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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

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

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

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

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

30 3. DUTIES. THE CENTER SHALL HAVE ALL OF THE FOLLOWING DUTIES: (A) TO  
31 ADOPT BY-LAWS, GUIDELINES AND REGULATIONS AS IT DEEMS NECESSARY TO OVER-  
32 SEE THE PROGRAMS AS DEFINED IN THIS TITLE; (B) TO CONTRACT AND TO  
33 EXECUTE INSTRUMENTS NECESSARY OR CONVENIENT FOR THE CONDUCTING OF ITS  
34 BUSINESS; (C) TO ACCEPT FUNDS FROM ALL AVAILABLE SOURCES; (D) TO ENCOUR-  
35 AGE AND COORDINATE PROGRAMS AND INVESTMENTS WHICH ADVANCE THE COMPETI-  
36 TIVENESS OF NEW YORK BUSINESSES IN THE GLOBAL ECONOMY THROUGH THE  
37 PROMOTION OF NANOTECHNOLOGY, INNOVATION AND COMMERCIALIZATION THROUGHOUT  
38 THE STATE'S REGIONS; (E) TO DEVELOP POLICIES AND IMPLEMENT PROGRAMS  
39 WHICH PROMOTE AN ENTREPRENEURIAL BUSINESS ENVIRONMENT, ADVANCE NANOTECH-  
40 NOLOGY AND ENCOURAGE THE DEVELOPMENT OF AN INNOVATIVE AND COMPETITIVE  
41 WORKFORCE; (F) TO COORDINATE AND ADVANCE STATEWIDE AND REGIONAL INITI-  
42 ATIVES TO MARKET NANOTECHNOLOGY BUSINESSES IN THE STATE, AND RESEARCH  
43 ACTIVITIES RELATED TO ECONOMIC DEVELOPMENT AND OPPORTUNITIES AT ACADEMIC  
44 AND RESEARCH INSTITUTIONS AND COMMUNITY-BASED AND ECONOMIC DEVELOPMENT  
45 INITIATIVES WITHIN THE STATE AND AT THE NATIONAL AND INTERNATIONAL  
46 LEVEL; (G) TO ASSIST EFFORTS TO IDENTIFY AND PURSUE FUNDING OPPORTU-  
47 NITIES FROM THE FEDERAL GOVERNMENT AND OTHER SOURCES AND COORDINATE  
48 PROGRAMS TO PROVIDE FUNDING TO LEVERAGE SUCH GRANTS AND AWARDS; AND (H)  
49 TO ESTABLISH AND REQUIRE AUDITS, DISCLOSURES AND OTHER REVIEW PROCEDURES  
50 FOR ALL ACTIVITIES FUNDED BY THE CENTER.

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

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

5 S 3174. REGIONAL PARTNERSHIPS. 1. ESTABLISHMENT OF PARTNERSHIPS. THE  
6 CEO SHALL SEEK TO FACILITATE THE ESTABLISHMENT OF PARTNERSHIPS IN VARI-  
7 OUS REGIONS OF THE STATE IN FURTHERANCE OF THE PURPOSES OF THE CENTER.  
8 THE PURPOSE OF SUCH PARTNERSHIPS SHALL BE TO ADVANCE ECONOMIC GROWTH,  
9 BUSINESS CREATION AND EXPANSION, JOB OPPORTUNITIES AND WORKFORCE DEVEL-  
10 OPMENT IN THE STATE. THE CEO IS AUTHORIZED, WITHIN FUNDS AVAILABLE, TO  
11 PROVIDE REGIONAL ECONOMIC ASSISTANCE TO CERTIFIED PARTNERSHIPS.

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

24 3. PARTNERSHIP PLANS. EACH PARTNERSHIP SEEKING CERTIFICATION PURSUANT  
25 TO SUBDIVISION TWO OF THIS SECTION SHALL SUBMIT A PLAN TO THE CENTER  
26 WITHIN THIRTY DAYS OF THE ISSUANCE OF A REQUEST FOR PROPOSALS. SUCH PLAN  
27 SHALL INCLUDE SUCH DETAIL AS REQUESTED BY THE CENTER. FOR THOSE PARTNER-  
28 SHIPS IN REGIONS WHERE A SUNY POLYTECHNIC FACILITY IS NOT PRESENT, THE  
29 PLAN SHALL INCLUDE AN ANALYSIS OF HOW THE REGION MIGHT BENEFIT ECONOM-  
30 ICALLY FROM THE CONSTRUCTION OF A SUNY POLYTECHNIC FACILITY, AS WELL AS  
31 THE PROJECTED COSTS OF CONSTRUCTION.

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

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

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

49 (III) DIRECTLY PROVIDING AND SERVING AS A CONDUIT TO CAPITAL FOR  
50 EXISTING AND EMERGING COMPANIES INVOLVED IN THE DEVELOPMENT, COMMERCIAL-  
51 IZATION AND PRODUCTION OF INNOVATIVE PRODUCTS AND PROCESSES;

52 (IV) DEVELOPING AND PROVIDING SUPPORT TO BUSINESS INCUBATION FACILI-  
53 TIES AND ENCOURAGING THE DEVELOPMENT OF TECHNOLOGY BUSINESS IN OR NEAR  
54 RESEARCH ACADEMIC INSTITUTIONS;

1 (B) EACH PARTNERSHIP SHALL ENCOURAGE BUSINESS MENTORING OPPORTUNITIES  
2 TO EMERGING COMPANIES IN ORDER TO PROVIDE RESOURCES AND INDUSTRY KNOW-  
3 LEDGE TO CREATE OPPORTUNITIES FOR GROWTH.

4 5. APPROPRIATIONS. ALL STATE FUNDING ASSOCIATED WITH THE OPERATIONS  
5 AND PROGRAMS OF THE REGIONAL PARTNERSHIPS SHALL BE APPROPRIATED TO THE  
6 CENTER FOR ALLOCATION TO EACH OF THE PARTNERSHIPS AND SUCH APPROPRI-  
7 ATIONS SHALL BE SEPARATE AND DISTINCT FROM OTHER APPROPRIATIONS FOR THE  
8 CENTER. ALL ALLOCATIONS AND DISBURSEMENTS OF THE CENTER FUNDS SHALL BE  
9 AUTHORIZED AND DISBURSED BY A PARTNERSHIP, PURSUANT TO RULES AND REGU-  
10 LATIONS ESTABLISHED BY THE CENTER.

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

14 S 3175. CONFLICTS OF INTEREST. ELIGIBILITY FOR APPOINTMENT AS A DIREC-  
15 TOR, OFFICER OR EMPLOYEE OF THE CENTER SHALL BE SUBJECT TO THE  
16 PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED TWENTY-FIVE OF THIS CHAPTER.  
17 IN ADDITION TO THE REQUIREMENTS OF SUCH SECTION, IF ANY DIRECTOR, OFFI-  
18 CER OR EMPLOYEE OF THE CENTER SHALL HAVE AN INTEREST, EITHER DIRECT OR  
19 INDIRECT, IN ANY CONTRACT TO WHICH THE CENTER IS OR IS TO BE PARTY, SUCH  
20 INTEREST SHALL BE DISCLOSED TO THE CENTER IN WRITING AND SHALL BE SET  
21 FORTH IN THE MINUTES OF THE CENTER. THE DIRECTOR, OFFICER OR EMPLOYEE  
22 HAVING SUCH INTEREST SHALL NOT PARTICIPATE IN ANY ACTION BY THE AUTHORI-  
23 TY WITH RESPECT TO SUCH CONTRACT.

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

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

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

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

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

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

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

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

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