

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2559 Session of  
2000

INTRODUCED BY HASAY, CALTAGIRONE, GORDNER, STABACK, BASTIAN,  
FLICK, BAKER, ROBERTS, KENNEY, GEIST AND SATHER, MAY 16, 2000

REFERRED TO COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT,  
MAY 16, 2000

AN ACT

1 Amending the act of July 2, 1993 (P.L.439, No.64), entitled "An  
2 act creating the Ben Franklin/IRC Partnership and providing  
3 for its powers; establishing the Ben Franklin/IRC Partnership  
4 Fund; providing for certification of industrial resource  
5 centers, for certification of Ben Franklin technology centers  
6 and for certain transfers; and making repeals," further  
7 providing for policy, for definitions, for the Ben  
8 Franklin/IRC Partnership and Advisory Board, for industrial  
9 resource centers, for technology centers, for certification,  
10 for grants, for matching funds, for reporting, for transfer  
11 of functions and for expiration.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14,  
15 16, 18 and 21 of the act of July 2, 1993 (P.L.439, No.64), known  
16 as the Ben Franklin/IRC Partnership Act, are amended to read:

17 Section 2. Legislative findings and policy.

18 (a) Findings.--The General Assembly finds as follows:

19 [(1) A growing base of successful, small-to-medium-sized  
20 Commonwealth manufacturing companies is essential to the  
21 economic strength and vitality of this Commonwealth.

22 (2) The existence and growth of small-to-medium-sized

1 Commonwealth manufacturing companies depends on the ability  
2 of these companies to:

3 (i) Reorient management practices toward modern  
4 manufacturing techniques and technologies.

5 (ii) Successfully compete in both domestic and  
6 foreign markets.

7 (iii) Identify, bench mark and adopt the best and  
8 most efficient practices and technologies.

9 (iv) Locate and hire a trained work force.

10 (3) There is a need to inform the body politic, the  
11 press, the academic and business communities and the  
12 population at large about the significance of a successful,  
13 competitive United States manufacturing industry to the  
14 quality of life, security and economic strength.

15 (4) There is a continuing need to promote, stimulate and  
16 encourage within this Commonwealth basic and applied  
17 scientific research and development and scientific and  
18 technological education.

19 (5) University-based consortia between business,  
20 universities and government provide these entities with the  
21 advanced technology research and development, training and  
22 education necessary to diversify this Commonwealth's economy  
23 and thereby stimulate this Commonwealth's economic growth.

24 (6) The industrial resource centers were created to  
25 support the modernization efforts of this Commonwealth's  
26 small-to-medium-sized manufacturing companies through  
27 collaborative initiatives and individual projects that apply  
28 and deploy advanced manufacturing management and production  
29 philosophies and techniques in such areas as:

30 (i) Production, planning and inventory control.

1 (ii) Quality improvement.

2 (iii) Plant layouts.

3 (iv) Factory and office automation.

4 (v) Technology improvements.

5 (vi) Work force development and other training  
6 programs.

7 (vii) Manufacturing strategies.

8 (7) The Ben Franklin technology centers were created to  
9 build partnerships and provide direct assistance to help  
10 firms develop and creatively apply techniques and related  
11 practices to such activities as:

12 (i) Help companies to form and grow through the  
13 development and commercialization of innovative products  
14 and services.

15 (ii) Help manufacturers to develop and innovatively  
16 apply new technologies and practices that make them more  
17 competitive in the global market economy.

18 (iii) Facilitate and support consortia of private  
19 companies, academic institutions and government agencies  
20 to collaboratively advance the state of knowledge and  
21 practices.

22 (iv) Facilitate and support the availability of  
23 services and collaborative activities throughout this  
24 Commonwealth to provide business and technical  
25 assistance.

26 (v) Select firms with potential for growth and  
27 facilitate and support collaborative activities and  
28 individual initiatives designed to address the needs of  
29 manufacturing and technology-oriented companies for a  
30 well-trained work force.

