

Legislative History for Connecticut Act

HB 359

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- Rep. Ford: This could be called the Farm Bureau, then.
- Dr. Jorgensen: No. I don't think so. It came from women who are members.
- Rep. Holbrook: Have you any doing that work now?
- Dr. Jorgensen: No, we just had the one.
- Chm. Hurley: Is anyone else to speak in favor of this bill? Anyone against it? Questions? The hearing is closed.

H.B. 359

(Mr. Holbrook) AUTHORIZATION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF CONNECTICUT TO ESTABLISH A FUND TO BE KNOWN AS THE UNIVERSITY OF CONNECTICUT RESEARCH FUND

- Dr. Jorgensen: This is a Trustee bill. This would authorize the establishment of a fund to be known as a University of Connecticut Research Fund. We have already some of the authority which appears to be requested in this bill. There is a statute authorizing the Board of Trustees to accept gifts of land and money to be used in carrying out a program of research. We run into problems growing out of assistance given by members of our engineering staff to industrial houses, thirty industries had been assisting in many ways--testing of materials, using by-products which concerned service, running tests on new products, etc. On three different occasions our engineering staff members have assisted a concern with a new product or a new machine and it has involved the matter of patents. These organizations have been fair and they have written to ask what they could do for this staff member who has assisted. He should have some income. Every staff member who does assist some agency, we cover that service by a document known as a member of agreement. He is authorized to render such service and the time will be thus and so, etc., if there is to be a reimbursement of equipment, etc. We have never covered the matter of patents. Now I think the time has come when something should be done because I find a great hesitancy on the part of engineers in rendering this kind of service for fear that they get involved with the question. They would like to know in advance how they will be protected. Some of the industrial concerns are hesitant as they would like to know in advance too, what would be involved. We have been receiving gifts as expressions of appreciation for service rendered, one for \$16,000, the next largest \$10,000, several of \$2,000, \$1,000, etc. We have a right to accept this for a fund used to expand and carry on that service. This bill needs some change I think. There is one typographical error in the first section, second line.

They have "s" where it should be "n" in the word "inventions". In section d there is one change which ought to be made "A patent thus assigned, etc. or a royalty for its use is paid," beginning at that comma it should be changed to read something like this: "The Board ought to have some discretion in deciding how much money thus received should be assigned to the staff member and the remaining going into the fund." It might involve a small amount, but if it were a tremendous amount there should be less than half. The Board ought to be trusted to be fair in assignment of monies given to individuals and the amount retained in the fund.

Senator Leipner: This is a very broad bill. Where is the line of demarcation as to whether or not members of the faculty can work on their own time? Who determines that?

Dr. Jorgensen: The Board of Trustees determines that. There should be one change in (g). "regular" should be changed to "assigned."

Senator Leipner: There might still be some question--he might be working in connection with his assigned duties.

Dr. Jorgensen: There will always be questions of that kind but I don't think the Board of Trustees could duck it. They should be trusted to be fair in whatever definition they make of what constitutes a regular job. Sooner or later someone will have to make some decisions on that. Faculty members would definitely raise those questions. This bill is not new with us. It is just about the same kind of an act you will find covering this sort of thing in most institutions--even private institutions. It is pretty much a pattern. Without (g) we would have a great deal of concern and expense. There are certain institutions where they are hired on a fixed contract and the terms and dates are specifically indicated. Generally institutions of higher learning do not.

Rep. Holbrook: Do you propose to put money into this?

Dr. Jorgensen: No. There is no appropriation involved whatsoever.

Rep. Sullivan: Do members of the faculty receive reimbursement now?

Dr. Jorgensen: Two of our mechanical engineers have worked for months with a company in this state having a contract with the federal government trying to develop a light motor to be put into airborne jeeps. They did not want to sacrifice power and strength. After working they developed a motor and patents were involved so we were contacted and all I had to refer to them is we were not covered on that.

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So that man sent each of the men a check. He sent the University a check for \$2,000 to go into this fund. I don't think it is as systematic as it ought to be. This would regularize this.

- Rep. Sherwood: Why do you feel the state should have any portion of the increment arising out of either patent or copyright?
- Dr. Jorgensen: Only for those discoveries or inventions that are tied in with use of state equipment, facilities and by employees of the state working on state time. Section (g) eliminates anything done by the member on his own time. I think if something is developed in university laboratories the state should receive something. The Board should have discretion to decide on how much it should have. Does that answer your question?
- Rep. Sherwood: Yes sir. I still have some doubt as to whether or not it is workable.
- Dr. Jorgensen: Apparently it has worked in other institutions.
- Senator Rowland: In state institutions?
- Dr. Jorgensen: O yes.
- Senator Leipner: You are putting the University on the same basis as private industry.
- Rep. Sherwood: Isn't there a possibility of asserting pressure on faculty members to accept minor consideration where he is entitled to more?
- Dr. Jorgensen: That comes back to whether or not we can trust a committee to be fair. If a member is not satisfied he can go to the Board of Trustees. He could appeal to the governor of the state or some other agency.
- Rep. Sherwood: You will take out the fifty fifty split?
- Dr. Jorgensen: That is right.
- Senator Leipner: Do you not think there should be some provision for an appeal?
- Dr. Jorgensen: They have that right now. That does not have to go in here.
- Senator Leipner: In reference to this particular thing?
- Dr. Jorgensen: No, but in reference to anything.
- Rep. Sherwood: Whom does he appeal to?

