

## CHAPTER 272

**AN ACT** allowing the New Jersey Commission on Science and Technology to receive percentage of royalties from certain intellectual property awarded to science and technology companies assisted by the commission and amending P.L.1985, c.102 and P.L.1995, c.277.

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

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

C.52:9X-9 Duties of commission.

9. The commission shall:
  - a. Be responsible for the development and oversight of policies and programs in science and technology for New Jersey;
  - b. Ensure that the programs in science and technology are adequately funded to achieve their stated goals;
  - c. Stimulate academic-industrial collaboration through such mechanisms as advanced technology centers, innovation partnership grants, business incubation facilities, and technology extension services;
  - d. Plan and assist in the establishment of new advanced technology centers, business incubation facilities, and technology extension services and adopt rules and regulations regarding the operation of these activities;
  - e. Coordinate activities of the advanced technology centers, business incubation facilities and technology extension services in conjunction with designated public and private institutions of higher education;
  - f. Recommend funding levels, determine eligible fields and supervise the process of making awards for innovation partnership grants;
  - g. Continue to identify and to support research opportunities at New Jersey academic institutions and other institutions that can advance economic development and employment;
  - h. Encourage and coordinate activities to help entrepreneurs and inventors;
  - i. Stimulate technology transfer between higher education institutions and industry, including transfer of information available from various federal agencies;
  - j. Appoint a peer review committee, where warranted, for each of the fields of technology, drawn from the academic, scientific and industrial communities to review all situations involving either competitive applications for agency support or judgments on complex scientific or technological matters with the stipulation that neither reviewers nor their affiliated institutions shall be eligible as applicants;
  - k. Monitor changes in national and international economic conditions which might justify a reorientation of the State's technology program;
  - l. Identify future fields of science and technology that offer potential for application in New Jersey and help to find funding sources;
  - m. Adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of this act, consistent with the rules and regulations of the Commission on Higher Education;
  - n. Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;
  - o. Adopt and have a seal and alter the same at pleasure;
  - p. Have authority to sue and be sued;
  - q. Have authority to conduct meetings and public hearings in connection with the purposes of this act;
  - r. Have authority to enter into contracts, public and private, with a person upon those terms and conditions as the commission determines to be reasonable and to effectuate the purposes of this act;
  - s. Employ consultants and specialists in science and technology and any other employees as may be required in the judgment of the commission to effectuate the purposes of this act, and to fix and pay their compensation from funds available therefor, all without regard to the provisions of Title 11 of the Revised Statutes;
  - t. Receive and disburse funds from non-State sources including but not limited to federal funds;

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

v. Have authority to do any and all things necessary or convenient to carry out its purposes and exercise the powers granted in this act.

2. Section 3 of P.L.1995, c.277 (C.52:9X-9.3) is amended to read as follows:

C.52:9X-9.3 Program to promote biotechnology and other industries, established.

3. The New Jersey Commission on Science and Technology, in consultation with the Department of Commerce and Economic Development, shall establish a program to promote biotechnology and other high technology industries in the State and to attract biotechnology and other high technology companies to the State.

The program shall: include research and information on commercial opportunities in biotechnology and high technology; provide technical and financial assistance to biotechnology and high technology companies considering locating in New Jersey; regularly represent or assist in representing the interests of New Jersey based firms in the national and international markets for biotechnology and high technology through conferences and seminars; provide New Jersey based firms with customized technical, financial and other assistance; authorize receiving a percentage of royalty payments from any intangible property, as that term is defined in section 5 of P.L.2002, c.40 (C.54:10A-4.4), awarded to those biotechnology and high technology companies that received assistance from the commission and which assistance led to the awarding of the intangible property, as appropriate, except that three-fourths of the amount of any royalty payments received by the commission shall be remitted to the State Treasurer for deposit in the General Fund pursuant to an agreement with the State Treasurer and recruit capital investment in New Jersey to be applied to the high technology and biotechnology industries.

3. This act shall take effect immediately.

Approved January 6, 2006.