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

8200

I N S E N A T E

September 28, 2016

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to creating the New York state center for the expansion of nanoscale science and engineering

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

Section 1. Statement of legislative findings and declaration. The legislature hereby recognizes that the continued growth and development of the nanotechnology industry is of vital importance to the economic well-being of the state and its citizens. The State University of New York's (SUNY) Polytechnic Institute (SUNY Polytechnic) is an innovative global education, research, development and technology deployment resource that has attracted more than $43 billion in high-tech investments. Its location enables it to play a significant role in the revitalization of upstate New York.

The legislature also finds that strengthening the governance of this innovative hub would further serve the economic interest of the upstate New York region and the state as a whole. Currently SUNY Polytechnic, including its research and development initiatives, are overseen by the 17-member SUNY Board of Trustees and a council of 10 members. SUNY Polytechnic, however, is unlike any other state-operated institution because of its niche focus on high technology education and commercialization. Therefore, the legislature finds that SUNY Polytechnic would benefit from the establishment of a quasi-governmental entity that would utilize its flexible structure to focus on fostering the growth of nanotechnology research and development.

S 2. Article 10-A of the public authorities law is amended by adding a new title 3 to read as follows:

TITLE 3

NEW YORK STATE CENTER FOR THE EXPANSION OF NANOSCALE SCIENCE AND ENGINEERING

SECTION 3170. DEFINITIONS.

3171. CREATION; GOVERNANCE; BOARD OF DIRECTORS.

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

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3172. PURPOSE; POWERS; DUTIES.
3173. CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT.
3174. REGIONAL PARTNERSHIPS.
3175. CONFLICTS OF INTEREST.
3176. CONTRIBUTIONS TO THE CENTER.
3177. EXEMPTION FROM TAXATION.
3178. AUDIT AND ANNUAL REPORT.

S 3170. DEFINITIONS. AS USED IN THIS TITLE:

1. "BOARD" OR "BOARD OF DIRECTORS" SHALL MEAN THE NINE MEMBER BOARD CREATED PURSUANT TO SECTION THIRTY-ONE HUNDRED SEVENTY-ONE OF THIS TITLE.

2. "CENTER" OR "CENTER FOR THE EXPANSION OF NANOSCALE SCIENCE AND ENGINEERING", SHALL MEAN THE ENTITY CREATED PURSUANT TO SECTION THIRTY-ONE HUNDRED SEVENTY-ONE OF THIS TITLE.

3. "CEO" SHALL MEAN THE CHIEF EXECUTIVE OFFICER APPOINTED PURSUANT TO SECTION THIRTY-ONE HUNDRED SEVENTY-THREE OF THIS TITLE.

4. "SUNY POLYTECHNIC" SHALL MEAN THE STATE UNIVERSITY OF NEW YORK POLYTECHNIC INSTITUTE.

S 3171. CREATION; GOVERNANCE; BOARD OF DIRECTORS. 1. CREATION AND GOVERNANCE. THERE IS HEREBY CREATED WITHIN THIS TITLE THE NEW YORK STATE CENTER FOR THE EXPANSION OF NANOSCALE SCIENCE AND ENGINEERING. THE CENTER SHALL BE GOVERNED AND ALL OF ITS POWERS EXERCISED BY A BOARD OF DIRECTORS, WHICH SHALL CONSIST OF NINE VOTING MEMBERS.

2. BOARD OF DIRECTORS. THE BOARD SHALL BE APPOINTED AS FOLLOWS: FIVE DIRECTORS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL BE THE CHIEF EXECUTIVE OFFICER OF SUNY POLYTECHNIC, ONE SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. OF THE NINE MEMBERS APPOINTED, AT LEAST FOUR MEMBERS SHALL HAVE SIGNIFICANT EXPERIENCE AND HAVE DEMONSTRATED LEADERSHIP IN THE PRIVATE SECTOR, INCLUDING, BUT NOT LIMITED TO, EXPERIENCE IN HIGH TECHNOLOGY AND/OR NANOTECHNOLOGY AND VENTURE CAPITAL. AT LEAST TWO MEMBERS SHALL HAVE SIGNIFICANT EXPERIENCE IN ACADEMIA AND RESEARCH, INCLUDING TEACHING AND RESEARCH IN THE FOLLOWING FIELDS: NANOSCIENCE, NANOBIOSCIENCE, NANOENGINEERING OR NANOECONOMICS. AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE AND LEADERSHIP IN GOVERNMENT, PARTICULARLY IN THE AREA OF ECONOMIC DEVELOPMENT. THE REMAINING TWO MEMBERS SHALL HAVE EXPERIENCE IN THE PRIVATE SECTOR, ACADEMIA, OR GOVERNMENT, PROVIDED THAT BOTH MEMBERS SHALL NOT HAVE EXPERIENCE IN THE SAME SECTOR. THE CHAIR OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR FROM AMONG THE PRIVATE SECTOR MEMBERS, UPON THE ADVICE AND CONSENT OF THE SENATE. ALL OTHER OFFICERS OF THE BOARD SHALL BE ELECTED FROM AMONG ITS MEMBERS BY A MAJORITY VOTE OF THE BOARD'S VOTING MEMBERS.

