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

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2011-2012 Regular Sessions

I N A S S E M B L Y

June 10, 2011

Introduced by M. of A. SCHIMMINGER, LUPARDO, GABRYSZAK -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, in relation to the general powers and duties of the department and the designation of centers for advanced technology

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

Section 1. The opening paragraph, paragraph (b) of subdivision 15, subdivisions 16-a, 18-a, 18-b, 18-c, 18-d, 18-e, 18-f, 18-g, 18-h, paragraph (a) of subdivision 19, subdivisions 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 37-a, 37-b, 38, 39, 40, 40-a, 41, 41, 42, 43, 44, 45 and 46 of section 100 of the economic development law, the opening paragraph and subdivision 33 as amended by chapter 839 of the laws of 1987, paragraph (b) of subdivision 15 as amended by chapter 446 of the laws of 1990, subdivision 16-a as added by chapter 603 of the laws of 2003, subdivision 18-a as added by chapter 499 of the laws of 1984, subdivision 18-b as added by chapter 490 of the laws of 1993, subdivision 18-c as added by chapter 212 of the laws of 1996, subdivision 18-d as added by chapter 625 of the laws of 1997, subdivision 18-e as added by chapter 550 of the laws of 1999, subdivisions 18-f and 18-g as added by chapter 106 of the laws of 2003, subdivision 18-h as added by chapter 489 of the laws of 2011, paragraph (a) of subdivision 19 as amended by section 1 of part FF of chapter 59 of the laws of 2006, subdivision 21 as amended by chapter 420 of the laws of 1968, subdivision 25 as added by chapter 590 of the laws of 1961, subdivision 26 as added by chapter 443 of the laws of 1961, subdivision 27 as added by

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

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chapter 820 of the laws of 1966, subdivision 28 as amended by chapter 939 of the laws of 1970, subdivisions 29, 30, 31, 32 and 34 as added by chapter 947 of the laws of 1968, subdivisions 35 and 37 as added by chapter 338 of the laws of 1978, subdivision 36 as amended by chapter 697 of the laws of 1984, subdivisions 21, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 37 and 38 as renumbered by chapter 437 of the laws of 1983, subdivision 37-a as added by chapter 203 of the laws of 1984, subdivision 37-b as added by chapter 524 of the laws of 2005, subdivision 38 as added by chapter 614 of the laws of 1982, subdivision 39 as added by chapter 1008 of the laws of 1984, paragraphs (a), (b) and (c) of subdivision 39 as further amended by section 104 of part A of chapter 62 of the laws of 2011, subdivision 40 as added by chapter 202 of the laws of 1992, subdivision 40-a as added by chapter 307 of the laws of 1993, subdivisions 41, 42 and 43 as added by chapter 441 of the laws of 1993, subdivision 41 as added by chapter 705 of the laws of 1993, subdivision 44 as added by chapter 207 of the laws of 1997, subdivision 45 as added by section 3 of part DD of chapter 59 of the laws of 2006 and subdivision 46 as amended by section 2 of part O of chapter 60 of the laws of 2011, are amended, subdivision 47, as renumbered by chapter 427 of the laws of 2008, is renumbered subdivision 52 and five new subdivisions 47, 48, 49, 50 and 51 are added to read as follows:

The commissioner acting by and through the department of economic development shall have power and it shall be his OR HER duty:

(b) in the discharge of this power, the commissioner may enter into a contract for publication of a state travel guide to promote tourism. Such contract may provide for the sale of advertising by the contractor. A contract for publication of a state travel guide shall be awarded following consideration of factors which shall include, but not be limited to, the most favorable financial advantage for the state, the best representation of the state of New York and its services, and the greatest utility to the traveller. The commissioner shall promulgate regulations by the first day of November next succeeding the effective date of this paragraph to guide the preparation of bids and the deadlines for selection of a competent contractor and publication of the state travel guide. The regulations shall, at a minimum, limit advertising content to no more than thirty percent of the space available and establish responsibility for preparation and placement of appropriate editorial content and an equitable listing without charge or other consideration of attractions and activities available to the tourist in New York state. Such regulations shall provide for approval of the commissioner at critical stages of state travel guide development and advertising standards and rates. Furthermore, such regulations shall provide minimum financial terms and responsibilities of the state and the contractor, the allocation of any revenues derived from the production of the travel guide and securities which shall be required of the contractor[.];

16-a. to promote the growth of fruit growing, fruit processing, and winery businesses in cooperation with the commissioner of agriculture and markets and the urban development corporation. The commissioner in promoting such businesses may also help to promote tourist programs specified in subdivision sixteen of this section and encourage the retention of agricultural lands and preservation of open spaces[.];

18-a. to establish, in cooperation with the commissioner of agriculture and markets and the state liquor authority, procedures for proposing to the governor nominations for annual awards to be known as "New York state wine retailers awards". These non-monetary awards shall be

given in recognition of unusual efforts made by restaurants, and/or retailers licensed to sell alcoholic beverages for off-premises consumption, to inform consumers as to the availability, diversity and excellence of wines made in the state from grapes grown in the state, and to feature these wines. The governor shall, at his discretion, issue up to three awards annually[.];

18-b. to promote, in cooperation with the New York wine and grape foundation, state policies that will encourage the production and sale of New York [labelled] LABELED wines[.];

18-c. to establish, in cooperation with the commissioner of agriculture and markets, procedures for proposing nominations to the governor for three annual, non-monetary awards to be known as: (a) New York State Direct Farm Marketing Award; (b) New York State Agri-Tourism Award; and (c) New York State Specialty Food Product Award. These awards shall be given in recognition of unusual efforts by farmers, food processors and food retailers for the marketing of New York state grown agricultural commodities or foods processed from or primarily containing New York state agricultural commodities and for promoting New York state farms that are also tourist destinations[.];

18-d. [To] TO establish, in consultation with the New York state tourism advisory council, a New York hall of fame passport permitting admission to recognized halls of fame situated within the state[.];

18-e. to establish, in cooperation with the urban development corporation and the commissioner of agriculture and markets and other economic development agencies a program to promote the agriculture industry and other related industries in the state in a manner consistent with the provisions of article five-D of this chapter[.];

18-f. to establish procedures, guidelines or regulations related to implementation of the "NY-USA Proud" employer of distinction award. These non-monetary awards shall be given in recognition of companies that show exceptional support for military personnel including military reservists and national guard members. To promote and market such award, the commissioner may design an appropriate symbol that may be registered as a trademark in the office of the secretary of state. Any such trademark shall be registered by the secretary of state without the exaction of any fee therefor. The commissioner may in his or her discretion register any such mark with the United States government and any other state or foreign country[.];

18-g. to establish procedures, guidelines or regulations related to implementation of the "Patriot Support and Discount Program". This voluntary program shall recognize those merchants, businesses or companies that provide exceptional support to their employees who serve in the military, including military reservists and national guard members, or agree to provide reduced price discounts for merchandise and services for military personnel including military reservists and national guard members. At the discretion of the commissioner, participating merchants, businesses or companies may become eligible for inclusion in the "NY-USA Proud" program[.];

18-h. to include in the "NY-USA Proud" program those companies who provide accident prevention courses approved by the commissioner of motor vehicles at a reduced rate to the servicemen and women who have returned from a combat theater or combat zone of operations[.];

(a) to study changes in and to suggest policies for the economic development and conservation of the resources of the state and to develop an annual statewide economic development strategic plan. Such strategic plan, shall include but shall not be limited to, a statewide inven-

tory of all industry associations and clusters; a list of industries that have a competitive advantage; and a list of industries that demonstrate the potential for growth. [The department shall work in cooperation with the New York State Foundation for Science, Technology and Innovation in creating the strategic plan.] The annual statewide economic development strategic plan shall be submitted to the temporary president of the senate and the speaker of the assembly on January first, two thousand [eight] TWELVE and every year thereafter.

21. to inquire into and report to the governor when requested by him OR HER, with respect to any program of public state improvements and the financing thereof; and to request and obtain information from the state department of transportation and other state departments or agencies such information and data as may be needed properly to report thereon;

25. [To] TO act as the agent of the state and its political subdivisions for the purpose of approving applicants for financial assistance from any federal agency for industrial development or redevelopment purposes, whenever the terms of any act of congress heretofore or hereafter enacted for such purposes require the state or any political subdivision thereof to approve applicants for such assistance, and to take any further action which may be required under the terms of such act[.];

26. [To] TO provide all necessary staff services, accounting, clerical and secretarial assistance, and office space and equipment requested by the New York job development authority[.];

27. [To] TO act as the agent of the state to administer, carry out and coordinate any federal law now or hereafter enacted by the congress to promote economic growth by supporting state and regional centers to place the findings of science usefully in the hands of American enterprise and, for such purposes, to receive federal funds for technical services programs and enter into any necessary contracts or compacts in connection therewith, to take any further action which may be required under the terms of any such federal act, including but not limited to the establishment and operation of state or regional technical information centers[.];

28. [To] TO provide all necessary staff services, accounting, clerical and secretarial assistance and office space and equipment requested by the New York state job incentive board[.];

29. to advise the governor, the legislature and other state agencies with regard to research and development and the establishment of state policies relating thereto, in connection with science oriented industry and applied research[.];

30. to cooperate with all private persons and governmental entities concerned with science oriented industry and applied research[.];

31. to sponsor, foster and support research and to sponsor or conduct studies relating to science oriented industry and applied research[.];

