

[First Reprint]

SENATE, No. 553

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 7 (Burlington)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

SYNOPSIS

Adds technology transfer duties to New Jersey Commission on Science, Innovation and Technology.

CURRENT VERSION OF TEXT

As reported by the Assembly Science, Innovation and Technology Committee on May 11, 2023, with amendments.



(Sponsorship Updated As Of: 5/25/2023)

1 AN ACT concerning technology transfer duties of the New Jersey
2 Commission on Science, Innovation and Technology and
3 amending P.L.1985, c.102 (C.52:9X-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 4 of P.L.1985, c.102 (C.52:9X-4) is amended to read
9 as follows:

10 4. a. The commission shall consist of the following 17
11 members:

12 (1) four public members to be appointed by the Governor, with
13 each public member having a background in a field of science or
14 technology or in a business related to science and technology;

15 (2) two public members to be appointed by the Governor upon
16 the recommendation of the President of the Senate and two public
17 members to be appointed by the Governor upon the
18 recommendation of the Speaker of the General Assembly, with each
19 public member having a background in a field of science or
20 technology, or in a business related to science and technology;

21 (3) two members of the Senate, who shall not be of the same
22 political party, to be appointed by the President of the Senate and
23 who shall serve as ex officio, non-voting members, and two
24 members of the General Assembly, who shall not be of the same
25 political party, to be appointed by the Speaker of the General
26 Assembly and who shall as serve ex officio, non-voting members;

27 (4) the Secretary of Higher Education, ex officio, or the
28 secretary's duly authorized representative;

29 (5) the Commissioner of Education, ex officio, or the
30 commissioner's duly authorized representative;

31 (6) the Executive Director of the New Jersey Economic
32 Development Authority, ex officio, or the executive director's duly
33 authorized representative; and

34 (7) two presidents from the State's public and private **[research]**
35 institutions of higher education, who shall be appointed annually by
36 the Governor and who shall serve as ex officio, non-voting
37 members.

38 b. In the selection of public members, a strong effort shall be
39 made to appoint women and minorities to the commission. The
40 commission members who are not members of the Senate or the
41 General Assembly and who are not presidents from the State's
42 public and private **[research]** institutions of higher education shall
43 have a right to vote on the various matters considered by the
44 commission.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AST committee amendments adopted May 11, 2023.

1 c. The terms of office of any member of the commission that
2 served prior to the effective date of P.L.2018, c.91 shall expire on
3 June 30, 2018.

4 (cf: P.L.2018, c.91, s.5)
5

6 2. Section 9 of P.L.1985, c.102 (C.52:9X-9) is amended to read as
7 follows:

8 9. The commission shall:

9 a. Be responsible for the development and oversight of policies
10 and programs in science, innovation, and technology for New Jersey;

11 b. Ensure that the programs in science, innovation, and
12 technology are adequately funded to achieve their stated goals;

13 c. Stimulate academic-industrial collaboration through such
14 mechanisms as advanced technology centers, innovation partnership
15 grants, business incubation facilities, and technology extension
16 services;

17 d. Plan and assist in the establishment of new advanced
18 technology centers, business incubation facilities, and technology
19 extension services and adopt rules and regulations regarding the
20 operation of these activities;

21 e. Coordinate activities of the advanced technology centers,
22 business incubation facilities, and technology extension services in
23 conjunction with designated public and private institutions of higher
24 education;

25 f. Recommend funding levels, determine eligible fields, and
26 supervise the process of making awards for innovation partnership
27 grants;

28 g. Continue to identify and to support research opportunities at
29 New Jersey academic institutions and other institutions that can
30 advance economic development and employment;

31 h. Encourage and coordinate activities to help entrepreneurs and
32 inventors;

33 i. Appoint an Innovation Council from the membership of the
34 commission, as the commission deems appropriate, which shall
35 determine how to stimulate technology transfer between public and
36 private ¹**[research]**¹ institutions of higher education in this State and
37 industry, including the transfer of information available from various
38 federal agencies, and report, pursuant to subsection b. of section 10 of
39 P.L.1985, c.102 (C.52:9X-10), on how this State can better achieve
40 this effort;