1 (b) Policy.--

2 (1) It is hereby declared to be the policy of the  
3 Commonwealth to promote the health, safety and general  
4 welfare of its inhabitants through its Department of Commerce  
5 by:

6 (i) The creation of the Ben Franklin/IRC  
7 Partnership, which shall exist for the purpose of  
8 promoting competitiveness of Commonwealth companies  
9 through interaction of technology development,  
10 modernization and training programs.

11 (ii) The certification of industrial resource  
12 centers, which shall exist for the purpose of  
13 strengthening the competitive position of small-to-  
14 medium-sized Commonwealth manufacturing companies through  
15 the promotion, demonstration and transmission of modern  
16 manufacturing techniques and technologies.

17 (iii) The certification of Ben Franklin technology  
18 centers, which shall exist for the purpose of  
19 identifying, generating, developing and refining  
20 technology innovation opportunities for Commonwealth  
21 businesses.]

22 (1) A growing base of companies which leverage advanced  
23 technology and innovation to achieve leading positions in  
24 their markets and industries is essential to the economic  
25 strength and vitality of this Commonwealth in the global,  
26 knowledge-based economy.

27 (2) The ability of innovative, advanced technology  
28 companies to thrive depends upon the Commonwealth fostering a  
29 strong entrepreneurial business environment with adequate and  
30 appropriate people, technology and capital resources and the

1 collaborative capacity to link these elements together in  
2 response to market opportunities.

3 (3) A growing base of productive and profitable small-  
4 to-medium-sized manufacturing companies is essential to the  
5 economic strength and vitality of this Commonwealth.

6 (4) The competitive success of Commonwealth companies  
7 depends on the ability of each company to:

8 (i) identify, understand and serve demanding  
9 domestic and foreign markets;

10 (ii) employ modern management methods in all aspects  
11 of the enterprise;

12 (iii) educate, empower, reward, recruit and retain a  
13 skilled work force;

14 (iv) select, implement and optimize the most  
15 advanced technologies appropriate to the enterprise;

16 (v) perform as a resourceful supplier and responsive  
17 customer; and

18 (vi) master the dynamic requirements for robust  
19 participation in electronic business as information  
20 technologies transform commerce.

21 (5) There is a need to inform the body politic, the  
22 press, the academic and business communities and the  
23 population at large about the significance of a successful,  
24 competitive United States manufacturing industry and the  
25 importance of an entrepreneurial environment to the quality  
26 of life, security and economic strength.

27 (6) There is a continuing need to promote, stimulate and  
28 encourage within this Commonwealth basic and applied  
29 scientific research and development; scientific and  
30 technological education; an appropriate infrastructure to

1 support high risk, technology-oriented entrepreneurship; and  
2 a dynamic, cooperative network of organizations dedicated to  
3 deploying new technologies and methods to the industrial  
4 foundation of this Commonwealth.

5 (7) Consortia and other forms of collaboration between  
6 business, associations, universities, nonprofit research  
7 institutes and government provide these entities with the  
8 advanced technology research and development, training and  
9 education, and deployment of technologies and techniques  
10 necessary to diversify and grow the economy of this  
11 Commonwealth.

12 (8) The industrial resource centers were created to  
13 support the modernization efforts of this Commonwealth's  
14 manufacturing companies through collaborative initiatives and  
15 individual projects which apply and deploy advanced  
16 manufacturing management and production philosophies and  
17 techniques in such areas as:

18 (i) market analysis and development;

19 (ii) selection, implementation and optimization of  
20 available technologies;

21 (iii) production planning and inventory control;

22 (iv) factory and office automation;

23 (v) quality assurance and improvement;

24 (vi) lean manufacturing;

25 (vii) supply chain development;

26 (viii) work force development;

27 (ix) enterprise management; and

28 (x) electronic business and information technology.

29 (9) The Ben Franklin Technology Partners were created to  
30 serve as the Commonwealth's key regional partner to reach out

1 to and assist companies and communities in identifying,  
2 developing, adapting and implementing advanced technology and  
3 innovation opportunities within an entrepreneurial business  
4 environment. The Ben Franklin Technology Partners build  
5 partnerships and provide direct assistance to help firms  
6 develop and creatively apply techniques and related practices  
7 through such activities as:

8 (i) Helping companies to form and grow through the  
9 development and commercialization of innovative products  
10 and services.

