the form
18 and legality reviews of the act of October 15, 1980 (P.L.950,
19 No.164), known as the Commonwealth Attorneys Act.

20 (b) Public availability.--Agreements authorized by this act
21 shall be made available to the public by listing them with the
22 Treasury Department in accordance with the provisions of Chapter
23 17 of the act of February 14, 2008 (P.L.6, No.3), known as the
24 Right-to-Know Law.

25 Section 6. Reports.

26 The State System of Higher Education and each State-owned
27 university shall monitor and report agreements entered into
28 under this act on an annual basis to the Education Committee of
29 the Senate and the Education Committee of the House of
30 Representatives. The information shall be reported in compliance

1 with any legal protections provided by copyright or trademark
2 laws or other Federal or State law.

3 Section 7. Limitations.

4 (a) Contracts.--Nothing in this act shall alter, impair or
5 limit the terms or conditions of any sponsorship agreement,
6 grant agreement, collective bargaining agreement or other
7 contract.

8 (b) Use of public resources.--This act shall not authorize
9 the unlawful use of public resources by private individuals in
10 the development of intellectual property.

11 Section 8. Repeal.

12 Repeals are as follows:

13 (1) The General Assembly declares that the repeal under
14 paragraph (2) is necessary to effectuate this act.

15 (2) The act of July 19, 1957 (P.L.1017, No.451), known
16 as the State Adverse Interest Act, is repealed insofar as it
17 is inconsistent with this act.

18 Section 9. Effective date.

19 This act shall take effect in 60 days.