41 j. Appoint a peer review committee, where warranted, for each of
42 the fields of technology, drawn from the academic, scientific, and
43 industrial communities to review all situations involving either
44 competitive applications for agency support or judgments on complex
45 scientific, innovation, or technological matters with the stipulation that
46 neither reviewers nor their affiliated institutions shall be eligible as
47 applicants;

1 k. Monitor changes in national and international economic
2 conditions which might justify a recommendation of a reorientation of
3 the State's science, innovation, and technology programs;

4 l. Identify and support future fields of science, innovation, and
5 technology in New Jersey that offer potential for application or
6 commercialization, or both, in New Jersey and help to find funding
7 sources;

8 m. Adopt rules and regulations pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the
10 provisions of P.L.1985, c.102 (C.52:9X-1 et seq.), consistent with the
11 rules and regulations of the Secretary of Higher Education;

12 n. Adopt, amend, and repeal bylaws for the regulation of its
13 affairs and the conduct of its business;

14 o. Adopt and have a seal and alter the same at its pleasure;

15 p. Have the authority to sue and be sued;

16 q. Have the authority to conduct meetings and public hearings in
17 connection with the purposes of P.L.1985, c.102 (C.52:9X-1 et seq.);

18 r. Have the authority to enter into contracts, public and private,
19 with a person upon those terms and conditions as the commission
20 determines to be reasonable and to effectuate the purposes of
21 P.L.1985, c.102 (C.52:9X-1 et seq.);

22 s. Employ consultants and specialists in science, innovation, and
23 technology and any other employees as may be required in the
24 judgment of the commission to effectuate the purposes of P.L.1985,
25 c.102 (C.52:9X-1 et seq.), and to fix and pay their compensation from
26 funds available therefor, all without regard to the provisions of Title
27 11A of the New Jersey Statutes;

28 t. Receive and disburse funds from non-State sources including
29 but not limited to federal funds;

30 u. Have the authority to receive a percentage of royalty payments
31 from any intangible property, as that term is defined in section 5 of
32 P.L.2002, c.40 (C.54:10A-4.4), awarded to any science, innovation,
33 and technology company that received assistance from the commission
34 and which assistance led to the awarding of the intangible property, as
35 appropriate, except that three-fourths of the amount of any royalty
36 payments received by the commission shall be remitted to the State
37 Treasurer for deposit in the General Fund pursuant to an agreement
38 with the State Treasurer; **[and]**

39 v. Have the authority to do any and all things necessary or
40 convenient to carry out its purposes and exercise the powers granted in
41 P.L.1985, c.102 (C.52:9X-1 et seq.) **[.]** ; and

42 w. Collaborate with technology transfer professionals at public
43 and private institutions of higher education to assist in transferring
44 technology and research knowledge developed at public and private
45 institutions of higher education to the private sector, with an emphasis
46 on start-ups, for the purpose of further development and
47 commercialization, which may include, but not be limited to,
48 organizing events to showcase early-stage technologies and research.
49 (cf: P.L.2018, c.91, s.10)

1 3. Section 10 of P.L.1985, c.102 (C.52:9X-10) is amended to
2 read as follows:

3 10. a. The commission shall report to the Governor and,
4 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
5 Legislature on or before one year after the effective date of
6 P.L.2018, c.91 and annually thereafter. Each report shall set forth a
7 complete operating and financial statement covering the operations
8 of the commission and all advanced technology centers within its
9 jurisdiction. The financial records of the commission shall be
10 audited annually by the State Auditor.

11 b. Within one year of the enactment of P.L.2018, c.91, and
12 every third year thereafter, the Innovation Council, appointed
13 pursuant to subsection i. of section 9 of P.L.1985, c.102 (C.52:9X-
14 9), shall report to the Governor and, pursuant to section 2 of
15 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on its
16 recommendations on how this State can better achieve technology
17 transfer efforts between public and private **[research]** institutions of
18 higher education and industry, including the transfer of information
19 available from various federal agencies.

20 (cf: P.L.2018, c.91, s.11)

21

22 4. This act shall take effect immediately.