

# **Recent Legislation Related to NYS High-Tech Economic Development Efforts**

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## New York State Legislature

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**A9991** Magnarelli Same as [S 6964](#) VALESKY

**STATUS: A9991 Magnarelli Same as [S 6964 VALESKY Public Authorities Law](#)TITLE....Establishes  
[the science and technology law center and the technology  
commercialization clinic program; repealer](#)**

02/23/10 referred to economic development  
 03/09/10 reported  
 03/11/10 advanced to third reading cal.729  
 06/07/10 passed assembly  
 06/07/10 delivered to senate  
 06/07/10 REFERRED TO COMMERCE, ECONOMIC  
 DEVELOPMENT AND SMALL BUSINESS  
 06/24/10 SUBSTITUTED FOR S6964  
 06/24/10 3RD READING CAL.1134  
 06/24/10 PASSED SENATE  
 06/24/10 RETURNED TO ASSEMBLY

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**BILL TEXT:**

**STATE OF NEW YORK**

9991

**IN ASSEMBLY**

February 23, 2010

Introduced by M. of A. **MAGNARELLI** -- read once and referred to the  
Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the public authorities law, in relation to the science  
and technology law center; and to repeal section 249-g of the execu-  
tive law, relating to the science and technology law center

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

1 Section 1. The public authorities law is amended by adding two new  
2 sections 1102-f and 1102-g to read as follows:  
3 § 1102-f. Science and technology law center. 1. The foundation shall,  
4 subject to available appropriations, issue a request for proposals to  
5 New York law schools to establish the science and technology law center.  
6 2. The science and technology law center will advise the foundation,  
7 centers for advanced technology and other academic institutions on all  
8 technology-related legal issues, and provide any other services deemed  
9 necessary by the foundation, including but not limited to:

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## SPONSORS MEMO:

### NEW YORK STATE ASSEMBLY MEMORANDUM IN SUPPORT OF LEGISLATION submitted in accordance with Assembly Rule III, Sec 1(e)

**BILL NUMBER:** A9991

**SPONSOR:** Magnarelli

**TITLE OF BILL:**

An act to amend the public authorities law, in relation to the science and technology law center; and to repeal section 289-g of the executive law, relating to the science and technology law center

**PURPOSE OR GENERAL IDEA OF BILL:**

To recodify the science and technology law center from the executive law to the public authorities law and to establish the technology commercialization clinic.

**SUMMARY OF SPECIFIC PROVISIONS:**

The legislation would establish the technology commercialization clinic administered by the New York state foundation for science, technology and innovation (STSTAR) and managed by the science and technology law center for the purposes of assisting universities, entrepreneurs and companies in the state in commercializing new products and processes. Entities eligible to operate the clinics would be competitively selected

Legislative Information

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**VOTING:**

**A9991** Magnarelli Same as [S 6964](#) VALESKY

[06/24/10](#) A9991 Senate Vote Aye: 61 Nay: 0

**Floor Votes:**

06/24/10 A9991 Senate Vote Aye: 61 Nay: 0

<b>Aye</b> Adams	<b>Aye</b> Addabbo	<b>Aye</b> Alesi	<b>Aye</b> Aubertine
<b>Aye</b> Bonacic	<b>Aye</b> Breslin	<b>Aye</b> DeFrancisco	<b>Aye</b> Diaz
<b>Aye</b> Dilan	<b>Aye</b> Duane	<b>Aye</b> Espada	<b>Aye</b> Farley
<b>Aye</b> Flanagan	<b>Aye</b> Foley	<b>Aye</b> Fuschillo	<b>Aye</b> Golden
<b>Aye</b> Griffo	<b>Aye</b> Hannon	<b>Aye</b> Hassell-Thompson	<b>Aye</b> Huntley
<b>Aye</b> Johnson C	<b>Aye</b> Johnson	<b>Aye</b> Klein	<b>Aye</b> Krueger
<b>Aye</b> Kruger	<b>Aye</b> Lanza	<b>Aye</b> Larkin	<b>Aye</b> LaValle
<b>Aye</b> Leibell	<b>Aye</b> Libous	<b>Aye</b> Little	<b>Aye</b> Marcellino

