

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. MAGNARELLI, AUBRY, CAHILL, CHRISTENSEN, CLARK, DESTITO, DIAZ, FIELDS, JOHN, KOON, McENENY, PEOPLES, WEISENBERG, GUNTHER, HOOPER, GABRYSZAK, PHEFFER -- Multi-Sponsored by -- M. of A. BRODSKY, LIFTON, MAGEE, MILLMAN -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the executive law and the education law, in relation to "New York First" commitments

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

1 Section 1. The executive law is amended by adding a new section 209-u
2 to read as follows:

3 S 209-U. "NEW YORK FIRST" COMMITMENT. UNLESS OTHERWISE PROHIBITED BY
4 STATE OR FEDERAL LAW, ALL ENTITIES APPLYING FOR FUNDS UNDER THIS ARTICLE
5 SHALL GIVE EVIDENCE TO THE OFFICE OF A COMMITMENT TO FIRST CONSIDER
6 COMPANIES BASED IN NEW YORK STATE TO PROVIDE THE SERVICES OR PRODUCTS
7 NECESSARY TO IMPLEMENT THE PROPOSAL FOR WHICH THE AWARD IS RECEIVED
8 INCLUDING, BUT NOT LIMITED TO, BUILDING PROTOTYPES AND LICENSING OF
9 INTELLECTUAL PROPERTY RESULTING FROM THE RESEARCH. SUCH COMMITMENT SHALL
10 INCLUDE A WRITTEN DESCRIPTION OF HOW THE AWARD RECIPIENT WILL PUBLICIZE
11 THE PROJECT, WHAT CRITERIA WILL BE UTILIZED TO SELECT THE COMPANY OR
12 COMPANIES TO BE AWARDED A CONTRACT OR SUBCONTRACT FOR THESE SERVICES,
13 AND A STATEMENT THAT ECONOMIC GROWTH RESULTING FROM THE AWARD WILL, TO
14 THE EXTENT FEASIBLE, TAKE PLACE IN THIS STATE.

15 S 2. Subdivision 1 of section 372-a of the education law is amended by
16 adding a new paragraph i to read as follows:

17 I. UNLESS OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW, ALL RESEARCH,
18 DEVELOPMENT AND COMMERCIAL ENTERPRISES OCCUPYING UNIVERSITY-RELATED
19 ECONOMIC DEVELOPMENT FACILITIES DEVELOPED, CONSTRUCTED OR OPERATED
20 PURSUANT TO THIS SECTION SHALL GIVE EVIDENCE TO THE TRUSTEES OF THE
21 UNIVERSITY OF A COMMITMENT TO FIRST CONSIDER COMPANIES BASED IN NEW YORK

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

1 STATE TO PROVIDE THE SERVICES OR PRODUCTS NEEDED BY SUCH ENTERPRISES
2 INCLUDING, BUT NOT LIMITED TO, BUILDING PROTOTYPES AND LICENSING OF
3 INTELLECTUAL PROPERTY RESULTING FROM THE RESEARCH. SUCH COMMITMENT SHALL
4 INCLUDE A WRITTEN DESCRIPTION OF HOW THE ENTERPRISE WILL PUBLICIZE THE
5 PROJECT, WHAT CRITERIA WILL BE UTILIZED TO SELECT THE COMPANY OR COMPA-
6 NIES TO BE AWARDED A CONTRACT OR SUBCONTRACT FOR THESE SERVICES, AND A
7 STATEMENT THAT ECONOMIC GROWTH RESULTING FROM THE AWARD WILL, TO THE
8 EXTENT FEASIBLE, TAKE PLACE IN THIS STATE.

9 S 3. This act shall take effect immediately.