

[First Reprint]

**ASSEMBLY, No. 5592**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 5, 2021

**Sponsored by:**

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**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

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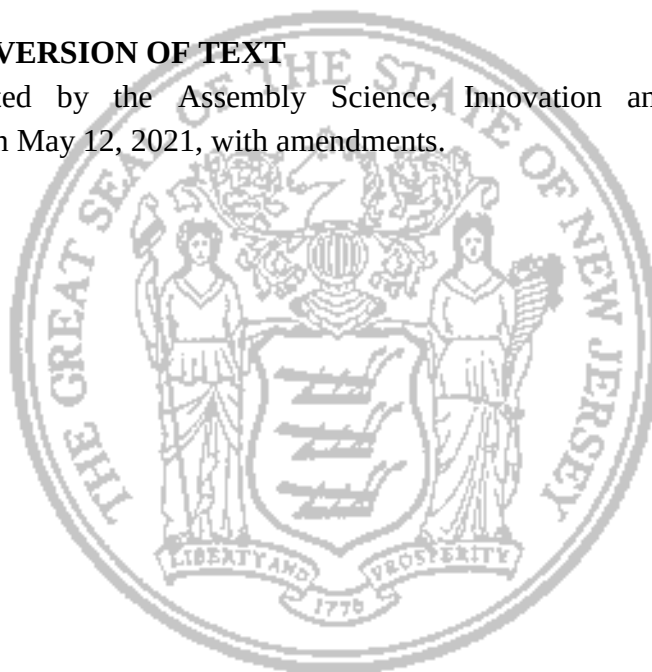
**Assemblymen Mukherji and DePhillips**

**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 12, 2021, with amendments.



**(Sponsorship Updated As Of: 5/12/2021)**

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   <sup>1</sup>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:**

<sup>1</sup>Assembly AST committee amendments adopted May 12, 2021.

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.<sup>1</sup>

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

5  
6 **<sup>1</sup>1.2<sup>1</sup>** Section 9 of P.L.1985, c.102 (C.52:9X-9) is amended to  
7 read as 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 **<sup>1</sup>research<sup>1</sup>** 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  
43 '[academic institutions] public and private institutions of higher  
44 education'<sup>1</sup> to assist in transferring technology and research knowledge  
45 developed at '[academic institutions] public and private institutions of  
46 higher education'<sup>1</sup> to the private sector, with an emphasis on start-ups,  
47 for the purpose of further development and commercialization, which

1 may include, but not be limited to, organizing events to showcase  
2 early-stage technologies and research.

3 (cf: P.L.2018, c.91, s.10)  
4

5 <sup>1</sup>3. Section 10 of P.L.1985, c.102 (C.52:9X-10) is amended to  
6 read as follows:

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

15 b. Within one year of the enactment of P.L.2018, c.91, and  
16 every third year thereafter, the Innovation Council, appointed  
17 pursuant to subsection i. of section 9 of P.L.1985, c.102 (C.52:9X-  
18 9), shall report to the Governor and, pursuant to section 2 of  
19 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on its  
20 recommendations on how this State can better achieve technology  
21 transfer efforts between public and private **【research】** institutions of  
22 higher education and industry, including the transfer of information  
23 available from various federal agencies.<sup>1</sup>

24 (cf: P.L.2018, c.91, s.11)  
25

26 <sup>1</sup>**【2.】 4.**<sup>1</sup> This act shall take effect immediately.