32. to review and evaluate the status and to encourage and promote the development of science oriented industry and applied research designed to further new and more extensive use of the resources and manpower of the state[.];

33. [the department shall] TO adopt, amend or rescind, in accordance with the state administrative procedure act, such rules, regulations and orders as may be necessary or convenient to the performance of its functions, powers and duties under this chapter. Such rules and regulations shall be consistent with any program plans required by subdivision nineteen of THIS section [one hundred of this chapter.];

34. [the department may] TO, AT HIS OR HER DISCRETION, enter into contracts with any person, firm, corporation or governmental agency, and do all things necessary or convenient to carry out the functions, powers and duties expressly set forth in this article[.];

35. to promote, publish, and disseminate the rules and regulations promulgated by the [industrial] commissioner OF LABOR pursuant to article twenty-six of the labor law[.];

36. (a) [The commissioner shall] TO solicit research firms to evaluate the promotional effectiveness and economic impact of the department's tourism advertising campaigns[. The commissioner shall] AND TO cause said research firms to submit to the department and the legislative fiscal committees, at least six weeks prior to the conducting of their research, a research design indicating the techniques planned to measure such promotional effectiveness and economic impact; provided, however, that no firm selected shall do both the promotional effectiveness and economic impact studies nor shall have participated in the development of marketing the tourism campaign[.];

(b) [The commissioner shall] TO submit all preliminary reports of such firms to the legislative fiscal committees within two weeks of receipt of such reports; the final reports shall be submitted by the commissioner to the legislative fiscal committees and the tourism advisory council no later than December first of each year[.];

37. to review and evaluate the economic impact of the downhill ski industry on the state's economy and to advise the governor, legislature, and other state agencies of the results of such review and evaluation[.];

37-a. [The commissioner shall] TO make an annual report to the governor and legislature on or before the fifteenth day of May for the preceding calendar year. It shall include a summary of all contacts received from business entities by the department, including the department's [district] REGIONAL offices. The report shall set forth the types of contacts, the purposes of such contacts and include a summary of the results of all such contacts by business entities. The report shall also indicate which contacts were made by small business concerns as defined by section one hundred thirty-five-a of the state finance law. No provision of this subdivision shall be deemed to require or authorize the disclosure of confidential information or trade secrets[.];

37-b. [The requirements to report contained in the following provisions of this chapter shall be satisfied, notwithstanding any inconsistent provision appearing therein, by the commissioner who shall] TO consolidate into one combined annual report, NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, all of the information required to be submitted in separate reports by the following provisions of this chapter. This consolidated annual report of the commissioner shall be submitted to the governor and the legislature on or before October first of each year and shall replace the requirements for separate reports contained in the following provisions of this chapter. In order to fulfill his or her responsibility under this subdivision, the commissioner may require the submission to him or her a sufficient period of time in advance of October first of each year by any advisory committee or other body required to submit a report pursuant to the following provisions of this chapter of all information which would otherwise be required to be included in the report of such advisory committee or other body. The following provisions of this chapter containing requirements to submit recurring reports shall be subject to the requirements of this subdivision:

(a) Section one hundred ninety-five, on the operation and accomplishments of the industrial effectiveness program.
(b) Paragraph (a) of subdivision seven of section two hundred two, regarding the current status of the skills development assistance program.
(c) Subdivision two of section two hundred thirteen, submitting the results of the annual evaluation of the entrepreneurial assistance programs established under article nine.
(d) Subdivision two of section two hundred twenty-three, reporting the results of the annual evaluation of the effectiveness of the export trade development projects and other technical assistance programs authorized under article ten.
(e) Paragraph (a) of subdivision three of section two hundred forty-one, submitting the annual findings and recommendations of the advisory council on economic information and research.
(f) Subdivision eight of section two hundred fifty, regarding the current status of the industrial infrastructure development program.
(G) SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-ONE, REGARDING THE EMERGING TECHNOLOGIES INDUSTRIAL CLASSIFICATIONS.
(H) SUBDIVISION FIVE OF SECTION THREE HUNDRED SIXTY-TWO, REGARDING THE CENTERS FOR ADVANCED TECHNOLOGY.
(I) SECTION THREE HUNDRED SIXTY-THREE REGARDING THE TECHNOLOGY DEVELOPMENT ORGANIZATION PROGRAM.
(J) SECTION THREE HUNDRED SIXTY-FOUR REGARDING THE SCIENCE AND TECHNOLOGY LAW CENTER;
38. to contract for and to accept any gifts or grants or loans of funds or property of financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source, for any or all of the purposes specified in this chapter, with the terms and conditions thereof; [and]
39. (a) [To] TO assist the superintendent of financial services to solicit, evaluate, develop and provide information to banking corporations, principally engaged in doing business within the state, about various methods used by banking corporations to provide financing for businesses engaged in the export of products and services to foreign countries.
(b) [The commissioner shall] TO evaluate such information as may be available to the department and help identify local regional banking corporations currently serving the state exporters and shall assist the superintendent of financial services in determining the status of local and regional banking corporations in export financing so that in cooperation with the department of financial services, a program shall be developed by which new banking corporations may be brought into the export financing sector and potential and current state exporters may be given a wider choice of available financing sources for medium and small export transactions.
(c) [The commissioner shall] TO further inform the superintendent of financial services of any changes which the department projects may occur in the international business community about which the commissioner may become aware so that the superintendent of financial services may provide the most timely and accurate information to the state banking community.
(d) [The commissioner shall] TO promote, publish and disseminate information concerning the current export trade engaged in by corporations doing business in the state, in [particularly] PARTICULAR iden-

tifying those areas, fields of endeavor and under-utilized industrial resources which could be exported in greater volume creating an increased need for financing by local and regional banks[.];

40. to assist the secretary of state to promote and make information available regarding technical and financial assistance for waterfront revitalization programs for economically distressed and severely economically distressed municipalities on inland waterways[, as provided by section nine hundred fifteen-a of the executive law.];

40-a. to develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings[.];

41. [To] TO investigate innovative approaches to private sector work and employee compensation arrangements, such as flexible hours and job sharing, flexible compensation and benefit plans including employee assistance programs, employer-supported dependent care and family leave, which will benefit both employers and employees by improving productivity and morale, lowering rates of absenteeism, tardiness and turnover, and enhancing a company's image[.];

[41.] 41-A. to administer and operate a linked deposit program pursuant to article fifteen of the state finance law[.];

42. [To] TO promote the advantages of such flexible work arrangements and benefit plans to business organizations and associations and to individual firms and to assist such groups or firms with instituting such arrangements and benefit plans[.];

43. [To] TO work with the New York job development authority, the New York state urban development corporation and other economic development agencies in promoting the inclusion of dependent care facilities as part of business expansion, industrial park, multi-tenant building or other projects assisted by the authority, the corporation or other agencies[.];

44. to foster and promote, and to enlist the New York job development authority, the New York urban development corporation and other public authorities, public benefit corporations and state agencies to foster and promote, the re-use and rehabilitation of existing buildings or sites, or both, as part of business expansion, industrial park, multi-tenant building or other projects assisted by a public authority, a public benefit corporation and/or a state agency[.];

45. to license, maintain and lease where appropriate an official brand, "I Love NY". Such brand shall be maintained, leased and applied pursuant to section one hundred fifty-two of this chapter[.];

46. to prepare an annual summary for the small business community of the key legislative, budgetary and regulatory changes impacting small businesses. Agencies shall cooperate with the department in developing the annual summary. The annual summary shall be written in plain language and shall provide specific contact information within the appropriate agency for inquiries regarding implementation and compliance. The annual summary shall be posted on the department website on or before September first of each year[.];

47. TO ENCOURAGE AND COORDINATE PROGRAMS AND INVESTMENTS WHICH ADVANCE THE COMPETITIVENESS OF NEW YORK BUSINESSES IN THE GLOBAL ECONOMY THROUGH THE PROMOTION OF TECHNOLOGY, INNOVATION AND COMMERCIALIZATION THROUGHOUT THE STATE'S REGIONS;

48. TO DEVELOP POLICIES AND IMPLEMENT PROGRAMS WHICH PROMOTE AN ENTREPRENEURIAL BUSINESS ENVIRONMENT, ADVANCE NEW TECHNOLOGIES, AND ENCOURAGE THE DEVELOPMENT OF AN INNOVATIVE AND COMPETITIVE WORK FORCE;

49. TO COORDINATE AND ADVANCE STATEWIDE AND REGIONAL INITIATIVES TO MARKET STATE BUSINESSES, AND RESEARCH ACTIVITIES RELATED TO ECONOMIC DEVELOPMENT AND OPPORTUNITIES AT ACADEMIC AND RESEARCH INSTITUTIONS AND COMMUNITY-BASED AND ECONOMIC DEVELOPMENT INITIATIVES WITHIN THE STATE AND AT THE NATIONAL AND INTERNATIONAL LEVEL;