11 (ii) Helping manufacturers to develop and  
12 innovatively apply new technologies and practices which  
13 make them more competitive in the global market economy.

14 (iii) Facilitating and supporting consortia,  
15 initiatives and strategies involving private companies,  
16 academic institutions, government agencies and other  
17 organizations to collaboratively advance the state of  
18 knowledge and practices and the ability of communities to  
19 support innovative, advanced technology companies.

20 (iv) Facilitating and supporting the availability of  
21 services and collaborative activities throughout this  
22 Commonwealth to provide business and technical  
23 assistance.

24 (v) Selecting firms with potential for growth and  
25 facilitating and supporting collaborative activities and  
26 individual initiatives designed to address the needs of  
27 manufacturing and technology-oriented companies for a  
28 well-trained work force.

29 (vi) Providing forms of risk and growth capital to  
30 technology-based enterprises both directly and through

1       the support and creation of alternative funding  
2       mechanisms.

3       (b) Policy.--

4       (1) It is declared to be the policy of the Commonwealth  
5       to promote the health, safety and general welfare of its  
6       inhabitants through the department by:

7               (i) The creation of the partnership board, which  
8               shall exist for the purpose of promoting, stimulating,  
9               encouraging and coordinating programs, actions, services  
10              and investments which advance the competitiveness of  
11              Commonwealth companies in the global economy through  
12              innovation; through an entrepreneurial business  
13              environment; and through the interaction of technology  
14              development, industrial modernization and work force  
15              training programs. The partnership board shall be  
16              responsible for directing policy development and  
17              coordinating the activities of all of the industrial  
18              modernization and technology-related programs in this  
19              Commonwealth.

20              (ii) The certification of industrial resource  
21              centers, which shall exist for the purpose of promoting  
22              the competitiveness of Commonwealth manufacturing  
23              companies through interaction of technology deployment,  
24              market analysis, management modernization, work force  
25              development and training programs.

26              (iii) The certification of the partners, which shall  
27              serve as the Commonwealth's key regional partner to  
28              foster an entrepreneurial environment and to grow  
29              communities of companies and institutions within their  
30              regions which leverage advanced technologies and



1           innovation to achieve leading roles in their markets.

2       These purposes are hereby declared to be public purposes for  
3       which public money may be spent.

4           (2) It is also the policy of the Commonwealth not to  
5       duplicate or to mandate the delivery of technical and  
6       professional economic development services currently being  
7       provided or those which may be provided in the future by  
8       other economic development organizations throughout this  
9       Commonwealth.

10   Section 3. Definitions.

11       The following words and phrases when used in this act shall  
12       have the meanings given to them in this section unless the  
13       context clearly indicates otherwise:

14       ["Advisory board." The Ben Franklin/IRC Partnership Advisory  
15       Board.

16       "Ben Franklin technology center." A nonprofit corporation,  
17       incorporated for the purposes of identifying and generating  
18       technology innovation opportunities among Commonwealth  
19       businesses.]

20       "Ben Franklin Technology Partners." One of four regional  
21       nonprofit corporations, incorporated for the purposes of serving  
22       as the Commonwealth's key regional partners to reach out to and  
23       assist companies and communities in identifying, developing,  
24       adapting and implementing advanced technology and innovation  
25       opportunities within an entrepreneurial business environment, in  
26       collaborating as a Statewide network.

27       "Centers." The Ben Franklin [technology centers] Technology  
28       Partners and the industrial resource centers.

29       "Commonwealth manufacturing company." A Pennsylvania  
30       manufacturing company.

1 "Department." The Department of [Commerce] Community and  
2 Economic Development of the Commonwealth.

3 "Industrial resource center." A nonprofit corporation,  
4 incorporated for the purposes of enhancing and supporting the  
5 competitive ability of Commonwealth manufacturers by helping  
6 them [take advantage of and benefit from the transmission of  
7 production] to identify, assess, select, implement and optimize  
8 techniques and technologies.

