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

4354

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. KOON, JOHN, McENENY, MORELLE -- Multi-Sponsored by -- M. of A. COLTON, COOK -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the New York state urban development corporation act, in relation to establishing a biomedical research grants and working capital loan program

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

Section 1. Legislative findings and intent. The legislature hereby finds that New Yorkers derive significant economic and health benefits from biomedical research. Biomedical research grants produce tens of thousands of jobs and generate millions of dollars in state and local income and sales tax revenue every year. Recent biomedical discoveries in areas like cancer treatment, impotence remedies and AIDS therapies have improved the quality of health care in the state, the nation and the world. To facilitate the continued vitality of New York's biomedical research institutions, it is the intent of the legislature to establish a biomedical research grants and working capital loan program.

S 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-t to read as follows:

S 16-T. BIOMEDICAL RESEARCH GRANTS AND WORKING CAPITAL LOAN PROGRAM. 1. PROGRAM ESTABLISHED. THE CORPORATION SHALL ESTABLISH THE BIOMEDICAL RESEARCH GRANTS AND WORKING CAPITAL LOAN PROGRAM FOR THE PURPOSE OF ESTABLISHING AN ECONOMIC DEVELOPMENT GRANTS AND WORKING CAPITAL REVOLVING LOAN FUND TO BE ADMINISTERED BY THE CORPORATION. SUCH FUND SHALL BE USED TO PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF GRANTS FOR SALARIES OF BIOMEDICAL RESEARCHERS, STAFF SUPPORT AND NON-PERSONAL SERVICE AT BIOMEDICAL RESEARCH INSTITUTIONS AND IN THE FORM OF WORKING CAPITAL LOANS FOR PROJECTS AND NEW EQUIPMENT AT BIOMEDICAL RESEARCH INSTITUTIONS.

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

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2. APPLICATION CRITERIA. IN ADDITION TO SUCH OTHER CRITERIA AS THE CORPORATION MAY ADOPT IN RULES AND REGULATIONS FOR THE CONSIDERATION OF APPLICATIONS FOR GRANTS AND LOANS PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE CORPORATION SHALL:

(A) DETERMINE THAT THE BIOMEDICAL RESEARCH INSTITUTION IS UNABLE TO OBTAIN SUFFICIENT FUNDING ON REASONABLE TERMS FROM OTHER PUBLIC OR PRIVATE SOURCES TO PERMIT THE INSTITUTION'S PLANNED INVESTMENT TO PROCEED WITHOUT THE REQUIRED ASSISTANCE;

(B) GIVE PRIORITY TO THOSE APPLICATIONS FOR ASSISTANCE FROM BIOMEDICAL RESEARCH INSTITUTIONS THAT SECURE PRIVATE SUPPORT FOR BIOMEDICAL RESEARCH OR COMMIT NEW RESOURCES TO THE EXPANSION OF BIOMEDICAL RESEARCH AT THE INSTITUTION; AND

(C) CONSIDER THE POTENTIAL LONG TERM ECONOMIC BENEFITS TO THE STATE OF AWARDING THE SPECIFIC GRANT OR LOAN AND WHETHER THE GRANT OR LOAN WILL RESULT IN A REASONABLE LIKELIHOOD OF SUCCESS IN MEETING THE PURPOSES FOR WHICH IT WAS SOUGHT BY THE APPLICANT INSTITUTION.

3. SCIENTIFIC PEER REVIEW. THE CORPORATION SHALL ENGAGE THE SERVICES OF CONSULTANTS ON A CONTRACT BASIS FOR THE PURPOSE OF CONDUCTING A SCIENTIFIC PEER REVIEW OF ALL APPLICATIONS FOR GRANTS AND LOANS PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH CONSULTANTS SHALL HAVE SUBSTANTIAL EXPERIENCE IN THE ESTABLISHMENT AND MANAGEMENT OF SUCH REVIEW AND SHALL MAKE RECOMMENDATIONS TO THE BIOMEDICAL RESEARCH ADVISORY BOARD ESTABLISHED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

4. FUNDS. THE FUND SHALL CONSIST OF SUCH AMOUNTS AS MAY BE APPROPRIATED, ANY REPAYMENT OF THE PRINCIPAL AMOUNT OF ANY LOAN MADE FROM THE FUND, AND ANY INTEREST EARNED BY THE CORPORATION FROM THE INVESTMENT OF MONEYS OF THE FUND.