# Technology Commercialization Bills

- **A9469A-S1997: Creates the Technology Commercialization Partnership Program (A-W&M S. Rules)**
  - Creates fund for purpose of assisting in the collaboration b/t the private sector and the state's academic research institutions to commercialize technologies in NY
  - Grants b/t \$500,000 and \$1 million; awards would go to researchers at NYS academic research institutions working in collaboration with a private sector entity for the purpose of commercializing the research in NYS
  
- **A251A- S2289A: Creates Regional Technology Commercialization Fund and Grant Program (Vetoed Last Year)**
  - Creates fund to assist early-stage commercialization of new technologies in NYS
  - Awards b/t \$500,000 to \$1 million made competitively to acad research institutions, regional tech development corps, centers for adv. tech, etc; grants made by these entities not to exceed \$100,000
  
- **A9991-S6964: Establishes the Science and Technology Law Center and the Technology Commercialization Clinic Program (Passed A & S- Not yet Delivered to Governor)**
  - Entities eligible to operate the clinics would conduct such activities as engaging in research and analysis of the commercial development of early-stage technologies and providing research and analysis of technical, marketing, intellectual property and legal issues related to commercial development of new technologies for purpose of assisting universities, entrepreneurs and companies in the state in commercializing new products and processes



# Technology Commercialization Bills

- **A253- S2290: Establishes the biosciences commercialization fund (Grant/or Loan) (A- W&M, S-Finance)**
  - Technology Commercialization activities: Offset FDA Costs; Development Costs
  - \$150,000
- **A8428: Federal matching grants for orgs associated with energy research and high tech econ development (A. Energy)**
  - Bill would provide required State matching funds to federal and private awards made for the purpose of energy research and high tech econ development

# Workforce and Curriculum Bills

- **A354-S2294: Establishes community college high-technology investment program (C-CHIP) (A. High Ed , S. Econ Develop)**
  - Foundation for Sci, Tech, and Innovation would award grants up to \$100,000 to community colleges to upgrade educational, occupational, and training services
- **A8869-S408: Authorizes NYSTAR to establish a high-tech employment and training program (A. Gov't Ops, S. Energy and Telecom)**
  - High-tech employment and training program with-in NYSTAR to provide funding for projects to support industry and firm-specific training for firms in high-tech industries
- **A252-S1147: Biosciences curriculum development and workforce training Fund (A. On the floor , S. Authorities and Commissions)**
  - Provides funds to bio-science research institutions and organizations on a competitive basis to develop curriculum and administer bioscience specific training programs for current and prospective industry employees
  - Would also provide assistance to businesses that conduct basic, applied or translational research that leads to development of products improving human health or agriculture and req. approval of FDA

# Investment (VC) Related Bills

- **A1892A-S3083A: Increases the tax credit for equity investment (A. W&M, S. Investigation & Govt Ops)**
  - Increase the total amount of credits available to a taxpayer from \$150,000 (for five-year investments) and \$300,000 (for ten-year investments) to \$300,000 (regular and fund investments) and \$600,000 (seed investments)
- **A2817- Certified Bank Capital Companies Tax Credit (A. W&M)**
  - 100% (Over ten years) Tax Credit to Banks for investing in Certified Bank Capital Companies
- **A1979A-S3080A: High tech working capital loan guarantees to eligible high tech businesses (A. Eco Dev, S. Finance)**
  - Authorizes NYS Urban Development Corporation to establish a loan guarantee program in conjunction with regional tech development organizations to decentralize loan guarantees for working capital loans to high tech businesses
- **A9406-S6887: Creates Seed-NY investment fund (A. W&M, S. Corporation)**
  - Creates new investment fund that will make awards in regional equity funds providing seed capital for early stage commercialization of technologies; competitively awarded to companies

# Tax Related Bills

- **A2815-S1997: Provides exemption from the tax on sales and the compensating use tax for equipment, with purchase price of five hundred dollars or greater, purchased by companies located in college incubator facilities or those funded by state (A. W&M, S. Investigations, Govt Op)**
  - Bill is designed to eliminate small but significant tax burden for these small businesses
- **A2818: Small NY Based High-Technology Business Investment Tax Credit Act (A. W&M)**
  - Authorizes the trading of existing unused R&D credits and existing but unused NOL deductions to existing entities
  - Bill will allow emerging high tech companies to sell their NOLs to profitable companies
- **A1889A-S3084: Employment Credit for Qualified Emerging Technology Companies (A. W&M, S. Investigations, Govt Op)**
  - Increases existing tax credit for jobs created by small companies engaged in high-tech fields; from \$1000 to \$2000 per full-time job, adds \$3000 credit for jobs created as result of company's commercialization of IP acquired from a university in NYS, and adds \$4000 credit for hiring new employees eligible for targeted jobs tax credit or for benefits under Federal Workforce Investment Act