3. MEETINGS OF THE BOARD. THE BOARD SHALL PROVIDE FOR THE HOLDING OF REGULAR AND SPECIAL MEETINGS. A MAJORITY OF VOTING MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS AND UNLESS A GREATER NUMBER IS REQUIRED BY THE BY-LAWS OF THE CENTER, THE ACTS OF THE MAJORITY OF THE VOTING MEMBERS PRESENT AT A MEETING AT WHICH QUORUM IS PRESENT SHALL BE DEEMED TO BE ACTS OF THE BOARD.

4. BY-LAWS. THE BOARD SHALL ADOPT BY-LAWS FOR THE FOUNDATION AND MAY APPOINT SUCH OFFICERS AND EMPLOYEES AS IT DEEMS NECESSARY AND MAY FIX THEIR COMPENSATION AND PRESCRIBE THEIR DUTIES.

5. COMPENSATION. BOARD MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECESSARILY INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS

TITLE. NO BOARD MEMBER SHALL BE DISQUALIFIED FROM HOLDING ANY PUBLIC EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH EMPLOYMENT BY REASON OF THEIR APPOINTMENT HEREUNDER NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE OR CITY CHARTER.

6. RULES AND REGULATIONS. THE CENTER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE.

S 3172. PURPOSE; POWERS; DUTIES. 1. PURPOSE. THE CENTER IS CREATED TO FULFILL THE PUBLIC PURPOSES OF FURTHERING JOB CREATION AND ECONOMIC GROWTH AND ADVANCES IN THE FIELD OF NANOTECHNOLOGY AND TO FACILITATE THE COMMERCIALIZATION OF NANOSCIENTIFIC INNOVATIONS IN THE STATE. THE CENTER IS AUTHORIZED AND DIRECTED TO PREPARE A STRATEGIC PLAN AND PROVIDE FOR THE IMPLEMENTATION OF PROGRAMS TO: (A) WORK WITH SUNY POLYTECHNIC TO FURTHER ENCOURAGE CUTTING-EDGE ACADEMIC RESEARCH IN THE FIELD OF NANOTECHNOLOGY; (B) FACILITATE JOB GROWTH AND BUSINESS EXPANSION IN THE FIELD OF NANOTECHNOLOGY; AND (C) MANAGE AND SUPPORT THE DEVELOPMENT OF PARTNERSHIPS AMONG ACADEMIA, GOVERNMENT AND INDUSTRY TO FURTHER ADVANCE THE FIELD OF NANOTECHNOLOGY IN THE STATE AND ITS VARIOUS REGIONS.

2. POWERS. THE CENTER SHALL HAVE THE POWER: (A) TO SUE AND BE SUED; (B) TO HAVE A SEAL AND ALTER THE SAME AT ITS PLEASURE; (C) TO ACQUIRE, HOLD AND DISPOSE OF PERSONAL PROPERTY FOR ITS CORPORATE PURPOSES; (D) TO ENTER INTO CONTRACTS WITH THE STATE, POLITICAL SUBDIVISIONS OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR ANY PERSON, FIRM OR CORPORATION; (E) TO ACCEPT GIFTS, FUNDS, PROPERTY OR SERVICES FROM PUBLIC OR PRIVATE SOURCES IN FURTHERANCE OF ITS CORPORATE PURPOSES; (F) TO ADOPT, AMEND AND REPEAL BY-LAWS FOR THE MANAGEMENT AND REGULATION OF ITS AFFAIRS; AND (G) TO DO ANY AND ALL OTHER THINGS NECESSARY OR CONVENIENT TO CARRY OUT ITS PURPOSES AND EFFECTIVELY IMPLEMENT THE PROVISIONS OF THIS TITLE, PROVIDED HOWEVER THAT THE CENTER SHALL HAVE NO AUTHORITY TO ISSUE BONDS OR NOTES.

