

6320

2011-2012 Regular Sessions

I N A S S E M B L Y

March 14, 2011

Introduced by M. of A. LUPARDO, MAGNARELLI, GABRYSZAK -- read once and referred to the Committee on Economic Development

AN ACT to amend the public authorities 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:

- 1 Section 1. The public authorities law is amended by adding a new
2 section 3153-a to read as follows:
3 S 3153-A. CENTERS OF EXCELLENCE PROGRAM. THE CENTERS OF EXCELLENCE
4 PROGRAM IS HEREBY ESTABLISHED FOR THE PURPOSE OF FOSTERING COLLABORATION
5 BETWEEN THE ACADEMIC RESEARCH COMMUNITY AND THE BUSINESS SECTOR TO
6 DEVELOP AND COMMERCIALIZE NEW PRODUCTS AND TECHNOLOGIES, TO PROMOTE
7 CRITICAL PRIVATE SECTOR INVESTMENT IN EMERGING HIGH TECHNOLOGY FIELDS IN
8 NEW YORK STATE, AND TO CREATE AND EXPAND TECHNOLOGY-RELATED BUSINESSES
9 AND EMPLOYMENT.
10 1. SUCH CENTERS ARE DESIGNATED TO OPERATE PURSUANT TO SECTION THREE OF
11 PART T OF CHAPTER EIGHTY-FOUR OF THE LAWS OF TWO THOUSAND TWO IN AREAS
12 IDENTIFIED BY THE FOUNDATION AS HAVING SIGNIFICANT POTENTIAL FOR ECONOMIC
13 GROWTH IN NEW YORK, OR IN WHICH THE APPLICATION OF NEW TECHNOLOGIES
14 COULD SIGNIFICANTLY ENHANCE THE PRODUCTIVITY AND STABILITY OF NEW YORK
15 BUSINESSES.
16 2. AS A CONDITION OF RECEIPT OF SUPPORT AUTHORIZED PURSUANT TO THIS
17 SECTION, EACH CENTER SHALL ANNUALLY SUBMIT TO THE FOUNDATION A PLAN FOR
18 COMMERCIALIZING PRODUCTS OR PROCESSES BASED ON INNOVATIONS DEVELOPED AT
19 CENTER FACILITIES, AND SPECIFICALLY SUCH CENTER'S STRATEGY FOR COMMERCIALIZING SUCH PRODUCTS OR PROCESSES WITHIN NEW YORK STATE.
20 3. (A) FROM SUCH FUNDS AS MAY BE APPROPRIATED FOR THIS PURPOSE BY THE
21 LEGISLATURE, THE FOUNDATION MAY PROVIDE FINANCIAL SUPPORT, THROUGH
22 CONTRACTS OR OTHER MEANS, IN ORDER TO ENHANCE AND ACCELERATE CENTER
23 OPERATIONS IN JOINT UNIVERSITY/INDUSTRY RESEARCH AND DEVELOPMENT, PRODUCT COMMERCIALIZATION, AND WORKFORCE TRAINING. FUNDS RECEIVED PURSUANT
24 TO SUCH CONTRACTS OR OTHER MEANS, IN ORDER TO ENHANCE AND ACCELERATE CENTER
25 OPERATIONS IN JOINT UNIVERSITY/INDUSTRY RESEARCH AND DEVELOPMENT, PRODUCT COMMERCIALIZATION, AND WORKFORCE TRAINING. FUNDS RECEIVED PURSUANT

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

LBD08914-01-1

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 FOUNDATION BOARD.

(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 EXECUTIVE DIRECTOR SHALL, ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TWELVE AND EVERY YEAR THEREAFTER, SUBMIT TO THE GOVERNOR, THE MAJORITY LEADER 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 EXECUTIVE DIRECTOR SHALL, ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND TWELVE AND EVERY YEAR THEREAFTER, SUBMIT TO THE GOVERNOR, THE MAJORITY LEADER 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 EXECUTIVE DIRECTOR FOR APPROVAL.

S 2. Subdivision 1 of section 3155 of the public authorities law, as amended by section 9 of part CC of chapter 59 of the laws of 2006, is amended to read as follows:

1 1. The foundation shall submit an annual report, beginning on the
2 first of February, two thousand seven, to the governor, the speaker of
3 the assembly, and the temporary president of the senate on the oper-
4 ations and accomplishments of: (a) each program it administers[, AND
5 (b) all programs authorized by this article[, and (c) in cooperation
6 with the urban development corporation, the centers of excellence
7 created by section three of part T of chapter eighty-four of the laws of
8 two thousand two].

9 S 3. This act shall take effect immediately.