S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 3, 2010

Introduced by M. of A. SCHIMMINGER, GABRYSZAK, DelMONTE, MAGNARELLI, JOHN, SKARTADOS, GUNTHER, WRIGHT, JAFFEE, BOYLAND, FIELDS, MAISEL, LUPARDO, CASTRO, GIBSON, CHRISTENSEN -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, DenDEKKER, HEASTIE, HOOPER, KOON, PERRY, PHEFFER, ROBINSON, SWEENEY, THIELE -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the public authorities law, in relation to creating the small business innovation research/small business technology transfer technical assistance program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public authorities law is amended by adding a new section 3154-a to read as follows:

S 3154-A. SMALL BUSINESS INNOVATION RESEARCH (SBIR)/SMALL BUSINESS TECHNOLOGY TRANSFER (STTR) TECHNICAL ASSISTANCE PROGRAM. 1. THE SMALL BUSINESS INNOVATION RESEARCH/SMALL BUSINESS TECHNOLOGY TRANSFER TECHNICAL ASSISTANCE PROGRAM, HEREAFTER REFERRED TO AS "THE PROGRAM," IS HEREBY CREATED IN THE FOUNDATION FOR THE PURPOSES OF PROVIDING FUNDS TO ELIGIBLE ENTITIES TO PROVIDE TECHNICAL ASSISTANCE TO SMALL BUSINESSES OF ONE HUNDRED EMPLOYEES OR LESS AND LOCATED IN NEW YORK STATE IN COMPETING SUCCESSFULLY FOR GRANTS MADE AVAILABLE THROUGH PHASE I OF THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH PROGRAM AS ENACTED PURSUANT TO THE SMALL BUSINESS INNOVATION DEVELOPMENT ACT OF 1982, AND THE SMALL BUSINESS TECHNOLOGY TRANSFER ACT OF 1982, SO AS TO INCREASE THE NUMBER OF PHASE I SBIR AND STTR AWARD WINNERS WITHIN THE STATE.

2. TECHNICAL ASSISTANCE SERVICES UNDER THIS SECTION MAY INCLUDE, BUT ARE NOT LIMITED TO:

(A) OUTREACH TO SMALL BUSINESSES TO PROMOTE AWARENESS OF SBIR/STTR PROGRAM SOLICITATIONS;

(B) COUNSELING TO DETERMINE THE ABILITY OF A BUSINESS TO PURSUE SBIR/STTR PHASE I FUNDING, THE TECHNOLOGY MATCH WITH THE FEDERAL AGENCY SOLICITATION TO BE PURSUED, THE QUALIFICATIONS OF PERSONNEL INVOLVED IN THE PROPOSED PROJECT, AND THE LEVEL OF SUPPORT NEEDED FROM THE TECHNICAL ASSISTANCE PROGRAM TO PRODUCE A COMPETITIVE APPLICATION; AND,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15904-02-0

(C) PROPOSAL PREPARATION ASSISTANCE INCLUDING GRANT WRITING, TECHNOLOGY EVALUATION, AND GENERAL PROPOSAL EVALUATION.

3. IN DETERMINING WHETHER TO PROVIDE TECHNICAL ASSISTANCE AUTHORIZED PURSUANT TO THIS SECTION TO A SMALL BUSINESS, ELIGIBLE ENTITIES SHALL CONSIDER THE PROBABILITY OF SUCH BUSINESS COMMERCIALIZING ANY INNOVATIONS RESULTING FROM RESEARCH FUNDED BY AN SBIR OR STTR AWARD IN NEW YORK STATE.