# Tax Related Bills

- **A8997A- S6995A: Enacts the NYS Innovation Investment Act (A. Eco Dev, S. Commerce)**
  - Provides tax benefits for eligible high-tech enterprises which place in service tangible personal property or other property which equal at least \$10 million
  - Tax benefits include credit against real property tax, tax reduction credits, investment credits, employment incentive credits and wage tax credits
  
- **A3068: Establishes the micro-enterprise investor tax credit program (A. W&M)**
  - Objective is to encourage third parties to invest in micro-enterprises (business with 5 or fewer employees); credit is applied over a three year period with 15% in first year, and 5% credit applied in second and third years up to \$150,000 over the three years

# Marketing Related Bill

- **A02207: Creates a high tech marketing program (A. Eco Dev, S. Commerce)**
  - Establishes a high-tech marketing program in the areas of nano-tech, bio-tech and photonics, optics and imaging
  - Provides funds on a matching basis to established regional econ development marketing coalitions

## Incubator Related Bills

- **A11616-S7048: New York Incubator Network (A. Eco Dev, S. Passed-Delivered to Assembly)**
  - Allowing NYSTAR to designate a university, university-affiliated research institute or a consortium of such institutions as an incubator and allows the foundation to provide financial assistance for operating purposes.

# SBIR Related Bills

- **A4198-S4434: SBIR Matching Grants Program within NYS Office of Sci, Tech, and Academic Research (A. W&M, S. Commerce)**
  - Bill clarifies how funds will be allocated so state SBIR can begin to assist small high tech companies competing for federal SBIR funds
- **A10084: Creates the small business innovation research/small business technology transfer technical assistance program (A. Assembly Floor)**
  - Designed to assist small NY businesses competing for Phase I federal SBIR and STIR grants



# State IP Related Bills

- **A4729-S6333: Creates intellectual property asset management advisory council (A. W&M, S. Commerce)**
  - Helps state to manage its rights to intellectual property derived from state funded research grants
- **A4878-S6330: Establishes principles governing the management of state-owned intellectual property (A. Govt Op, S. Investigations and Govt Op)**
  - The State should retain a non-exclusive, royalty-free license to use IP for noncommercial purposes
  - The state must be able to take title to IP that is not being commercialized
  - If IP is not dedicated to the public domain, efforts should be made to commercialize it in New York State
  - When IP that is sold or licensed the return should be higher when not produced in New York
- **A247-S7979: Establishes a database of intellectual property in the NYS Foundation for Sci, Tech, and Innovation (Passed Both Houses)**
  - Adds to duties and responsibilities of the NYS Foundation for Sci, Tech, and Innovation the operation and maintenance of a public, interactive database of all IP generated by state employees or developed through state-funded research

# Miscellaneous Bills

- **A5908: Establishes Academic Research Information Access Act (ARIA)**  
**(A. Economic Dev)**
  - Creates an appropriation to allow public and private academic research libraries to make collections accessible to entrepreneurial community
  - Access is currently limited b/c of high cost of licensing agmts and restrictive contracts that inhibit collaboration
  
- **A2982B-S5618B: Directs the division for small business to maintain a small business portal on the department of econ development internet website (A. W&M, S. Floor)**
  - Provides existing and prospective small businesses with one-stop online small business assistance
  
- **A1980: Creates Business Outreach Center (BOC) network assistance program (A. Eco Dev)**
  - To foster statewide expansion of services presently provided in NYC by BOC Network, Inc. a not-for-profit corporation
  - Supports small business development by facilitating access to complex infrastructure of econ development programs and services and needed info, capital and technical assistance

NEW YORK STATE SCIENCE  
TECHNOLOGY LAW CENTER &  
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Questions?  
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