50. TO DEVELOP OR SELECT ANALYTICAL TOOLS AND METHODS TO ASSESS SUCH ELEMENTS AS THE ACHIEVEMENT OF GOALS AND OBJECTIVES, THE QUALITY OF RESEARCH CONDUCTED BY AWARD RECIPIENTS, THE LEVEL OF TECHNOLOGY DIFFUSION AND COMMERCIALIZATION RESULTING FROM STATE ASSISTANCE, THE ECONOMIC BENEFITS REALIZED BY AWARD RECIPIENTS, THE IMPACT ON EMPLOYMENT, GROSS STATE PRODUCT, TAXES, REVENUES, AND BUSINESS CREATION AND EXPANSION IN NEW YORK STATE, THE ECONOMIC BENEFIT TO REGIONS OF THE STATE, AND NON-ECONOMIC BENEFITS SUCH AS IMPROVEMENTS IN PUBLIC HEALTH AND SAFETY OR IN THE NATURAL OR BUILT ENVIRONMENT;

51. TO REQUEST AND RECEIVE FROM STATE AGENCIES AND AUTHORITIES AND FROM GRANT RECIPIENTS RELEVANT INFORMATION AND DOCUMENTATION, EXCEPT FOR INFORMATION PROTECTED BY NONDISCLOSURE AGREEMENTS, NECESSARY FOR ANY REPORTS; AND

S 2. The economic development law is amended by adding four new sections 361, 362, 363 and 364 to read as follows:

S 361. EMERGING TECHNOLOGY INDUSTRIAL CLASSIFICATION. 1. AS USED IN THIS SECTION:

(A) "EMERGING TECHNOLOGIES" SHALL MEAN:

(I) ADVANCED MATERIALS AND PROCESSING TECHNOLOGIES THAT INVOLVE THE DEVELOPMENT, MODIFICATION, OR IMPROVEMENT OF ONE OR MORE MATERIALS OR METHODS TO PRODUCE DEVICES AND STRUCTURES WITH IMPROVED PERFORMANCE CHARACTERISTICS OR SPECIAL FUNCTIONAL ATTRIBUTES, OR TO ACTIVATE, SPEED UP, OR OTHERWISE ALTER CHEMICAL, BIOCHEMICAL, OR MEDICAL PROCESSES. SUCH TECHNOLOGIES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: METAL ALLOYS, METAL MATRIX AND CERAMIC COMPOSITES, ADVANCED POLYMERS, THIN FILMS, MEMBRANES, SUPERCONDUCTORS, ELECTRONIC AND PHOTONIC MATERIALS, BIOACTIVE MATERIALS, BIOPROCESSING, GENETIC ENGINEERING, CATALYSTS, WASTE EMISSIONS REDUCTION AND WASTE PROCESSING TECHNOLOGIES;

(II) ENGINEERING, PRODUCTION, AND DEFENSE TECHNOLOGIES THAT INVOLVE KNOWLEDGE-BASED CONTROL SYSTEMS AND ARCHITECTURES, ADVANCED FABRICATION AND DESIGN PROCESSES, EQUIPMENT, AND TOOLS, OR PROPULSION, NAVIGATION, GUIDANCE, NAUTICAL, AERONAUTICAL AND ASTRONAUTICAL GROUND AND AIRBORNE SYSTEMS, INSTRUMENTS, AND EQUIPMENT. SUCH TECHNOLOGIES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: COMPUTER-AIDED DESIGN AND ENGINEERING, COMPUTER-INTEGRATED MANUFACTURING, ROBOTICS AND AUTOMATED EQUIPMENT, INTEGRATED CIRCUIT FABRICATION AND TEST EQUIPMENT, SENSORS, BIOSENSORS, SIGNAL AND IMAGE PROCESSING, MEDICAL AND SCIENTIFIC INSTRUMENTS, PRECISION MACHINING AND FORMING, BIOLOGICAL AND GENETIC RESEARCH EQUIPMENT, ENVIRONMENTAL ANALYSIS, REMEDIATION, CONTROL, AND PREVENTION EQUIPMENT, DEFENSE COMMAND AND CONTROL EQUIPMENT, AVIONICS AND CONTROLS, GUIDED MISSILE AND SPACE VEHICLE PROPULSION UNITS, MILITARY AIRCRAFT, SPACE VEHICLES, AND SURVEILLANCE, TRACKING, AND DEFENSE WARNING SYSTEMS;

(III) ELECTRONIC AND PHOTONIC DEVICES AND COMPONENTS FOR USE IN PRODUCING ELECTRONIC, OPTOELECTRONIC, MECHANICAL EQUIPMENT AND PRODUCTS OF ELECTRONIC DISTRIBUTION WITH INTERACTIVE MEDIA CONTENT. SUCH TECHNOLOGIES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: MICROPROCESSORS, LOGIC CHIPS, MEMORY CHIPS, LASERS, PRINTED CIRCUIT BOARD TECHNOLOGY, ELECTROLUMINESCENT, LIQUID CRYSTAL, PLASMA, AND VACUUM

FLUORESCENT DISPLAYS, OPTICAL FIBERS, MAGNETIC AND OPTICAL INFORMATION STORAGE, OPTICAL INSTRUMENTS, LENSES, AND FILTERS, SIMPLEX AND DUPLEX DATA BASES, AND SOLAR CELLS;

(IV) INFORMATION AND COMMUNICATION TECHNOLOGIES, EQUIPMENT AND SYSTEMS THAT INVOLVE ADVANCED COMPUTER SOFTWARE AND HARDWARE, VISUALIZATION TECHNOLOGIES, AND HUMAN INTERFACE TECHNOLOGIES. SUCH TECHNOLOGIES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: OPERATING AND APPLICATIONS SOFTWARE, ARTIFICIAL INTELLIGENCE, COMPUTER MODELING AND SIMULATION, HIGH-LEVEL SOFTWARE LANGUAGES, NEURAL NETWORKS, PROCESSOR ARCHITECTURE, ANIMATION AND FULL-MOTION VIDEO, GRAPHICS HARDWARE AND SOFTWARE, SPEECH AND OPTICAL CHARACTER RECOGNITION, HIGH-VOLUME INFORMATION STORAGE AND RETRIEVAL, DATA COMPRESSION, BROADBAND SWITCHING, MULTIPLEXING, DIGITAL SIGNAL PROCESSING, AND SPECTRUM TECHNOLOGIES;

(V) BIOTECHNOLOGIES, WHICH SHALL BE DEFINED AS TECHNOLOGIES INVOLVING THE SCIENTIFIC MANIPULATION OF LIVING ORGANISMS, ESPECIALLY AT THE MOLECULAR AND/OR THE SUB-MOLECULAR GENETIC LEVEL, TO PRODUCE PRODUCTS CONDUCIVE TO IMPROVING THE LIVES AND HEALTH OF PLANTS, ANIMALS, AND HUMANS; AND THE ASSOCIATED SCIENTIFIC RESEARCH, PHARMACOLOGICAL, MECHANICAL, AND COMPUTATIONAL APPLICATIONS AND SERVICES CONNECTED WITH THESE IMPROVEMENTS. ACTIVITIES INCLUDED WITH SUCH APPLICATIONS AND SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO, ALTERNATIVE MRNA SPLICING, DNA SEQUENCE AMPLIFICATION, ANTIGENETIC SWITCHING, BIOAUGMENTATION, BIOENRICHMENT, BIOREMEDIATION, CHROMOSOME WALKING, CYTOGENETIC ENGINEERING, DNA DIAGNOSIS, FINGERPRINTING, AND SEQUENCING, ELECTROPORATION, GENE TRANSLOCATION, GENETIC MAPPING, SITE-DIRECTED MUTAGENESIS, BIO-TRANSDUCTION, BIO-MECHANICAL AND BIO-ELECTRICAL ENGINEERING, AND BIO-INFORMATICS; AND

(VI) REMANUFACTURING TECHNOLOGIES, WHICH SHALL BE DEFINED AS PROCESSES WHEREBY ELIGIBLE COMMODITIES ARE RESTORED TO THEIR ORIGINAL PERFORMANCE STANDARDS AND ARE THEREBY DIVERTED FROM THE SOLID WASTE STREAM, RETAINING THE MAJORITY OF COMPONENTS THAT HAVE BEEN THROUGH AT LEAST ONE LIFE CYCLE AND REPLACING CONSUMABLE PORTIONS TO ENABLE SUCH COMMODITIES TO BE RESTORED TO THEIR ORIGINAL FUNCTIONS.

FOR THE PURPOSES OF THIS SUBDIVISION, "ELIGIBLE COMMODITIES" SHALL MEAN COMMODITIES (EXCLUDING PAPER) USED IN CONJUNCTION WITH OR AS A PART OF EQUIPMENT PERFORMING THE FUNCTIONS OF FACSIMILE MACHINES, PHOTOCOPIERS, PRINTERS, DUPLICATION EQUIPMENT, OR ANY COMBINATION THEREOF, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: MAGNETIC INK CHARACTER RECOGNITION CARTRIDGES, PHOTO CONDUCTOR ASSEMBLIES, ELECTROSTATIC CARTRIDGES, THERMAL IMAGING CARTRIDGES, TONER CARTRIDGES, INK JET CARTRIDGES, AND PRINTER CARTRIDGES. PROVIDED FURTHER, THAT "ELIGIBLE COMMODITIES" SHALL ALSO INCLUDE EQUIPMENT USED TO RECORD SINGLE FRAME IMAGES ON FILM, WHERE SUCH EQUIPMENT AND FILM ARE MARKETED AND SOLD AS A SINGLE INTEGRATED CONSUMER PRODUCT, AND WHERE SUCH EQUIPMENT AND FILM MAY BE SUBMITTED IN WHOLE TO A PHOTOGRAPH PROCESSOR FOR THE PURPOSES OF PROCESSING.