4. ELIGIBLE ENTITIES. (A) ENTITIES THAT ARE ELIGIBLE TO RECEIVE FUNDS UNDER THIS SECTION SHALL HAVE DEMONSTRABLE EXPERIENCE AND SUCCESS IN PROVIDING TECHNICAL ASSISTANCE AUTHORIZED PURSUANT TO THIS SECTION, AND AS DETERMINED BY THE FOUNDATION, AND SHALL INCLUDE:

(I) CENTERS FOR ADVANCED TECHNOLOGY ESTABLISHED PURSUANT TO SECTION THIRTY-ONE HUNDRED TWO-B OF THIS ARTICLE;

(II) TECHNOLOGY DEVELOPMENT CORPORATIONS ESTABLISHED PURSUANT TO SECTION THIRTY-ONE HUNDRED TWO-D OF THIS ARTICLE;

(III) STATE UNIVERSITY OF NEW YORK ENGINEERING SCHOOLS THAT ADMINISTER THE STRATEGIC PARTNERSHIP FOR INDUSTRIAL RESURGENCE PROGRAM; AND

(IV) CENTERS OF EXCELLENCE ESTABLISHED PURSUANT TO SECTION THREE OF PART T OF CHAPTER EIGHTY-FOUR OF THE LAWS OF TWO THOUSAND TWO.

(B) PREFERENCE FOR RECEIVING FUNDS UNDER THIS SECTION SHALL BE GIVEN TO ENTITIES THAT PARTNER WITH OTHER ELIGIBLE ENTITIES TO PROVIDE THE FULL RANGE OF TECHNICAL ASSISTANCE SERVICES AS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION.

(C) ENTITIES RECEIVING FUNDS UNDER THIS SECTION SHALL MATCH SUCH FUNDS ON A ONE-TO-ONE BASIS. SUCH MATCH SHALL CONSIST OF ACTUAL CASH, SALARIES, STAFF TIME, OR EXPENSES DIRECTLY ATTRIBUTABLE TO THE PURPOSES OF THIS SECTION. OVERHEAD COSTS MAY NOT BE INCLUDED IN THE MATCH.

5. USE OF FUNDS. (A) FUNDS CAN BE USED FOR COSTS RELATED TO CONDUCTING OUTREACH TO SMALL BUSINESSES TO PROMOTE AWARENESS OF SBIR/STTR PROGRAM SOLICITATIONS, GRANT PREPARATION AND REVIEW, AND PRINTING COSTS AND SUPPLIES ASSOCIATED WITH THE SUBMISSION OF GRANTS.

(B) FROM SUCH FUNDS AS MAY BE APPROPRIATED FOR THIS PURPOSE BY THE LEGISLATURE, THE FOUNDATION SHALL MAKE COMPETITIVE AWARDS ANNUALLY IN AMOUNTS OF UP TO TWO HUNDRED THOUSAND DOLLARS TO PROVIDERS OF ASSISTANCE PURSUANT TO THIS SECTION.

6. REPORTING REQUIREMENTS. (A) ENTITIES RECEIVING FUNDS SHALL ANNUALLY PROVIDE TO THE FOUNDATION DETAILS ON THE FOLLOWING:

(I) DESCRIPTION OF SMALL BUSINESSES SERVED, INCLUDING TECHNOLOGY FOCUS, BUSINESS SIZE AND LOCATION;

(II) SBIR AND STTR GRANTS APPLIED FOR AND RECEIVED AS A RESULT OF ASSISTANCE PROVIDED; AND

(III) ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE FOUNDATION.

(B) THE EXECUTIVE DIRECTOR SHALL INCLUDE THE INFORMATION PROVIDED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION IN THE ANNUAL REPORT FILED PURSUANT TO SECTION THIRTY-ONE HUNDRED FIFTY-FIVE OF THIS TITLE.

(C) ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND THIRTEEN, THE FOUNDATION SHALL EVALUATE THE EFFECTIVENESS OF THE SBIR/STTR TECHNICAL ASSISTANCE PROGRAM AND REPORT SUCH FINDINGS TO THE GOVERNOR AND LEGISLATURE. THE FOUNDATION SHALL ALSO MAKE RECOMMENDATIONS AS TO THE APPROPRIATENESS OF EXPANDING THE PROGRAM TO PROVIDE ASSISTANCE TO SBIR/STTR PHASE II APPLICANTS.

S 2. This act shall take effect immediately.