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

5223--B

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, in relation to the establishment of the centers of excellence program

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

Section 1. The economic development law is amended by adding a new article 19 to read as follows:

ARTICLE 19

CENTERS OF EXCELLENCE PROGRAM

SECTION 410. CENTERS OF EXCELLENCE PROGRAM.

S 410. CENTERS OF EXCELLENCE PROGRAM. THE CENTERS OF EXCELLENCE PROGRAM IS HEREBY ESTABLISHED FOR THE PURPOSE OF FOSTERING COLLABORATION BETWEEN THE ACADEMIC RESEARCH COMMUNITY AND THE BUSINESS SECTOR TO DEVELOP AND COMMERCIALIZE NEW PRODUCTS AND TECHNOLOGIES, TO PROMOTE CRITICAL PRIVATE SECTOR INVESTMENT IN EMERGING HIGH TECHNOLOGY FIELDS IN NEW YORK STATE, AND TO CREATE AND EXPAND TECHNOLOGY-RELATED BUSINESSES AND EMPLOYMENT.

1. SUCH CENTERS ARE DESIGNATED TO OPERATE PURSUANT TO SECTION THREE OF PART T OF CHAPTER EIGHTY-FOUR OF THE LAWS OF TWO THOUSAND TWO IN AREAS IDENTIFIED BY THE DEPARTMENT AS HAVING SIGNIFICANT POTENTIAL FOR ECONOMIC GROWTH IN NEW YORK, OR IN WHICH THE APPLICATION OF NEW TECHNOLOGIES COULD SIGNIFICANTLY ENHANCE THE PRODUCTIVITY AND STABILITY OF NEW YORK BUSINESSES.

2. AS A CONDITION OF RECEIPT OF SUPPORT AUTHORIZED PURSUANT TO THIS SECTION, EACH CENTER SHALL ANNUALLY SUBMIT TO THE DEPARTMENT A PLAN FOR

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

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COMMERCIALIZING PRODUCTS OR PROCESSES BASED ON INNOVATIONS DEVELOPED AT CENTER FACILITIES, AND SPECIFICALLY SUCH CENTER'S STRATEGY FOR COMMERCIALIZING SUCH PRODUCTS OR PROCESSES WITHIN NEW YORK STATE.

3. (A) FROM SUCH FUNDS AS MAY BE APPROPRIATED FOR THIS PURPOSE BY THE LEGISLATURE, THE DEPARTMENT MAY PROVIDE FINANCIAL SUPPORT, THROUGH CONTRACTS OR OTHER MEANS, IN ORDER TO ENHANCE AND ACCELERATE CENTER OPERATIONS IN JOINT UNIVERSITY/INDUSTRY RESEARCH AND DEVELOPMENT, PRODUCT COMMERCIALIZATION, AND WORKFORCE TRAINING. FUNDS RECEIVED PURSUANT TO THIS SUBDIVISION MAY BE USED FOR THE EMPLOYMENT OF FACULTY AND STAFF, PROVISION OF GRADUATE FELLOWSHIPS, OR OTHER OPERATING EXPENSES THAT ARE ALIGNED WITH THE CENTER'S COMMERCIALIZATION STRATEGY AND APPROVED BY THE DEPARTMENT.

(B) FUNDS SHALL BE MATCHED ON A ONE TO ONE BASIS BY THE INSTITUTION RECEIVING THE FUNDS AND COLLABORATIVE PARTNERS IN THE FORM OF CASH OR IN-KIND PERSONNEL, EQUIPMENT, MATERIAL DONATIONS, AND OTHER FACILITY AND OPERATIONS EXPENDITURES.

4. (A) THE COMMISSIONER SHALL, ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TWELVE AND EVERY YEAR THEREAFTER, SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT ON THE OPERATIONS AND ACCOMPLISHMENTS OF THE CENTERS OF EXCELLENCE.