9 "Manufacturing." The giving of new shapes, new qualities or  
10 new combinations to matter by the application of skill and labor  
11 thereto.

12 "Partners." The Ben Franklin Technology Partners.

13 "Partnership." The Ben [Franklin/IRC] Franklin Technology  
14 Partners/Industrial Resource Centers Partnership.

15 "Partnership board." The board of directors of the Ben  
16 [Franklin/IRC] Franklin Technology Partners/Industrial Resource  
17 Centers Partnership.

18 "Private sector funds." Monetary or in-kind support from  
19 private businesses, corporations, individuals, trade  
20 associations, foundations [and], federally and locally supported  
21 grant programs and other non-Commonwealth sources.

22 "Secretary." The Secretary of [Commerce] Community and  
23 Economic Development of the Commonwealth.

24 ["Small-to-medium-sized Commonwealth manufacturing company."  
25 A Pennsylvania manufacturing company which meets the small  
26 business size standards established by the United States Small  
27 Business Administration.]

28 Section 4. Ben [Franklin/IRC] Franklin Technology  
29 Partners/Industrial Resource Centers Partnership.

30 (a) Creation.--A body corporate and politic, to be known as

1 the Ben [Franklin/IRC] Franklin Technology Partners/Industrial  
2 Resource Centers Partnership, is hereby created as a public  
3 authority and instrumentality of the Commonwealth. [This  
4 authority shall exercise the powers of the Commonwealth as an  
5 agency of the Commonwealth.]

6 (b) Members.--The partnership board shall be composed of the  
7 following members:

8 (1) The secretary.

9 (2) A representative of the Governor's Office with  
10 responsibilities for technology, to be appointed by the  
11 Governor.

12 (3) [Five] Ten representatives from the private  
13 manufacturing or advanced technology business sector to be  
14 appointed by the Governor, at least [two] four of whom [shall  
15 be representatives of small-to-medium-sized businesses.] must  
16 represent regional Ben Franklin Technology Partners boards  
17 and at least four of whom must represent industrial resource  
18 center boards. One of these ten should come from the private  
19 capital community.

20 [(4) Two representatives from the education sector to be  
21 appointed by the Governor, one of whom shall be a president  
22 or board member of a four-year college or university and one  
23 of whom shall be a president or board member of an  
24 institution that provides vocational instruction.]

25 (4) Two representatives from the education sector in  
26 positions that are reflective of the programs assigned to the  
27 board to be appointed by the Governor.

28 (5) A representative from organized labor to be  
29 appointed by the Governor.

30 [(6) The chairman of the Milrite Council.]

1           (7) Four representatives of the General Assembly  
2 appointed as follows:

3           (i) One representative appointed by the President  
4 pro tempore of the Senate.

5           (ii) One representative appointed by the Minority  
6 Leader of the Senate.

7           (iii) One representative appointed by the Speaker of  
8 the House of Representatives.

9           (iv) One representative appointed by the Minority  
10 Leader of the House of Representatives.

11 (b.1) Ethics.--

12       (1) No individual who is an officer or employee of the  
13 partners, who is an officer or employee of an industrial  
14 resource center or who is in a position to benefit  
15 financially from any decision or undertaking of the  
16 partnership board may be a member of the partnership.

17       (2) Each member under subsection (b)(1), (2) and (7)  
18 shall be deemed a "public official" for purposes of 65  
19 Pa.C.S. Ch. 11 (relating to ethics standards and financial  
20 disclosure).

21       (c) Chair.--The secretary shall chair the partnership board  
22 and shall be authorized to designate an officer or employee with  
23 broad policy responsibility within the department in accordance  
24 with section 6(c) to chair partnership board meetings in his  
25 absence.

26       (d) Terms.--

27       (1) The secretary and the representative of the  
28 Governor's Office with responsibilities for technology shall,  
29 for as long as they hold their respective positions, serve on  
30 the partnership board for terms of four years, the terms to

run concurrently with that of the Governor.