(B) "QUALIFIED EMERGING TECHNOLOGY COMPANY" SHALL MEAN A COMPANY LOCATED IN NEW YORK STATE: (I) WHOSE PRIMARY PRODUCTS OR SERVICES ARE CLASSIFIED AS EMERGING TECHNOLOGIES AND WHOSE TOTAL ANNUAL PRODUCT SALES ARE TEN MILLION DOLLARS OR LESS; OR (II) A COMPANY WHICH HAS RESEARCH AND DEVELOPMENT ACTIVITIES IN NEW YORK STATE AND WHOSE RATIO OF RESEARCH AND DEVELOPMENT FUNDS TO NET SALES EQUALS OR EXCEEDS THE AVERAGE RATIO FOR ALL SURVEYED COMPANIES CLASSIFIED AS DETERMINED BY THE NATIONAL SCIENCE FOUNDATION IN THE MOST RECENT PUBLISHED RESULTS FROM ITS SURVEY OF INDUSTRY RESEARCH AND DEVELOPMENT, OR ANY COMPARABLE SUCCESSOR SURVEY

AS DETERMINED BY THE DEPARTMENT, AND WHOSE TOTAL ANNUAL PRODUCT SALES ARE TEN MILLION DOLLARS OR LESS.

THE DEFINITION OF "RESEARCH AND DEVELOPMENT FUNDS" SHALL BE THE SAME AS THAT USED BY THE NATIONAL SCIENCE FOUNDATION IN THE AFOREMENTIONED SURVEY.

2. THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT PURSUANT TO SUBDIVISION THIRTY-SEVEN-B OF SECTION ONE HUNDRED OF THIS CHAPTER ANALYZING THE EFFECTIVENESS OF THE TAX CREDITS CREATED BY SUBDIVISIONS TWELVE-E AND TWELVE-F OF SECTION TWO HUNDRED TEN OF THE TAX LAW, IN LIGHT OF THEIR INFLUENCE ON THE START-UP, GROWTH, AND RETENTION OF EMERGING TECHNOLOGY COMPANIES IN THE STATE, ON JOB GROWTH WITHIN HIGH TECHNOLOGY COMPANIES, AND ON THE EXPANSION OF COLLABORATIVE RESEARCH AND DEVELOPMENT UNDERTAKEN BY INDUSTRY AND ACADEMIA. THE DEPARTMENT OF TAXATION AND FINANCE SHALL ANNUALLY PROVIDE THE DEPARTMENT WITH AGGREGATE STATISTICS, PURSUANT TO EXISTING LEGAL REQUIREMENTS FOR CONFIDENTIALITY OF TAXPAYER RECORDS, ON THE NUMBER OF TAXPAYERS APPLYING FOR SUCH CREDITS, THE NUMBER OF EMPLOYEES EMPLOYED FULL TIME BY QUALIFIED EMERGING TECHNOLOGY COMPANIES, AND THE TOTAL AMOUNT AND THE AMOUNT OF INCREMENTAL BASIC RESEARCH PAYMENTS, MADE TO A QUALIFIED ORGANIZATION.

S 362. CENTERS FOR ADVANCED TECHNOLOGY. IN ORDER TO ENCOURAGE GREATER COLLABORATION BETWEEN PRIVATE INDUSTRY AND THE UNIVERSITIES OF THE STATE IN THE DEVELOPMENT AND APPLICATION OF NEW TECHNOLOGIES, THE DEPARTMENT IS AUTHORIZED TO DESIGNATE CENTERS FOR ADVANCED TECHNOLOGY IN SUCH 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. SUCH DESIGNATIONS SHALL BE MADE IN ACCORDANCE WITH THE STANDARDS AND CRITERIA SET FORTH IN SUBDIVISION TWO OF THIS SECTION. CENTERS SO DESIGNATED SHALL BE ELIGIBLE FOR SUPPORT FROM THE DEPARTMENT IN THE MANNER PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, AND FOR SUCH ADDITIONAL SUPPORT AS MAY OTHERWISE BE PROVIDED BY LAW.

1. AS USED IN THIS SECTION:

(A) "CENTER FOR ADVANCED TECHNOLOGY" OR "CENTER" MEANS A UNIVERSITY OR UNIVERSITY-AFFILIATED RESEARCH INSTITUTE OR A CONSORTIUM OF SUCH INSTITUTIONS, DESIGNATED BY THE DEPARTMENT, WHICH CONDUCTS A CONTINUING PROGRAM OF BASIC AND APPLIED RESEARCH, DEVELOPMENT, AND TECHNOLOGY COMMERCIALIZATION IN ONE OR MORE TECHNOLOGICAL AREAS, IN COLLABORATION WITH AND THROUGH THE SUPPORT OF PRIVATE BUSINESS AND INDUSTRY; AND

(B) "APPLICANT" MEANS A UNIVERSITY OR UNIVERSITY-AFFILIATED RESEARCH INSTITUTE OR A CONSORTIUM OF SUCH INSTITUTIONS WHICH REQUEST DESIGNATION AS A CENTER IN ACCORDANCE WITH SUCH REQUIREMENTS AS ARE ESTABLISHED BY THE DEPARTMENT FOR THIS PURPOSE.

2. THE DEPARTMENT SHALL:

(A) IDENTIFY TECHNOLOGICAL AREAS FOR WHICH CENTERS SHOULD BE DESIGNATED INCLUDING TECHNOLOGICAL AREAS THAT ARE RELATED TO INDUSTRIES WITH SIGNIFICANT POTENTIAL FOR ECONOMIC GROWTH AND DEVELOPMENT IN NEW YORK STATE AND TECHNOLOGICAL AREAS THAT ARE RELATED TO THE ENHANCEMENT OF PRODUCTIVITY IN VARIOUS INDUSTRIES LOCATED IN NEW YORK STATE.

(B) ESTABLISH CRITERIA THAT APPLICANTS MUST SATISFY FOR DESIGNATION AS A CENTER, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

(I) AN ESTABLISHED RECORD OF RESEARCH, DEVELOPMENT AND INSTRUCTION IN THE AREA OR AREAS OF TECHNOLOGY INVOLVED;

(II) THE CAPACITY TO CONDUCT RESEARCH AND DEVELOPMENT ACTIVITIES IN COLLABORATION WITH BUSINESS AND INDUSTRY;

(III) THE CAPACITY TO SECURE SUBSTANTIAL PRIVATE AND OTHER GOVERNMENTAL FUNDING FOR THE PROPOSED CENTER, IN AMOUNTS AT LEAST EQUAL TO THE TOTAL OF SUPPORT SOUGHT FROM THE STATE;

(IV) THE ABILITY AND WILLINGNESS TO COOPERATE WITH OTHER INSTITUTIONS IN THE STATE IN CONDUCTING RESEARCH AND DEVELOPMENT ACTIVITIES, AND IN DISSEMINATING RESEARCH RESULTS; AND TO WORK WITH TECHNICAL AND COMMUNITY COLLEGES IN THE STATE TO ENHANCE THE QUALITY OF TECHNICAL EDUCATION IN THE AREA OR AREAS OF TECHNOLOGY INVOLVED;

(V) THE ABILITY AND WILLINGNESS TO COOPERATE WITH THE DEPARTMENT AND OTHER ECONOMIC DEVELOPMENT AGENCIES IN PROMOTING THE GLOBAL COMPETITIVENESS, EMPLOYMENT CREATION AND RETENTION, GROWTH AND DEVELOPMENT IN NEW YORK STATE OF INDUSTRIES BASED UPON OR BENEFITING FROM THE AREA OR AREAS OF TECHNOLOGY INVOLVED.

(C) ESTABLISH SUCH REQUIREMENTS AS IT DEEMS APPROPRIATE FOR THE FORMAT, CONTENT AND FILING OF APPLICATIONS FOR DESIGNATION AS CENTERS FOR ADVANCED TECHNOLOGY.

(D) ESTABLISH SUCH PROCEDURES AS IT DEEMS APPROPRIATE FOR THE EVALUATION OF APPLICATIONS FOR DESIGNATION AS CENTERS FOR ADVANCED TECHNOLOGY, INCLUDING THE ESTABLISHMENT OF PEER REVIEW PANELS COMPOSED OF NATIONALLY RECOGNIZED EXPERTS IN THE TECHNOLOGICAL AREAS AND INDUSTRIES TO WHICH THE APPLICATION IS RELATED.