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- Dr. Jorgensen: He can appeal to the Governor of the state if it is a legal question or the Attorney General which would draw in the Board of Trustees. You are anticipating something that in my memory has never happened with respect to this.
- Rep. Sherwood: We are making it a law now.
- Dr. Jorgensen: This has been a law in other states for many years. I have never heard of any dissatisfaction.
- Senator Leipner: It seems to me there is a right of appeal in every bill set up.
- Dr. Jorgensen: If the Committee can find some appeal arrangement which seems to have merit, add it on. I would not object but I don't think it is necessary.
- Rep. Sherwood: It probably would not be necessary if you left the fifty fifty split in it.
- Dr. Jorgensen: I would be willing to do this--to leave that in and come back and have that amended if experience says this is not all right.
- Rep. Sherwood: I think that would be better.
- Senator Rowland: Could we have a copy of a law from some other state?
- Dr. Jorgensen: Yes, it exists in at least a dozen states.
- Chm. Hurley: Is anyone else to speak for this bill? Is anyone opposed? Are there any questions?
- Mr. John Ahearn: I just saw this this morning and I have jotted down some questions. As the bill is drawn you realize there is a lot of litigation immediately, it is dangerous. I think it is laudable that the University will assign fifty percent or a portion of the patent rights to the professor and that is a lot fairer than the general practice. Some Universities have a pool and as Dr. Jorgensen brought out, a professor will assign rights he has to the University pool and they can use those funds. If he uses their shop he infringes on rights to himself or if he is using the laboratory too much for his own means.

Dr. Haggard of the Police Department was using a Pulmotor which would come in the domain of invention. They used to pump air into people's lungs and extract it and it would not do them any good. Haggard came along with an idea of introducing carbon dioxide into a person's lungs which is a normal process. That inhalator is standard equipment in every police department in the country. It was directly responsible for the quintuplets. I don't know, if we assume he

was at the University of Connecticut how much time did he spend in the laboratory for his own private means. You might subject yourself to criticism, using the laboratory and getting fifty percent of the proceeds. I think those are pitfalls we ought to consider. I had to talk with someone this morning who thought the bill was perfect. He is under such a system. There are hazards in Section (f) where you say a "cooperating agency" and I assume it would be a member of the Manufacturers Association of Connecticut. We like to think the University of Connecticut is a free place and if we have a problem they could go down and work it out. You want to build up a research habit that we go to you. It sets up a wall of litigation where if I was a small fellow with three people under me and I came down and I thought I had a good product and I knew you had the equipment, I had the mechanical genius, and you handed me an agreement that thick and I had to sign it and I saw my patent going out of the window and the University getting my rightful due, I might be hesitant. You are encouraging the Connecticut Manufacturers to come in and use your services.

Dr. Jorgensen: Would you be happier if (f) were eliminated entirely?

Mr. Ahearn: Under the present statute you can receive gifts now. If you could eliminate the patent thing, unless you are very talented you are liable to be afraid of him. I understand you can receive gifts. Could you substitute a fee, a cost plus arrangement?

Dr. Jorgensen: There is a difference between service and invention.

Mr. Ahearn: The first part of the bill is excellent if a fellow does not work a thing to death he gets something out of it and would attract to the University some high type men. It is a little cloudy there where a patent is involved with a big manufacturer. If you could work out an agreement with the applicant for your services I think it would be a better arrangement for you.

Dr. Jorgensen: There is a question as to how far we can go on agreements. I doubt very much if we have the authority to enter some of the agreements we have been entering into. After all we are the State of Connecticut, we are not separate and my guess is that we probably have no authority to enter into these agreements. Up to the present they have been small and have involved not too much so no serious question could be raised.

Senator Leipner: Were you appearing for any particular group?

Mr. Ahearn: I represent the Manufacturers Association of Connecticut.

- Rep. Palmer: It seems to me (f) is apart from this entirely.
- Mr. Ahearn: Highly illegal, I would think.
- Senator Leipner: You are making the University a beneficiary.
- Rep. Palmer: That is how it looks to me.
- Rep. Sherwood: If it were eliminated would you think it would help?
- Senator Leipner: A lot.
- Dr. Jorgensen: I am not concerned about language about these sections. I would like to have some assurance that this sort of thing is recognized as desirable.
- Mr. Ahearn: Referring to Mr. Palmer, (e) has some bearing on (f).
- Rep. Palmer: That is the big thing aside from the rest of it. When you are entering into a contract it is pretty hard to cover that in one paragraph and make it workable.
- Senator Rowland: I think it would be well to have legal advice on that.
- Dr. Jorgensen: This has been checked by two attorneys. When I present you with these bulletins I will give you the names of these attorneys.
- Chm. Hurley: Is anyone else in favor or against this bill? Any questions? The hearing is closed.
- H.B. 922 (Mr. Mahaney) APPROPRIATION TO THE UNIVERSITY OF CONNECTICUT FOR POST-WAR CONSTRUCTION AND EQUIPMENT
- Dr. Jorgensen: H.B. 922 is a post-war construction and equipment bill for the University and I am representing the Board of Trustees on this. The Board has not been advised as to the state's policy on this matter of post-war construction and equipment. The Board is not requesting an appropriation at this time for this schedule. We thought probably sooner or later during this Session of Legislature a policy would be laid down or a file set up in which would be placed all these requests for post-war construction and when this is engaged in, this would be a matter of record and considered along with other requests. We are not requesting an appropriation for this amount this Session of Legislature but we feel we would be remiss in our duty if we did not request this be made a matter of record and if there is to be a post-war construction file, that this be included and considered when a state post-war construction program is initiated.