3. DUTIES. THE CENTER SHALL HAVE ALL OF THE FOLLOWING DUTIES: (A) TO ADOPT BY-LAWS, GUIDELINES AND REGULATIONS AS IT DEEMS NECESSARY TO OVERSEE THE PROGRAMS AS DEFINED IN THIS TITLE; (B) TO CONTRACT AND TO EXECUTE INSTRUMENTS NECESSARY OR CONVENIENT FOR THE CONDUCTING OF ITS BUSINESS; (C) TO ACCEPT FUNDS FROM ALL AVAILABLE SOURCES; (D) TO ENCOURAGE AND COORDINATE PROGRAMS AND INVESTMENTS WHICH ADVANCE THE COMPETITIVENESS OF NEW YORK BUSINESSES IN THE GLOBAL ECONOMY THROUGH THE PROMOTION OF NANOTECHNOLOGY, INNOVATION AND COMMERCIALIZATION THROUGHOUT THE STATE'S REGIONS; (E) TO DEVELOP POLICIES AND IMPLEMENT PROGRAMS WHICH PROMOTE AN ENTREPRENEURIAL BUSINESS ENVIRONMENT, ADVANCE NANOTECHNOLOGY AND ENCOURAGE THE DEVELOPMENT OF AN INNOVATIVE AND COMPETITIVE WORKFORCE; (F) TO COORDINATE AND ADVANCE STATEWIDE AND REGIONAL INITIATIVES TO MARKET NANOTECHNOLOGY BUSINESSES IN THE STATE, 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; (G) TO ASSIST EFFORTS TO IDENTIFY AND PURSUE FUNDING OPPORTUNITIES FROM THE FEDERAL GOVERNMENT AND OTHER SOURCES AND COORDINATE PROGRAMS TO PROVIDE FUNDING TO LEVERAGE SUCH GRANTS AND AWARDS; AND (H) TO ESTABLISH AND REQUIRE AUDITS, DISCLOSURES AND OTHER REVIEW PROCEDURES FOR ALL ACTIVITIES FUNDED BY THE CENTER.

S 3173. CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT. THE DIRECTORS SHALL APPOINT A CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT TEAM AND PRESCRIBE THE DUTIES AND COMPENSATION OF THE CEO AND SUCH MEMBERS OF THE SENIOR MANAGEMENT TEAM. THE CEO SHALL BE RESPONSIBLE FOR, SUBJECT TO BOARD OVERSIGHT AND APPROVAL, SETTING THE STRATEGIC VISION OF THE CENTER AND PURSUANT TO THIS SECTION, FACILITATING STATEWIDE AND REGIONAL PART-

NERSHIPS, AS WELL AS ALL OTHER STRATEGIC INITIATIVES IMPLEMENTED IN FURTHERANCE OF THE PURPOSE OF THE CENTER. THE APPOINTMENT OF THE CEO SHALL BE MADE NO LATER THAN SIXTY DAYS AFTER THE FIRST OFFICIAL MEETING OF THE BOARD.

S 3174. REGIONAL PARTNERSHIPS. 1. ESTABLISHMENT OF PARTNERSHIPS. THE CEO SHALL SEEK TO FACILITATE THE ESTABLISHMENT OF PARTNERSHIPS IN VARIOUS REGIONS OF THE STATE IN FURTHERANCE OF THE PURPOSES OF THE CENTER. THE PURPOSE OF SUCH PARTNERSHIPS SHALL BE TO ADVANCE ECONOMIC GROWTH, BUSINESS CREATION AND EXPANSION, JOB OPPORTUNITIES AND WORKFORCE DEVELOPMENT IN THE STATE. THE CEO IS AUTHORIZED, WITHIN FUNDS AVAILABLE, TO PROVIDE REGIONAL ECONOMIC ASSISTANCE TO CERTIFIED PARTNERSHIPS.

2. CERTIFICATION OF PARTNERSHIPS. THE CENTER SHALL BE RESPONSIBLE FOR THE CERTIFICATION OF ANY AND ALL REGIONAL PARTNERSHIPS. SUCH CERTIFICATION SHALL LAST FOR A PERIOD AS DETERMINED BY THE CENTER. PARTNERSHIPS SHALL BE COMPRISED OF LOCAL ECONOMIC DEVELOPMENT ORGANIZATIONS, PRIVATE INDUSTRY, AND TO THE EXTENT ITS FACILITIES ARE LOCATED IN THE REGION, SUNY POLYTECHNIC. IN REGIONS OF THE STATE WHERE SUNY POLYTECHNIC FACILITIES ARE NOT PRESENT, THE CENTER SHALL SEEK TO CERTIFY PARTNERSHIPS WITH SUNY POLYTECHNIC, WHEREBY THE PRESENCE OF SUCH PARTNERSHIPS CAN ENHANCE ECONOMIC GROWTH IN THE REGION. BEFORE ANY PARTNERSHIP IS CERTIFIED BY THE CENTER, THE CENTER SHALL APPROVE WRITTEN GUIDELINES FOR THE PARTNERSHIP, WHICH SHALL REQUIRE THE SUBMISSION OF A PARTNERSHIP PLAN PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