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, TO DESIGNATED CENTERS FOR ADVANCED TECHNOLOGY, IN ORDER TO ENHANCE AND ACCELERATE THE DEVELOPMENT OF SUCH CENTERS. FUNDS RECEIVED PURSUANT TO THIS SUBDIVISION MAY BE USED FOR PURCHASE OF EQUIPMENT AND FIXTURES, EMPLOYMENT OF FACULTY AND SUPPORT STAFF, PROVISION OF GRADUATE FELLOWSHIPS, AND OTHER PURPOSES APPROVED BY THE DEPARTMENT, BUT MAY NOT BE USED FOR CAPITAL CONSTRUCTION. IN EACH CASE, THE AMOUNT PROVIDED BY THE DEPARTMENT TO A CENTER SHALL BE MATCHED BY COMMITMENTS OF SUPPORT FROM PRIVATE AND GOVERNMENTAL OTHER THAN STATE SOURCES PROVIDED THAT:

(I) FUNDS OR IN-KIND RESOURCES PROVIDED BY THE PUBLIC OR PRIVATE UNIVERSITY OF WHICH THE CENTER IS A PART MAY BE COUNTED TOWARDS THE MATCH;

(II) SUCH MATCH SHALL NOT BE REQUIRED ON A PROJECT-BY-PROJECT BASIS;

(III) MATCHING FUNDS RECEIVED FROM BUSINESSES WITH NO MORE THAN ONE HUNDRED EMPLOYEES SHALL COUNT AS DOUBLE THE ACTUAL DOLLAR AMOUNT TOWARD THE CENTER'S OVERALL MATCH REQUIREMENT;

(IV) FUNDS USED BY THE CENTER FOR ANY WORKFORCE DEVELOPMENT ACTIVITIES REQUIRED BY THE DEPARTMENT SHALL NOT BE INCLUDED AS PART OF THE CENTER'S AWARD WHEN DETERMINING THE AMOUNT OF MATCHING FUNDS REQUIRED BY THE DEPARTMENT. SUCH ACTIVITIES SHALL INCLUDE, BUT ARE NOT LIMITED TO, HELPING INCUMBENT WORKERS EXPAND THEIR SKILL SETS THROUGH SHORT COURSES, SEMINARS, AND WORKSHIPS; PROVIDING INDUSTRY-DRIVEN RESEARCH ASSISTANT OPPORTUNITIES FOR STUDENTS, AND AIDING IN THE DEVELOPMENT OF UNDERGRADUATE AND GRADUATE COURSES IN THE CENTER'S TECHNOLOGY FOCUS TO HELP ENSURE THAT STUDENTS ARE TRAINED TO MEET THE NEEDS OF INDUSTRY;

(V) CENTERS MAY USE NOT MORE THAN TWENTY-FIVE PERCENT OF INDIRECT COSTS TOWARDS ANY MATCH REQUIREMENTS.

(B) THE AMOUNT PROVIDED BY THE DEPARTMENT SHALL BE MATCHED IN ACCORDANCE WITH THE FOLLOWING:

(I) FOR THE ACADEMIC YEAR IN WHICH IT IS FIRST FUNDED AS A DESIGNATED CENTER, AND THE FOUR SUBSEQUENT YEARS, THE AMOUNT PROVIDED BY THE DEPARTMENT TO A CENTER SHALL BE MATCHED EQUALLY BY THE CENTER;

(II) BEGINNING IN THE SIXTH ACADEMIC YEAR FOLLOWING THE ACADEMIC YEAR IN WHICH A CENTER IS FIRST FUNDED AS A DESIGNATED CENTER AND FOR EACH ACADEMIC YEAR THEREAFTER, AMOUNTS PROVIDED BY THE DEPARTMENT OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS SHALL BE MATCHED EQUALLY BY THE CENTER, AMOUNTS IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS SHALL BE MATCHED BY THE CENTER IN AMOUNTS OF AT LEAST THE PERCENTAGE SET FORTH HEREIN: IN THE SIXTH YEAR, ONE HUNDRED TWENTY PERCENT; IN THE SEVENTH YEAR, ON HUNDRED FORTY PERCENT; IN THE EIGHTH YEAR, ONE HUNDRED SIXTY PERCENT; IN THE NINTH YEAR, ONE HUNDRED EIGHTY PERCENT; IN THE TENTH YEAR AND EACH YEAR THEREAFTER, TWO HUNDRED PERCENT;

(III) BEGINNING IN THE NINTH ACADEMIC YEAR FOLLOWING THE ACADEMIC YEAR IN WHICH A CENTER IS FIRST FUNDED AS A DESIGNATED CENTER, THE DEPARTMENT SHALL EVALUATE SUCH CENTER'S AREA OF ADVANCED TECHNOLOGY TO DETERMINE WHETHER IT HAS CONTINUED SIGNIFICANT POTENTIAL FOR ENHANCING ECONOMIC GROWTH IN NEW YORK, OR WHETHER THE APPLICATION OF TECHNOLOGIES IN THE AREA COULD SIGNIFICANTLY ENHANCE THE PRODUCTIVITY AND STABILITY OF NEW YORK BUSINESSES;

(IV) UPON A FINDING BY THE DEPARTMENT THAT AN AREA OF ADVANCED TECHNOLOGY HAS CONTINUED SIGNIFICANT POTENTIAL FOR ENHANCING ECONOMIC GROWTH IN NEW YORK, OR THAT THE APPLICATION OF TECHNOLOGIES IN THE AREA COULD SIGNIFICANTLY ENHANCE THE PRODUCTIVITY AND STABILITY OF NEW YORK BUSINESSES, THE DEPARTMENT WILL INITIATE A REDESIGNATION PROCESS IN ACCORDANCE WITH THE STANDARDS AND CRITERIA SET FORTH IN PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION AND IN ACCORDANCE WITH PARAGRAPHS (C) AND (D) OF SUBDIVISION TWO OF THIS SECTION.

(1) IN THE EVENT A NEW CENTER IS SELECTED IN THE REDESIGNATION PROCESS, THE DEPARTMENT SHALL PROVIDE FUNDS TO SUCH NEW CENTER IN ACCORDANCE WITH THE FUNDING MATCH REQUIREMENTS SET FORTH IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF THIS SUBDIVISION.

(2) IN THE EVENT A PREVIOUSLY DESIGNATED CENTER IS REDESIGNATED IN THE SAME AREA OF TECHNOLOGY, WHICH REDESIGNATION IS EFFECTIVE FOR THE TENTH ACADEMIC YEAR FOLLOWING THE FIRST ACADEMIC YEAR OF BOTH DESIGNATION AND FUNDING, THEN, IN THAT YEAR AND IN EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PROVIDE FUNDS OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO BE MATCHED EQUALLY BY THE CENTER, AMOUNTS IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS SHALL BE MATCHED BY THE CENTER IN AMOUNTS OF AT LEAST TWO HUNDRED PERCENT.

(3) IN THE EVENT A CURRENTLY DESIGNATED CENTER IS NOT SELECTED IN THE REDESIGNATION PROCESS FOR AN ADDITIONAL TERM, OR UPON A FINDING BY THE DEPARTMENT THAT THE AREA OF ADVANCED TECHNOLOGY DOES NOT HAVE SIGNIFICANT POTENTIAL FOR ENHANCING ECONOMIC GROWTH IN NEW YORK, OR UPON A FINDING THAT THE APPLICATION OF TECHNOLOGIES IN THAT AREA WOULD NOT SIGNIFICANTLY ENHANCE THE PRODUCTIVITY AND STABILITY OF NEW YORK BUSINESSES, THEN THE DEPARTMENT SHALL, IN THE TENTH ACADEMIC YEAR FOLLOWING SUCH CENTER'S FIRST BOTH DESIGNATION AND FUNDING, WHICH YEAR SHALL BE THE FINAL YEAR OF FUNDING FOR SUCH CENTER, PROVIDE AN AMOUNT OF UP TO FIVE HUNDRED THOUSAND DOLLARS.

(4) IF THE DEPARTMENT DOES NOT ISSUE A TIMELY, NEW REQUEST FOR PROPOSALS BEFORE THE END OF ANY TEN-YEAR PERIOD, OR DOES NOT EVALUATE NEW PROPOSALS AND MAKE NEW A DESIGNATION BY THE END OF ANY TEN-YEAR DESIGNATION, THE DESIGNATION OF AND FUNDING FOR EXISTING CENTERS AT THE END OF THEIR TEN-YEAR DESIGNATION PERIOD SHALL REMAIN IN EFFECT UNTIL THE END OF THE STATE FISCAL YEAR THAT FOLLOWS THE LAST YEAR OF THE CENTER'S DESIGNATION DURING WHICH TIME THE DEPARTMENT SHALL COMPLETE ITS EVALUATION AND REDESIGNATION PROCESS PURSUANT TO THIS SECTION.

(C) CONTINUED FUNDING OF THE OPERATIONS OF EACH CENTER SHALL BE BASED UPON A SHOWING THAT: THE CENTER CONTINUES TO COMPLY WITH THE CRITERIA ESTABLISHED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION; A DEMONSTRATION OF ASSISTANCE TO SMALL BUSINESSES IN NEW YORK STATE THROUGH RESEARCH, TECHNOLOGY TRANSFER OR OTHER MEANS AS APPROVED BY THE DEPARTMENT; EVIDENCE OF PARTNERSHIPS WITH OTHER APPROPRIATE ENTITIES TO DEVELOP OUTREACH NETWORKS AND ENSURE THAT COMPANIES RECEIVE ACCESS TO APPROPRIATE FEDERAL FUNDING FOR TECHNOLOGY DEVELOPMENT AND COMMERCIALIZATION AS WELL AS NON-RESEARCH ASSISTANCE SUCH AS GENERAL BUSINESS CONSULTING. APPROPRIATE PARTNERS ARE THOSE WITH WHICH THE CENTER DEMONSTRATES A RELATIONSHIP THAT ENHANCES AND ADVANCES THE CENTER'S ABILITY TO AID ECONOMIC GROWTH IN NEW YORK STATE; AND COMPLIANCE WITH THE RULES, REGULATIONS AND GUIDELINES OF THE DEPARTMENT; AND, COMPLIANCE WITH ANY CONTRACTS BETWEEN THE DEPARTMENT AND THE DESIGNATED CENTER.

