

# STATE OF NEW YORK

45

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. BUCHWALD, RODRIGUEZ, FAHY, LAVINE, MOSLEY, STIRPE, RIVERA, BENEDETTO, RAIA, GOODELL, STERN -- Multi-Sponsored by -- M. of A. CROUCH, PALMESANO -- read once and referred to the Committee on Small Business

AN ACT to amend the urban development corporation act, in relation to establishing the New York state innovation voucher program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state innovation voucher program act".

3 § 2. Section 1 of chapter 174 of the laws of 1968, constituting the  
4 New York state urban development corporation act, is amended by adding a  
5 new section 16-bb to read as follows:

6 § 16-bb. New York state innovation voucher program. (1) Program estab-  
7 lished. There is hereby established a New York state innovation voucher  
8 program under the purview of the empire state development corporation.  
9 Such program shall provide small businesses with access to research and  
10 development by colleges and universities, government laboratories and  
11 public research institutes in order to assist such businesses in the  
12 creation of innovative products or services that provide job retention  
13 and expansion.

14 (2) Definitions. For the purposes of this section, the following terms  
15 shall have the following meanings:

16 (a) "Eligible recipient" shall mean small businesses as defined in  
17 section one hundred thirty-one of the economic development law.

18 (b) "Eligible projects" for vouchers authorized pursuant to this  
19 section shall mean research and development projects leading to inno-  
20 vation of products or services. Eligible costs shall include, but not be  
21 limited to, the development of prototypes, field testing, engineering or  
22 other projects authorized by the corporation that enhance innovation of

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

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1 products or services that result in job growth and business expansion  
2 within the state.

3 (c) "Ineligible expense" shall mean reimbursement of time spent by the  
4 employees or owners of the small business; grant or voucher application  
5 costs; routine and readily-predictable business expenses; design and  
6 production of marketing or advertising materials; basic professional  
7 services such as ongoing routine accounting, tax or legal services;  
8 building or equipment construction costs; financing fees; travel and  
9 entertainment costs; hospitality costs; and any other expenses deemed  
10 ineligible by the corporation.

11 (d) "Research and development partner" shall mean colleges, universi-  
12 ties, state and national government laboratories, and public research  
13 institutes in New York state.

14 (e) "Exceptionally innovative projects" shall mean projects that  
15 demonstrate a potential for substantial economic growth and job develop-  
16 ment in an emerging technology field, as defined by the corporation,  
17 through the promulgation of rules and regulations, as emerging technolo-  
18 gy fields from those fields listed in subparagraphs one, two, three,  
19 four and five of paragraph (b) of subdivision one of section thirty-one  
20 hundred two-e of the public authorities law.

21 (3) Selection of eligible recipients. (a) Eligible recipients shall be  
22 selected by the corporation based on the strength of their proposals,  
23 including evaluation of the innovative nature of the project, its tech-  
24 nical feasibility, commercial viability and the potential impact on the  
25 retention and creation of new jobs.

26 (b) Small businesses may identify desired or potential research and  
27 development partners as part of their applications. Advance determi-  
28 nations of the business' research and development partner shall not be a  
29 requirement for receipt of an innovation voucher.

30 (c) Applications shall be judged by an advisory committee, or regional  
31 advisory committee, appointed by the president of the corporation  
32 consisting of members of the higher education, science and technology,  
33 and business communities.

34 (4) Research and development partners. The corporation shall identify  
35 a list of potential research and development partners in New York state  
36 that have appropriate facilities and resources to participate in the  
37 innovation voucher program and are willing to accept vouchers from  
38 eligible recipients for payment of their services. The list of potential  
39 research and development partners shall be displayed on the corpo-  
40 ration's website, and shall be reviewed and revised at least quarterly.

41 (5) Vouchers and matching funds. (a) The corporation, upon the recom-  
42 mendation of the advisory committee, may award vouchers up to ten thou-  
43 sand dollars for each eligible project. Upon the recommendation of the  
44 advisory committee, the corporation may award a voucher in an amount up  
45 to fifty thousand dollars where a project is deemed exceptionally inno-  
46 vative. Criteria for determination of awards shall be established by the  
47 corporation in rules and regulations. Eligible recipients shall match  
48 the value of the voucher on a dollar-for-dollar basis and shall apply  
49 such amount to the voucher-funded project.

50 (b) If an applicant is approved by the corporation for a voucher based  
51 on the merits of an eligible project, such eligible recipient shall be  
52 authorized to enter into a working agreement with the appropriate  
53 research and development partner. The eligible recipient shall notify  
54 the corporation of the research and development partner collaboration to  
55 be formed to further research and development. Payment of the voucher  
56 shall be made based on a payment structure established by the corpo-

1 ration in rules and regulations promulgated pursuant to section four of  
2 this act to administer a collaboration.

3 (6) Outreach. To ensure maximum awareness of the innovation voucher  
4 program, the corporation shall develop and implement a plan to dissem-  
5 inate information and materials to small businesses, including but not  
6 limited to minority- and women-owned enterprises and veteran-owned busi-  
7 nesses.

8 (7) Reports. The corporation shall post quarterly reports stating: the  
9 number and monetary value of vouchers issued; the amount of program  
10 funding used for the vouchers; the recipient of the the vouchers and  
11 research and development partner; and any other appropriate metrics to  
12 measure the success of the program, including but not limited to, the  
13 number of jobs created or retained, the number of patents produced as a  
14 result of the collaboration, a description of the economic development  
15 impact and such other information as the corporation may deem necessary.  
16 Such quarterly reports shall also include a list of current advisory  
17 committee members and a list of current research and development part-  
18 ners approved by the corporation.

19 (8) Funding. The corporation is authorized, within available appropri-  
20 ations in the empire state development fund established pursuant to  
21 section sixteen-m of this act or from any other funds appropriated, to  
22 make innovative vouchers available to eligible recipients.

23 § 3. Subdivision 1 of section 16-m of section 1 of chapter 174 of the  
24 laws of 1968, constituting the New York state urban development corpo-  
25 ration act, is amended by adding a new paragraph (o) to read as follows:

26 (o) Vouchers to eligible entities as set forth in section sixteen-bb  
27 of this act to support the New York state innovation voucher program to  
28 assist small business access to research and development by colleges and  
29 universities, government laboratories and public research institutes to  
30 support such businesses in the creation of innovative products or  
31 services.

32 § 4. Rules and regulations. The empire state development corporation  
33 is authorized to promulgate rules and regulations in accordance with the  
34 state administrative procedure act that are necessary to fulfill the  
35 purposes of this act. Such rules and regulations shall be completed  
36 within one hundred eighty days after the effective date of this act.

37 § 5. This act shall take effect on the one hundred eightieth day after  
38 it shall have become a law; provided, however, that the amendments to  
39 subdivision 1 of section 16-m of section 1 of chapter 174 of the laws of  
40 1968, constituting the New York state urban development corporation act,  
41 made by section three of this act shall not affect the expiration of  
42 such section and shall be deemed to expire therewith; provided, further,  
43 that any rules and regulations necessary for the timely implementation  
44 of this act on its effective date may be promulgated on or before such  
45 effective date.