3. PARTNERSHIP PLANS. EACH PARTNERSHIP SEEKING CERTIFICATION PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL SUBMIT A PLAN TO THE CENTER WITHIN THIRTY DAYS OF THE ISSUANCE OF A REQUEST FOR PROPOSALS. SUCH PLAN SHALL INCLUDE SUCH DETAIL AS REQUESTED BY THE CENTER. FOR THOSE PARTNERSHIPS IN REGIONS WHERE A SUNY POLYTECHNIC FACILITY IS NOT PRESENT, THE PLAN SHALL INCLUDE AN ANALYSIS OF HOW THE REGION MIGHT BENEFIT ECONOMICALLY FROM THE CONSTRUCTION OF A SUNY POLYTECHNIC FACILITY, AS WELL AS THE PROJECTED COSTS OF CONSTRUCTION.

4. CONTINUATION OF CERTIFICATION. (A) THE CENTER SHALL ESTABLISH A PROCESS BY WHICH EACH PARTNERSHIP MAY CONTINUE ITS CERTIFICATION. TO CONTINUE TO BE CERTIFIED, A PARTNERSHIP SHALL PERFORM SEVERAL DUTIES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) SERVING AS THE STATE'S KEY REGIONAL PARTNERS IN IDENTIFYING, DEVELOPING, ADAPTING AND IMPLEMENTING NANOTECHNOLOGY AND INNOVATIVE STRATEGIES TO ENABLE THE GROWTH AND COMPETITIVENESS OF EXISTING AND EMERGING COMPANIES THROUGH PROCESS IMPROVEMENT, TECHNOLOGY DEVELOPMENT, COMMERCIALIZATION AND PRODUCTION;

(II) ACTING AS REGIONAL FACILITATORS FOR COLLABORATIONS, PROGRAMS AND INITIATIVES BY AND AMONG THE CENTER, NANOTECHNOLOGY ENTERPRISES, ECONOMIC DEVELOPMENT ORGANIZATIONS, THE CORPORATE COMMUNITY, ACADEMIC RESEARCH INSTITUTIONS (INCLUDING BUT NOT LIMITED TO SUNY POLYTECHNIC), GOVERNMENT, WORKFORCE DEVELOPMENT ORGANIZATIONS, AND OTHER INTERESTS WORKING COLLECTIVELY TO ADVANCE ECONOMIC GROWTH. EACH PARTNERSHIP SHOULD STRESS THE USE OF INFORMATION TECHNOLOGY AS A NECESSARY MEANS TO LINK SUCH ENTITIES TOGETHER IN A COHESIVE AND EFFECTIVE MANNER;

(III) DIRECTLY PROVIDING AND SERVING AS A CONDUIT TO CAPITAL FOR EXISTING AND EMERGING COMPANIES INVOLVED IN THE DEVELOPMENT, COMMERCIALIZATION AND PRODUCTION OF INNOVATIVE PRODUCTS AND PROCESSES;

(IV) DEVELOPING AND PROVIDING SUPPORT TO BUSINESS INCUBATION FACILITIES AND ENCOURAGING THE DEVELOPMENT OF TECHNOLOGY BUSINESS IN OR NEAR RESEARCH ACADEMIC INSTITUTIONS;

(B) EACH PARTNERSHIP SHALL ENCOURAGE BUSINESS MENTORING OPPORTUNITIES TO EMERGING COMPANIES IN ORDER TO PROVIDE RESOURCES AND INDUSTRY KNOWLEDGE TO CREATE OPPORTUNITIES FOR GROWTH.

5. APPROPRIATIONS. ALL STATE FUNDING ASSOCIATED WITH THE OPERATIONS AND PROGRAMS OF THE REGIONAL PARTNERSHIPS SHALL BE APPROPRIATED TO THE CENTER FOR ALLOCATION TO EACH OF THE PARTNERSHIPS AND SUCH APPROPRIATIONS SHALL BE SEPARATE AND DISTINCT FROM OTHER APPROPRIATIONS FOR THE CENTER. ALL ALLOCATIONS AND DISBURSEMENTS OF THE CENTER FUNDS SHALL BE AUTHORIZED AND DISBURSED BY A PARTNERSHIP, PURSUANT TO RULES AND REGULATIONS ESTABLISHED BY THE CENTER.