(D) EACH CENTER SHALL REPORT ON ITS ACTIVITIES TO THE DEPARTMENT IN A MANNER AND ACCORDING TO THE SCHEDULE ESTABLISHED BY THE DEPARTMENT AND SHALL PROVIDE SUCH ADDITIONAL INFORMATION AS THE DEPARTMENT MAY REQUIRE PROVIDED, THAT QUANTIFIABLE ECONOMIC DEVELOPMENT IMPACT MEASURES ARE NOT RESTRICTED TO ANY PERIOD LESS THAN FIVE YEARS AND THAT CENTERS PROVIDE A FULL DESCRIPTION OF ALL NON-QUANTIFIABLE MEASURES. THE DEPARTMENT SHALL EVALUATE CENTER OPERATIONS USING METHODS SUCH AS SITE VISITS, REPORTING OF SPECIFIED INFORMATION AND PEER REVIEW EVALUATIONS USING EXPERTS IN THE FIELD OF TECHNOLOGY IN WHICH THE CENTER WAS DESIGNATED. THE DEPARTMENT SHALL NOTIFY EACH CENTER OF THE RESULTS OF ITS EVALUATIONS AND FINDINGS OF DEFICIENCIES IN THE OPERATION OF SUCH CENTER OR ITS RESEARCH, EDUCATION, OR TECHNOLOGY COMMERCIALIZATION ACTIVITIES AND SHALL WORK WITH SUCH CENTERS TO REMEDY SUCH FINDINGS. IF SUCH FACTORS ARE NOT REMEDIED, THE DEPARTMENT MAY WITHDRAW THE STATE FUNDING SUPPORT, IN WHOLE OR IN PART, OR WITHDRAW THE CENTER DESIGNATION.

(E) IN ORDER TO ENCOURAGE THAT THE RESULTS OF CENTER RESEARCH BENEFIT NEW YORK STATE, DESIGNATION AND CONTINUED FUNDING OF EACH CENTER SHALL BE CONTINGENT UPON EACH CENTER'S ESTABLISHING WITHIN ITS LICENSING GUIDELINES THE FOLLOWING: AFTER PAYMENT OF THE INVENTOR'S SHARE, A REDUCED PAYMENT DUE TO THE UNIVERSITY OF ANY ROYALTY, INCOME OR OTHER CONSIDERATION EARNED FROM THE LICENSE OR SALE OF INTELLECTUAL PROPERTY RIGHTS CREATED OR DEVELOPED AT, OR THROUGH THE USE OF, THE FACILITIES OF THE CENTER BY ANY PERSON OR ENTITY IF THE MANUFACTURING OR USE RESULTING FROM SUCH INTELLECTUAL PROPERTY RIGHTS OCCURS WITHIN NEW YORK STATE. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS REGARDING THE PROVISIONS OF THE LICENSING GUIDELINES DESCRIBED HEREIN AS THEY APPLY TO SUCH REDUCED PAYMENT, AND SUCH PROVISIONS SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT.

4. (A) FROM SUCH FUNDS AS MAY BE APPROPRIATED FOR THE PURPOSE OF INCENTIVE GRANTS OR OTHER FUNDS WHICH MAY BE AVAILABLE FROM THE DEPARTMENT TO ENHANCE CENTER ACTIVITIES IN AREAS OF CRUCIAL INTEREST IN THE STATE'S ECONOMIC DEVELOPMENT, THE DEPARTMENT MAY PROVIDE GRANTS, ON A COMPETITIVE BASIS, TO CENTERS FOR PROJECTS INCLUDING, BUT NOT LIMITED TO, THOSE WHICH:

(I) EXPLORE NEW TECHNOLOGIES WITH COMMERCIAL APPLICATION CONDUCTED JOINTLY BY TWO OR MORE CENTERS OR A CENTER AND NON-CENTER UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE;

(II) ARE AIMED AT ENHANCING OR ACCELERATING THE PROCESS OF BRINGING NEW PRODUCTS, PARTICULARLY THOSE UNDER DEVELOPMENT BY NEW SMALL BUSINESSES, TO THE MARKETPLACE; OR

(III) INCREASE TECHNOLOGY TRANSFER PROJECTS WITH THE STATE'S MATURE MANUFACTURING INDUSTRIES IN APPLYING TECHNOLOGY IN THEIR MANUFACTURING PROCESSES OR FOR NEW PRODUCT DEVELOPMENT.

(B) STATE SUPPORT FOR INCENTIVE GRANTS MAY BE MATCHED ON AN INDIVIDUAL BASIS BY THE DEPARTMENT, WHICH MAY CONSIDER THE TYPE OF PROJECT AND THE AVAILABILITY OF AMOUNTS FROM PRIVATE, UNIVERSITY AND GOVERNMENTAL, OTHER THAN STATE, SOURCES.

5. (A) THE DEPARTMENT SHALL MAKE AN ANNUAL REPORT OF THE CENTERS FOR ADVANCED TECHNOLOGY PROGRAM TO THE GOVERNOR AND THE LEGISLATURE PURSUANT TO SUBDIVISION THIRTY-SEVEN-B OF SECTION ONE HUNDRED OF THIS CHAPTER. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RESULTS OF THE DEPARTMENT'S EVALUATION OF EACH CENTER, A DESCRIPTION OF THE ACHIEVEMENT OF EACH CENTER, ANY DEFICIENCIES IN THE OPERATION OF EACH CENTER OR ITS RESEARCH, EDUCATION AND TECHNOLOGY COMMERCIALIZATION ACTIVITIES, REMEDIAL ACTIONS RECOMMENDED BY THE DEPARTMENT, REMEDIAL ACTIONS TAKEN BY EACH CENTER, A DESCRIPTION OF THE SMALL BUSINESS ASSISTANCE PROVIDED BY EACH CENTER, A DESCRIPTION OF ANY INCENTIVE GRANT PROGRAM AWARDED A GRANT BY THE DEPARTMENT AND THE ACHIEVEMENTS OF SUCH PROGRAM, AND THE AMOUNT OF FINANCIAL ASSISTANCE PROVIDED BY THE DEPARTMENT AND THE LEVEL OF MATCHING FUNDS PROVIDED BY EACH CENTER AND THE USES OF SUCH MONIES.

(B) ANNUAL REPORTS SHALL INCLUDE A DISCUSSION OF ANY FIELDS OF TECHNOLOGY THAT THE DEPARTMENT HAS IDENTIFIED AS HAVING SIGNIFICANT POTENTIAL FOR ECONOMIC GROWTH OR IMPROVED GLOBAL COMPETITIVENESS PRODUCTIVITY AND STABILITY OF NEW YORK BUSINESSES AND IN WHICH NO CENTER FOR ADVANCED TECHNOLOGY HAS BEEN DESIGNATED AND RECOMMENDATIONS OF THE DEPARTMENT AS TO ACTIONS THAT SHOULD BE TAKEN.

S 363. REGIONAL TECHNOLOGY DEVELOPMENT CENTERS. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "REGIONAL TECHNOLOGY DEVELOPMENT CENTERS" OR "CENTERS" SHALL MEAN ANY REGIONAL, NOT-FOR-PROFIT CORPORATION OR OTHER NONPROFIT ORGANIZATION, ASSOCIATION, OR AGENCY WHICH IS ORGANIZED FOR THE PURPOSE OF THE PROMOTION, ATTRACTION, STIMULATION, DEVELOPMENT AND EXPANSION OF SCIENCE AND TECHNOLOGY-ORIENTED ECONOMIC ACTIVITY IN A PARTICULAR REGION OF THE STATE OR IN ONE OR MORE COUNTIES OR CITIES, AND WHICH DOES NOT ENGAGE IN LOBBYING ACTIVITIES AS A SIGNIFICANT PART OF THEIR OVERALL FUNCTIONS.

(B) "IN-KIND SERVICES" SHALL MEAN THE DONATION OF QUANTIFIABLE GOODS AND SERVICES INCLUDING BUT NOT LIMITED TO PROFESSIONAL SERVICES AND TIME, EQUIPMENT, MATERIAL AND OFFICE SPACE FOR USE BY A REGIONAL TECHNOLOGY DEVELOPMENT CENTER IN FURTHERANCE OF ITS STATED PURPOSES OR PROVIDED ON BEHALF OF THE CENTER TO OTHERS FOR SUCH PURPOSES AND FOR WHICH THERE IS NO MONETARY REMUNERATION. ANY SUCH IN-KIND SERVICES MUST HAVE PRIOR APPROVAL BY THE DEPARTMENT TO SATISFY THE MATCHING REQUIREMENT PURSUANT TO THIS SECTION.

2. (A) THE DEPARTMENT SHALL DESIGNATE REGIONAL TECHNOLOGY DEVELOPMENT CENTERS IN EACH OF THE TEN ECONOMIC DEVELOPMENT REGIONS THROUGHOUT THE STATE. CENTERS SHALL BE DESIGNATED FOR A PERIOD NOT GREATER THAN TEN YEARS THROUGH A COMPETITIVE SELECTION PROCESS.

