§ 3102-a. Industrial technology extension service. 1. There is hereby established within the foundation an industrial technology extension service program.

2. Definitions. For the purposes of this section, the terms:

(a) "Industrial technology extension service" shall mean a network of regional organizations which provide technical and management assistance through field agents, as well as feasibility studies and productivity assessments by contract, to eligible businesses, especially small and medium sized firms in New York state. Agents will assist firms in researching, evaluating and implementing opportunities for technology and or management related productivity improvements.

(b) "Director" shall mean the executive director of the New York State Science and Technology Foundation.

(c) "Foundation" shall mean the New York State Science and Technology Foundation.

(d) "Regional organization" shall mean a not-for-profit organization which contracts with the foundation to serve as the industrial technology extension service for the region within which it operates.

(e) "Industrial firm" shall mean a firm involved with extracting, smelting, recovering, developing, preparing, compounding, converting, assembling or producing in any manner, minerals, raw materials, products or substances of any kind or nature, and shall include facilities related thereto for storage, warehousing or distribution, for research and development or for the discovery of new, and refinement of known, substances, processes, and products.

(f) "Medium-sized industrial firm" shall mean an industrial firm that employs less than five hundred persons within the state on a full-time basis.

(g) "Small-sized industrial firm" shall mean an industrial firm that employs one hundred or less persons within the state on a full-time basis.

3. Purpose. The purposes of the industrial technology extension service program shall be:

(a) to improve the competitiveness and increase the market share of viable New York state industries and firms through increased knowledge

of new technologies and other innovations;

(b) to build a technology dissemination transfer and educational service based on current research and development strengths in New York state in the area of industrial technologies;

(c) to assist industrial firms with the introduction of improved management and production processes in order to enhance their productivity and competitiveness;

(d) to provide industrial effectiveness field services pursuant to article seven of the economic development law; and

(e) to assist in the retention and expansion of industrial firms and employment in New York state.

4. Contracting process. The foundation shall, on an annual basis contract with regional organizations to provide industrial technology extension services on a regional basis. Initial selection shall be based on the foundation's assessment of the ability of the regional organization to meet the objectives specified in subdivision three of this section, to conduct outreach services, to service the technical needs of industrial firms in the region and to coordinate its activities with other concerned organizations within a region. The director shall review, on an annual basis, the performance of regional organizations which have been selected to provide services in meeting these requirements and, upon completion of its review, the foundation shall make a determination concerning the advisability of continuing to contract with the regional organization based on the outcome of the review. However, upon a finding by the board of the foundation, made upon a recommendation from the department of economic development and the director of the foundation, that the purposes of this section would more appropriately be served by an individual rather than an organization, the foundation shall contract with an individual pursuant to the provisions of this subdivision.

5. Responsibilities of field agents. Field agents shall:

(a) Contact firms within the region and develop assessments of their technology related needs;

(b) Assist firms in researching, evaluating and implementing opportunities for technology related productivity improvements;

(c) Where appropriate, recommend to the department of economic development that it make available productivity assessments and feasibility studies through the industrial effectiveness program pursuant to article seven of the economic development law to industrial firms that have requested such assistance. The following factors shall be considered in determining whether to recommend the provision of a productivity assessment or feasibility study to an industrial firm: (i) the potential viability of the company; (ii) the commitment of management and labor to jointly participate in a productivity-improvement program; and (iii) whether interests of the employees of the firm are served by such assistance. The foundation shall, in cooperation with the department of economic development, develop procedures for such referrals;

(d) Provide referrals to appropriate local, regional and state level organizations and programs which deliver services or provide information or assistance;

(e) Provide information on state-sponsored programs offering financial or technical assistance to industrial firms and aid such firms in applying for assistance;

(f) Identify public and private sources of expertise available to assess productivity problems of industrial firms;

(g) Organize, promote and operate seminars and workshops addressing industry technological needs, as well as, design and conduct seminars and workshops to inform industrial managers, union leaders, trade associations, and other appropriate individuals and organizations, of industrial productivity-improvement methods and approaches and to demonstrate their successful adoption in similar firms;

(h) Promote the services and assistance available under this section for industrial firms, to such firms and to municipal officials and agencies, regional and local economic development entities, technology development organizations, trade associations, business and labor organizations and the appropriate entities; and

(i) Coordinate industrial expansion and retention activities with the regional offices of the department of economic development pursuant to article eleven of the economic development law and other activities with other state operated and supported business assistance programs.

6. Rules and regulations. The director shall promulgate rules and regulations for the operation of the industrial technology extension service program.

7. Exemption from disclosure requirements. 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 foundation, which is submitted by such person or entity to the foundation in connection with an application for assistance or with a productivity assessment or feasibility study, shall be confidential and exempt from public disclosure.

8. Program plan. The foundation shall cooperate with the department of economic development in preparation of a program plan pursuant to subdivision nineteen of section one hundred of the economic development law.

9. Reporting. The director shall, on or before October first, nineteen hundred ninety-one and on or before each October first thereafter, submit a report to the governor and the legislature on the operation and accomplishments of the industrial technology extension service program.

10. For any positions opened as a result of a project conducted pursuant to this section businesses so assisted shall first consider persons eligible to participate in federal job training partnership act (P.L. 97-300) programs who shall be referred to the business by administrative entities of service delivery areas created pursuant to such act or by the job service division of the department of labor.

11. Evaluation. The director shall submit to the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee an evaluation of the success of the industrial technology extension service program prepared by an entity independent of the foundation. Such evaluation shall include, but

not be limited to, determining whether the services provided have helped client firms to improve their competitiveness or increase their market share relative to other firms in the specific industry; and shall assess the effect, if any, of the program on the continued location and growth of industrial firms within the state. Such evaluation shall be submitted by September first, nineteen hundred ninety-two and by September first every two years thereafter.