(B) THE ANNUAL REPORT SHALL PROVIDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION FOR EACH CALENDAR YEAR:

(I) THE PURPOSES FOR WHICH CENTER FACILITIES, EQUIPMENT, AND PERSONNEL WERE UTILIZED;

(II) A DETAILED OPERATING BUDGET, INCLUDING THE AMOUNT OF STATE FUNDS RECEIVED, AS WELL AS IDENTIFICATION OF EACH SOURCE OF FEDERAL, STATE, LOCAL OR PRIVATE FUNDS, INCLUDING IN-KIND CONTRIBUTIONS;

(III) AN ACCOUNTING OF CAPITAL EXPENDITURES, IDENTIFYING THE AMOUNT OF STATE FUNDS UTILIZED, AS WELL AS EACH SOURCE OF FEDERAL, STATE, LOCAL, OR PRIVATE FUNDS, INCLUDING IN-KIND CONTRIBUTIONS;

(IV) A DESCRIPTION OF THE GOVERNANCE STRUCTURE OF THE CENTER INCLUDING THE RESPECTIVE ROLES OF COLLABORATING PARTNERS;

(V) THE ECONOMIC IMPACT OF THE ACTIVITIES UNDERTAKEN WITH STATE FUNDS, INCLUDING SUCH FACTORS AS JOBS CREATED AND MAINTAINED; THE NUMBER OF PATENTS AWARDED TO THE COLLEGE OR UNIVERSITY OR ANY PRIVATE ENTITY AND ASSOCIATED LICENSING REVENUES; AND AWARDS, DESIGNATIONS AND OTHER TANGIBLE EVIDENCE OF RECOGNITION; AND THE METHODOLOGY UTILIZED TO DETERMINE SUCH IMPACT;

(VI) THE ACTUAL OR ANTICIPATED NEW PRODUCTS AND PROCESSES WITH COMMERCIAL APPLICATION OF IMPORTANCE TO THE INDUSTRIES IN THE STATE;

(VII) A DESCRIPTION OF ANY RELATIONSHIPS WITH SECONDARY SCHOOLS AND COMMUNITY COLLEGES DESIGNED TO FOSTER STUDENT INTEREST IN SCIENTIFIC AND TECHNICAL CAREERS; AND

(VIII) A DESCRIPTION OF EACH RESEARCH SPONSORSHIP AGREEMENT, INTELLECTUAL PROPERTY OWNERSHIP AGREEMENT, INTELLECTUAL PROPERTY LICENSE AGREEMENT, OR ANY OTHER AGREEMENTS ENTERED INTO BETWEEN THE STATE FUNDED RESEARCH INSTITUTIONS AND EACH RESEARCH PARTNER.

5. THE COMMISSIONER SHALL, ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TWELVE AND EVERY YEAR THEREAFTER, SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY AN OVERALL STRATEGIC PLAN FOR THE CENTERS OF EXCELLENCE PROGRAM.

(A) THE PLAN SHALL INCLUDE THE BROAD FOCUS AND MISSION OF THE CENTER AND THE STRATEGIES USED TO DETERMINE THAT FOCUS INCLUDING BUT NOT LIMITED TO COLLABORATION WITH LOCAL AND REGIONAL ECONOMIC DEVELOPMENT ENTITIES TO DETERMINE CURRENT AND EMERGING HIGH-TECH INDUSTRY CLUSTERS.

(B) SUCH PLAN SHALL ALSO INCLUDE THE METRICS THAT WILL BE USED TO DETERMINE WHETHER AND TO WHAT DEGREE EACH CENTER IS MAINTAINING ITS FOCUS AND FULFILLING ITS MISSION.

(C) THE PLAN SHALL BE ASSESSED BY THE GOVERNING BOARD OF THE CENTER AND REVISED ANNUALLY AS APPROPRIATE. ANY REVISIONS SHALL BE SUBMITTED TO THE DEPARTMENT FOR APPROVAL.

S 2. This act shall take effect immediately.