(B) COMPETITIVE SELECTION CRITERIA SHALL INCLUDE:

(I) THE DEGREE AND COMPLETENESS OF INFORMATION CONTAINED IN THE PROPOSAL;

(II) THE NATURE, RELEVANCE AND IMPORTANCE OF THE PROPOSED ACTIVITIES TO THE REGION;

(III) THE ANTICIPATED ECONOMIC BENEFITS TO THE STATE AND THE REGION TO BE DERIVED FROM THE PROPOSED ACTIVITIES DESCRIBED IN THE PROPOSAL;

(IV) THE DEGREE TO WHICH THE MEMBERSHIP OF THE APPLICANT ORGANIZATION IS REPRESENTATIVE OF THE REGION'S BUSINESS, INDUSTRY, LABOR, ACADEMIC

AND GOVERNMENT SECTORS, INCLUDING STRONG REPRESENTATION OF THE HIGH TECHNOLOGY PRIVATE SECTOR;

(V) THE COMMITMENT OF TIME AND ENERGY OF THE PRINCIPALS OF THE APPLICANT ORGANIZATION;

(VI) THE OPERATIONAL READINESS OF THE APPLICANT ORGANIZATION TO CARRY OUT THE ACTIVITIES DESCRIBED IN THE PROPOSAL; AND

(VII) THE APPLICANT ORGANIZATION'S PRIOR EXPERIENCE AND DEMONSTRATED RESULTS IN PERFORMING ACTIVITIES IDENTICAL OR SIMILAR TO THOSE IDENTIFIED IN THE PROPOSAL.

(C) THERE SHALL BE NO LIMIT ON THE NUMBER OF TIMES CENTERS MAY BE REDESIGNATED AND IF THE DEPARTMENT DOES NOT ISSUE A TIMELY, NEW REQUEST FOR PROPOSALS BEFORE THE END OF ANY TEN-YEAR PERIOD, OR IS NOT ABLE TO EVALUATE NEW PROPOSALS AND MAKE NEW SELECTIONS BY THE END OF THE TEN-YEAR DESIGNATION, ALL CONTRACTS FOR THE EXISTING CENTERS SHALL BE IN EFFECT UNTIL THE END OF THE STATE FISCAL YEAR THAT FOLLOWS THE LAST YEAR OF THE CENTER'S DESIGNATION DURING WHICH TIME THE DEPARTMENT SHALL COMPLETE ITS EVALUATION AND REDESIGNATION PROCESS PURSUANT TO THIS SECTION.

3. THE DEPARTMENT IS HEREBY AUTHORIZED TO AWARD GRANTS ON A COMPETITIVE BASIS, FROM SUCH FUNDS AS MAY BE APPROPRIATED FOR THIS PURPOSE BY THE LEGISLATURE, TO MATCH FUNDS EXPENDED BY REGIONAL TECHNOLOGY DEVELOPMENT CENTERS FOR THE PURPOSES SET FORTH IN THIS SECTION AND IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.

4. MATCHING FUNDS SHALL BE PROVIDED ONLY FOR PURPOSES WHICH ARE RELATED TO THE REALIZATION OF THE TECHNOLOGICAL DEVELOPMENT POTENTIAL OF A PARTICULAR REGION OF THE STATE AS DETERMINED BY THE DEPARTMENT. AMONG THE ACTIVITIES FOR WHICH MATCHING FUNDS MAY BE PROVIDED ARE THE FOLLOWING:

(A) SPONSORING AND CONDUCTING REGIONAL CONFERENCES AND STUDIES, COLLECTING AND DISSEMINATING INFORMATION AND ISSUING PERIODIC REPORTS RELATING TO SCIENTIFIC AND TECHNOLOGICAL RESEARCH, DEVELOPMENT AND EDUCATION IN THE REGION;

(B) PREPARING AND PERIODICALLY ISSUING A REGISTER OF SCIENTIFIC AND TECHNOLOGICAL RESEARCH FACILITIES IN THE REGION;

(C) ASSISTING SMALL AND EMERGING SCIENCE AND TECHNOLOGY-ORIENTED BUSINESSES WITHIN THE REGION INCLUDING PROVIDING ASSISTANCE IN APPLYING FOR FEDERAL OR STATE RESEARCH GRANTS OR PROCUREMENT CONTRACTS AND DISSEMINATING INFORMATION ON THE AVAILABILITY OF SUCH GRANTS AND CONTRACTS;

(D) COLLECTING AND DISSEMINATING INFORMATION ON FINANCIAL, TECHNICAL, MARKETING, MANAGEMENT AND OTHER SERVICES AVAILABLE TO SMALL AND EMERGING SCIENCE AND TECHNOLOGY-ORIENTED BUSINESSES WITHIN THE REGION AND ARRANGING ACCESS TO SUCH SERVICES ON A FREE OR FOR-HIRE BASIS FROM UNIVERSITIES, PRIVATE FOR-PROFIT BUSINESSES AND NONPROFIT ORGANIZATIONS;

(E) PROVIDING TECHNICAL ASSISTANCE INCLUDING MANAGEMENT, MARKETING AND FINANCIAL PACKAGING ASSISTANCE TO, AND COLLECTING AND DISSEMINATING INFORMATION REGARDING INNOVATIONS FOR THE BENEFIT OF, INVENTORS INTERESTED IN HAVING THEIR IDEAS DEVELOPED AND COMMERCIALIZED AND ENTREPRENEURS INTERESTED IN THE COMMERCIALIZATION OF NEW PRODUCTS AND PROCESSES;

(F) SUPPORTING UNIVERSITY-INDUSTRY COLLABORATION IN APPLIED RESEARCH AND TECHNOLOGY BASED ECONOMIC DEVELOPMENT, THE PROMOTION OF INCUBATOR FACILITIES AND THE GENERATION OR BROKERING OF INVESTMENT CAPITAL TO SUPPORT REGIONAL NEW ENTERPRISE DEVELOPMENT;

(G) ASSISTING IN THE DEVELOPMENT OF A GLOBALLY COMPETITIVE TECHNOLOGY DEVELOPMENT STRATEGY FOR THE REGION;

(H) CONTRIBUTING INFORMATION TO ANY STATEWIDE DATABASE, WHICH IDENTIFIES RESOURCES AVAILABLE FROM COLLEGES, UNIVERSITIES AND TECHNICAL

SERVICE PROVIDERS AND WHICH PROVIDES INFORMATION, INCLUDING VENTURE CAPITAL SOURCES AND LABOR MARKET STATISTICS, OF INTEREST TO AND FOR USE BY ENTREPRENEURS AND TECHNOLOGY-ORIENTED BUSINESSES;

(I) PROJECTING THE NEED FOR THE TECHNICAL AND PROFESSIONAL WORKFORCE WITHIN THE REGION AND ASSISTING OTHERS IN PLANNING FOR PROJECTED DISLOCATIONS AND RETRAINING;

(J) ASSISTING THE DEPARTMENT IN IDENTIFYING AND CONTACTING ELIGIBLE APPLICANTS, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-FOUR OF THIS CHAPTER, AND SPONSORING, IN CONJUNCTION WITH THE CONFERENCES, SEMINARS, COUNSELING SESSIONS AND OTHER OUTREACH EFFORTS AIMED AT IMPROVING THE COMPETITIVE POSITION OF APPLICANTS IN INTERNATIONAL MARKETS BY PROMOTING EXPORTING;

(K) CONDUCTING SUCH OTHER APPROPRIATE ACTIVITIES AS MAY BE ESTABLISHED BY THE DEPARTMENT FOR THE PURPOSE OF REALIZING THE TECHNOLOGICAL DEVELOPMENT POTENTIAL OF THE REGION SERVED BY THE APPLICANT; AND

(L) PERFORMING ACTIVITIES AND DELIVERING SERVICES PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION.

5. (A) REGIONAL TECHNOLOGY DEVELOPMENT CENTERS SHALL ADMINISTER THE NEW YORK MANUFACTURING EXTENSION PARTNERSHIP PROGRAM, ALSO REFERRED TO AS THE INDUSTRIAL TECHNOLOGY EXTENSION SERVICE PROGRAM, WHICH SHALL PROVIDE TECHNICAL AND MANAGEMENT ASSISTANCE TO MANUFACTURING COMPANIES WITHIN THE STATE FOR THE FOLLOWING PURPOSES:

(I) TO IMPROVE THE GLOBAL COMPETITIVENESS AND INCREASE THE MARKET SHARE OF VIABLE NEW YORK STATE INDUSTRIES AND FIRMS THROUGH INCREASED KNOWLEDGE OF NEW TECHNOLOGIES AND OTHER INNOVATIONS;

(II) TO ASSIST INDUSTRIAL FIRMS THROUGH CONSULTING AND TRAINING ACTIVITIES WITH THE INTRODUCTION OF IMPROVED MANAGEMENT AND PRODUCTION PROCESSES IN ORDER TO ENHANCE THEIR PRODUCTIVITY AND COMPETITIVENESS;

(III) TO PROVIDE INDUSTRIAL EFFECTIVENESS FIELD SERVICES PURSUANT TO ARTICLE SEVEN OF THIS CHAPTER;

(IV) TO ASSIST IN THE RETENTION AND EXPANSION OF INDUSTRIAL FIRMS AND EMPLOYMENT IN NEW YORK STATE;

(V) TO ADMINISTER ACTIVITIES AND SERVICES WITH ALL FEDERAL MANUFACTURING EXTENSION PARTNERSHIP PROGRAM FUNDS RECEIVED BY THE STATE PURSUANT TO PUBLIC LAW 110-69 WHICH SHALL QUALIFY AS MATCHING FUNDS PURSUANT TO SUBDIVISION THREE OF THIS SECTION; AND

(VI) TO COMMUNICATE INDUSTRIAL NEEDS TO UNIVERSITIES AND OTHERS, BROKERING JOINT UNIVERSITY-INDUSTRY INVESTIGATIONS TO AID INDUSTRY, AND ASSISTING IN THE PROVISION OF PRODUCTIVITY AND GROWTH IMPROVEMENTS TO MATURE INDUSTRIES.