5. ADVISORY BOARD. THERE SHALL BE ESTABLISHED IN THE CORPORATION A BIOMEDICAL RESEARCH ADVISORY BOARD WHICH SHALL OVERSEE THE PROCESS OF PROVIDING FINANCIAL ASSISTANCE IN THE FORM OF GRANTS FOR SALARIES OF BIOMEDICAL RESEARCHERS, STAFF SUPPORT AND NON-PERSONAL SERVICE AT BIOMEDICAL RESEARCH INSTITUTIONS AND IN THE FORM OF WORKING CAPITAL LOANS FOR PROJECTS AND NEW EQUIPMENT AT BIOMEDICAL RESEARCH INSTITUTIONS. SUCH BOARD SHALL CONSIST OF SEVENTEEN VOTING MEMBERS TO BE APPOINTED BY JULY 1, 2010. NINE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, THREE BY THE TEMPORARY PRESIDENT OF THE SENATE, THREE BY THE SPEAKER OF THE ASSEMBLY, ONE BY THE MINORITY LEADER OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY. THE MEMBERS OF THE ADVISORY BOARD SHALL BE RESIDENTS OF THE STATE AND SHALL BE PERSONS WITH SUBSTANTIAL EXPERIENCE IN THE FIELD OF BIOMEDICAL RESEARCH. THE MEMBERS SHALL SERVE FOR A TERM OF FOUR YEARS. THE MEMBERS SHALL CONTINUE IN OFFICE UNTIL THE EXPIRATION OF THEIR TERMS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND HAVE QUALIFIED. SUCH APPOINTMENTS SHALL BE MADE WITHIN ONE YEAR FOLLOWING THE EXPIRATION OF SUCH TERMS. VACANCIES SHALL BE FILLED BY THE APPOINTING OFFICIAL WHO ORIGINALLY APPOINTED SUCH MEMBER WITHIN ONE YEAR OF THE DATE UPON WHICH SUCH VACANCIES OCCUR. THE ADVISORY BOARD SHALL MEET AS FREQUENTLY AS ITS BUSINESS MAY REQUIRE, AND AT LEAST TWICE IN EACH YEAR. ONE MEMBER SHALL BE ELECTED CHAIRPERSON OF THE ADVISORY BOARD BY A MAJORITY VOTE OF THE MEMBERS OF SUCH BOARD. THE MEMBERS OF THE ADVISORY BOARD SHALL SERVE WITHOUT COMPENSATION OTHER THAN REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES. IN ADDITION TO THESE VOTING MEMBERS, THE CHAIRMAN OF THE CORPORATION, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF MENTAL HEALTH AND THE COMMISSIONER OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES OR THEIR DESIGNEES SHALL SERVE AS EX OFFICIO, NON-VOTING MEMBERS OF THE ADVISORY BOARD.

6. REPORTS. THE CHAIRMAN OF THE CORPORATION SHALL SUBMIT TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AN EVALUATION OF THE EFFECTIVENESS OF THE PROGRAM PREPARED BY AN ENTITY INDEPENDENT OF THE CORPORATION. THE CORPORATION SHALL SELECT THE PROGRAM EVALUATOR THROUGH A REQUEST FOR PROPOSAL PROCESS. SUCH EVALUATION SHALL DETERMINE WHETHER THE ASSISTANCE PROVIDED HAS ENHANCED BIOMEDICAL RESEARCH IN THE STATE AND SHALL MAKE RECOMMENDATIONS FOR IMPROVEMENTS WHICH WOULD MAKE THE PROGRAM MORE EFFECTIVE. SUCH EVALUATION SHALL BE SUBMITTED BY JULY 1, 2011 AND JULY FIRST EVERY TWO YEARS THEREAFTER.

S 3. This act shall take effect immediately.