6. REPORTING REQUIREMENTS. EACH PARTNERSHIP SHALL ANNUALLY REPORT TO THE CENTER ON ITS ACTIVITIES. SUCH REPORT SHALL CONSIST OF INFORMATION AS REQUESTED BY THE CENTER.

S 3175. CONFLICTS OF INTEREST. ELIGIBILITY FOR APPOINTMENT AS A DIRECTOR, OFFICER OR EMPLOYEE OF THE CENTER SHALL BE SUBJECT TO THE PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED TWENTY-FIVE OF THIS CHAPTER. IN ADDITION TO THE REQUIREMENTS OF SUCH SECTION, IF ANY DIRECTOR, OFFICER OR EMPLOYEE OF THE CENTER SHALL HAVE AN INTEREST, EITHER DIRECT OR INDIRECT, IN ANY CONTRACT TO WHICH THE CENTER IS OR IS TO BE PARTY, SUCH INTEREST SHALL BE DISCLOSED TO THE CENTER IN WRITING AND SHALL BE SET FORTH IN THE MINUTES OF THE CENTER. THE DIRECTOR, OFFICER OR EMPLOYEE HAVING SUCH INTEREST SHALL NOT PARTICIPATE IN ANY ACTION BY THE AUTHORITY WITH RESPECT TO SUCH CONTRACT.

S 3176. CONTRIBUTIONS TO THE CENTER. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW OR THE PROVISIONS OF ANY CERTIFICATE OF INCORPORATIONS, CHARTER OR OTHER ARTICLES OF ORGANIZATION, ANY CORPORATION, ASSOCIATION OR PERSON IS HEREBY AUTHORIZED TO MAKE CONTRIBUTIONS TO THE CENTER IN FURTHERANCE OF ITS PURPOSE AS STATED IN SUBDIVISION ONE OF SECTION THIRTY-ONE HUNDRED SEVENTY-TWO OF THIS TITLE.

S 3177. EXEMPTION FROM TAXATION. THE PROPERTY, INCOME AND ACTIVITIES OF THE CORPORATION SHALL BE EXEMPT FROM ALL TAXES, FEES AND ASSESSMENTS.

S 3178. AUDIT AND ANNUAL REPORT. 1. AUDIT. THE ACCOUNTS OF THE CENTER SHALL BE SUBJECT TO THE SUPERVISION OF THE COMPTROLLER AND AN ANNUAL AUDIT SHALL BE PERFORMED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT SELECTED BY THE BOARD AND SHALL BE MADE AVAILABLE TO THE GOVERNOR, LEGISLATURE AND GENERAL PUBLIC.

2. ANNUAL REPORT. THE CENTER SHALL SUBMIT AN ANNUAL REPORT BY APRIL FIRST OF EACH YEAR TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, AND THE TEMPORARY PRESIDENT OF THE SENATE ON ITS OPERATIONS AND ACCOMPLISHMENTS, INCLUDING THE ACCOMPLISHMENTS OF ITS CERTIFIED REGIONAL PARTNERSHIPS. SUCH REPORT SHALL PROVIDE, BUT NOT BE LIMITED TO, INFORMATION ON THE ECONOMIC IMPACT OF THE CENTER AS MEASURED BY:

(A) THE TOTAL NUMBER OF JOBS CREATED AND RETAINED, WHETHER DIRECTLY OR INDIRECTLY, THROUGH FUNDING, PROGRAMS AND SERVICES PROVIDED BY THE CENTER;

(B) THE NUMBER OF START-UP BUSINESSES CREATED AND EXISTING BUSINESSES ASSISTED;

(C) THE LEVERAGING OF NON-STATE FUNDS, PARTICULARLY PRIVATE FUNDS, WHICH SHALL INCLUDE A QUANTIFICATION OF THE AMOUNT OF VENTURE CAPITAL INVESTED AS A RESULT OF THE CENTER'S STRATEGIC INITIATIVES; AND

(D) THE ACTUAL OR ANTICIPATED INVENTION, DEVELOPMENT OR REFINEMENT OF NEW PRODUCTS AND PROCESSES WITH COMMERCIAL APPLICATION OF IMPORTANCE TO THE INDUSTRIES IN THE STATE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.