(B) NOTWITHSTANDING ANY OTHER LAW, GRANTS MADE BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL BE MATCHED ON A FIFTY PERCENT BASIS BY THE REGIONAL TECHNOLOGY DEVELOPMENT CENTER AND UP TO FIFTY PERCENT OF SUCH MATCH MAY BE OF IN-KIND SERVICES AS APPROVED BY THE DEPARTMENT.

(C) THE DEPARTMENT MAY ESTABLISH SUCH REQUIREMENTS AS IT DEEMS APPROPRIATE FOR THE FORMAT AND CONTENT OF APPLICATIONS FOR MATCHING GRANTS PURSUANT TO THIS SUBDIVISION AND SHALL SET REASONABLE DEADLINES FOR THE SUBMISSION OF APPLICATIONS FOR SUCH SUPPORT.

(D) THE DEPARTMENT MAY SELECT FROM COMPETING APPLICATIONS THOSE WHICH IT JUDGES TO BE OF GREATEST BENEFIT TO THE WELFARE OF THE PEOPLE OF THE STATE AND MAY APPROVE OR REJECT ANY OR ALL OF THE COMPETING APPLICATIONS. THE DEPARTMENT SHALL NOTIFY ALL APPLICANTS OF THE APPROVAL OR REJECTION OF THEIR APPLICATIONS IN A TIMELY FASHION.

(E) THE DEPARTMENT SHALL REQUIRE PERIODIC REPORTS AND OTHER SUCH DOCUMENTS AND INFORMATION AS IT DEEMS NECESSARY TO MONITOR AND REVIEW THE

PERFORMANCE OF EACH REGIONAL TECHNOLOGY DEVELOPMENT CENTER AWARDED A GRANT.

6. THE DEPARTMENT SHALL SUBMIT A REPORT PURSUANT TO SUBDIVISION THIRTY-SEVEN-B OF SECTION ONE HUNDRED OF THIS CHAPTER TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, DETAILING THE ACTIVITIES THAT EACH REGIONAL TECHNOLOGY DEVELOPMENT CENTER HAS UNDERTAKEN DURING THE REPORTING YEAR. SUCH REPORTS SHALL INCLUDE BUT NOT BE LIMITED TO, THE COMPOSITION OF THE CENTER, THE AMOUNT OF THE GRANT AWARDED AND THE MATCH PROVIDED, THE DUTIES AND OBLIGATIONS REQUIRED BY THE DEPARTMENT, A DESCRIPTION OF THE CENTER'S ACTIVITIES AND ACCOMPLISHMENTS, THE NUMBER OF JOBS CREATED OR RETAINED, THE NUMBER AND TYPES OF COMPANIES ASSISTED, THE INCREASE IN THE NUMBER OF NEW-TO-MARKET AND NEW-TO-EXPORT BUSINESSES BY EMPLOYMENT SIZE, THE INCREASE IN THE VALUE OF EXPORT SALES BY BUSINESS EMPLOYMENT SIZE, AND ANY OTHER PERTINENT INFORMATION AS DETERMINED BY THE DEPARTMENT.

7. TO THE FULLEST EXTENT PERMITTED UNDER SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW, ALL INFORMATION REGARDING THE FINANCIAL CONDITION, MARKETING PLANS, MANUFACTURING PROCESSES, PRODUCTION COSTS, PRODUCTIVITY RATES, CUSTOMER LISTS, OR OTHER TRADE SECRETS AND PROPRIETARY INFORMATION OF A PERSON OR ENTITY REQUESTING ASSISTANCE FROM THE DEPARTMENT PURSUANT TO THIS SECTION WHICH IS SUBMITTED BY SUCH PERSON OR ENTITY TO THE DEPARTMENT IN CONNECTION WITH AN APPLICATION FOR ASSISTANCE OR WITH A PRODUCTIVITY ASSESSMENT OR FEASIBILITY STUDY, SHALL BE CONFIDENTIAL AND EXEMPT FROM PUBLIC DISCLOSURE.

S 364. SCIENCE AND TECHNOLOGY LAW CENTER. 1. THE DEPARTMENT SHALL, SUBJECT TO AVAILABLE APPROPRIATIONS, ISSUE A REQUEST FOR PROPOSALS TO NEW YORK LAW SCHOOLS TO ESTABLISH THE SCIENCE AND TECHNOLOGY LAW CENTER.

(A) THE LAW CENTER SHALL BE DESIGNATED BY THE DEPARTMENT FOR A PERIOD OF TEN YEARS AND THERE SHALL BE NO LIMIT TO THE NUMBER OF TIMES AN ENTITY MAY BE REDESIGNATED FOR ADDITIONAL TEN-YEAR PERIODS.

(B) IF THE DEPARTMENT DOES NOT ISSUE A TIMELY, NEW REQUEST FOR PROPOSALS BEFORE THE END OF ANY TEN-YEAR PERIOD, OR DOES NOT EVALUATE NEW PROPOSALS AND MAKE A NEW DESIGNATION BY THE END OF ANY TEN-YEAR DESIGNATION, THE DESIGNATION OF AND FUNDING FOR THE EXISTING LAW CENTER SHALL REMAIN IN EFFECT UNTIL THE END OF THE STATE FISCAL YEAR THAT FOLLOWS THE LAST YEAR OF THE LAW CENTER'S DESIGNATION DURING WHICH TIME THE DEPARTMENT SHALL COMPLETE ITS EVALUATION AND REDESIGNATION PROCESS PURSUANT TO THIS SECTION.

2. THE SCIENCE AND TECHNOLOGY LAW CENTER WILL ADVISE THE DEPARTMENT, CENTERS FOR ADVANCED TECHNOLOGY AND OTHER ACADEMIC AND RESEARCH INSTITUTIONS ON ALL TECHNOLOGY-RELATED LEGAL ISSUES, AND PROVIDE ANY OTHER SERVICES DEEMED NECESSARY BY THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO:

(A) CONDUCTING RESEARCH ON LEGISLATION, REGULATIONS AND LEGAL DECISIONS THAT IMPACT THE FLOW OF TECHNOLOGY TRANSFER AND ACADEMIC RESEARCH;

(B) WORKING WITH THE CENTERS FOR ADVANCED TECHNOLOGY AND OTHER ACADEMIC AND RESEARCH INSTITUTIONS TO PROVIDE APPROPRIATE ASSISTANCE;

(C) WORKING DIRECTLY WITH STARTUP AND EARLY STAGE TECHNOLOGY COMPANIES OUTSIDE OF INSTITUTIONAL SETTINGS;

(D) WORKING WITH THE CENTERS FOR ADVANCED TECHNOLOGY OR OTHER ACADEMIC AND RESEARCH INSTITUTIONS IN CREATING AND HOSTING VENTURE CAPITAL FAIRS;

(E) MANAGING THE FUNCTIONS OF THE TECHNOLOGY COMMERCIALIZATION CLINIC PROGRAM PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

3. THE TECHNOLOGY COMMERCIALIZATION CLINIC PROGRAM SHALL BE MANAGED BY THE SCIENCE AND TECHNOLOGY LAW CENTER TO ASSIST NEW YORK UNIVERSITIES,

ENTREPRENEURS AND COMPANIES IN COMMERCIALIZING NEW PRODUCTS OR PROCESSES.

(A) ENTITIES ELIGIBLE TO OPERATE THE PROGRAM SHALL BE COMPETITIVELY SELECTED BY THE DEPARTMENT AND SHALL INCLUDE BUSINESS, LAW AND ENGINEERING SCHOOLS, AND OTHER ACADEMIC RESEARCH ENTITIES, LOCATED AT COLLEGES AND UNIVERSITIES IN THE STATE.

(B) ACTIVITIES UNDER THIS PROGRAM SHALL BE CONDUCTED BY STUDENTS SUPERVISED BY APPROPRIATE FACULTY AND UNIVERSITY ADMINISTRATORS AND SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(I) ENGAGING IN FACULTY-SUPERVISED PROJECTS SPECIALIZING IN RESEARCH AND ANALYSIS OF THE COMMERCIAL DEVELOPMENT OF EARLY-STAGE TECHNOLOGIES ON BEHALF OF NEW YORK UNIVERSITIES AND COMPANIES;

(II) PROVIDING RESEARCH AND ANALYSIS OF THE TECHNICAL, MARKETING, INTELLECTUAL PROPERTY, GLOBAL MARKET COMPETITIVENESS, AND LEGAL ISSUES RELATED TO THE COMMERCIAL DEVELOPMENT OF NEW TECHNOLOGIES ON BEHALF OF NEW YORK UNIVERSITIES AND COMPANIES; AND

(III) COLLABORATING WITH OTHER TECHNOLOGY COMMERCIALIZATION CLINIC PROGRAMS TO DEVELOP BEST PRACTICES TO SUPPORT GLOBALLY COMPETITIVE TECHNOLOGY COMMERCIALIZATION IN NEW YORK.

S 3. This act shall take effect immediately.