(2) Those remaining members of the partnership board initially appointed by the Governor shall serve for the following term of years:

(i) [Two] Four representatives from the private sector, one representative from the education sector and the labor representative shall serve terms of four years.

(ii) [Two] Three representatives from the private sector and one representative from the education sector shall serve for terms of three years.

(iii) [One representative] Three representatives from the private sector shall serve a term of two years.

(3) The representatives of the General Assembly shall serve terms of two years, such terms to run concurrently with the term of the legislative session.

All of their respective successors shall serve for terms of four years or until their respective successors shall be duly appointed by the Governor. Any [member] members appointed to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed.

(e) Compensation.--The members shall receive no compensation for their services but shall be reimbursed for their expenses actually incurred by them in the performance of their duties under this act.

Section 5. Powers and duties of partnership.

(a) General rule.--The partnership shall have the following powers and duties:

[(1) To promote, stimulate and encourage competitiveness through interaction of technology development, deployment,

1 modernization and education and training programs.

2 (2) To monitor the development of State and regional  
3 plans to maximize coordination and cooperation between the  
4 centers.

5 (3) To ensure that the activities of the centers are  
6 coordinated to the greatest possible extent with other  
7 organizations responsible for these four spheres of business  
8 assistance:

9 (i) Technology assistance.

10 (ii) Business finance.

11 (iii) Business development.

12 (iv) Education and training.

13 (4) To coordinate efforts to identify and pursue Federal  
14 and State funding opportunities, including opportunities to  
15 assist defense-based firms in converting to nondefense  
16 activities.]

17 (1) To promote, stimulate, encourage and coordinate  
18 programs, actions, services and investments which advance the  
19 competitiveness of Commonwealth companies in the global  
20 economy through innovation; an entrepreneurial business  
21 environment and the interaction of technology development,  
22 technology deployment, industrial modernization, market  
23 analysis and development; and work force development and  
24 training programs.

25 (2) To take responsibility for overall funding  
26 allocations, direct policy development and foster  
27 coordination among all technology-related programs in the  
28 Commonwealth.

29 (3) To advise the Governor and the executive agencies,  
30 upon request, concerning matters of science, technology,

1 engineering, innovation, entrepreneurship, industrial  
2 modernization and manufacturing competitiveness, which relate  
3 to economic growth and the health, safety and welfare of this  
4 Commonwealth and its citizens.

5 (4) To monitor the development of State and regional  
6 plans to advance the economy of this Commonwealth in relation  
7 to technology, innovation, an entrepreneurial business  
8 environment and manufacturing performance and to promote  
9 collaboration between regional entities and Commonwealth  
10 agencies in the preparation and execution of such plans.

11 (4.1) To encourage and assist efforts to identify and  
12 pursue Federal and other funding opportunities, particularly  
13 those leading to or supporting Statewide strategic  
14 initiatives.

15 (5) To adopt bylaws[, regulations] and guidelines  
16 dealing with the organization, meetings, activities and other  
17 considerations as it may deem appropriate and consistent.

18 (6) To make contracts of every name and nature and to  
19 execute all instruments necessary or convenient for the  
20 carrying on of its business.

21 (7) To conduct examinations and investigations on any  
22 relevant material for its information.

23 (8) To review the financial and disclosure information  
24 submitted by the centers and [request an independent audit of  
25 the center's records.] insure that independent audits and  
26 regional board oversight are in place which should reasonably  
27 be able to detect and respond to any matters of impropriety  
28 at the centers.

29 (9) To appoint subcommittees, as needed.

30 (10) To sue and be sued, implead and be impleaded,

1 complain and defend in all courts.

2 (11) To approve funding allocations to centers and other  
3 programs and entities assigned to the board.

4 (12) To accept funds from various sources, including,  
5 but not limited to:

6 (i) Separate [State] Commonwealth appropriations to  
7 [the Ben Franklin technology centers] programs and  
8 entities assigned to the board, including, but not  
9 limited to, the Ben Franklin Technology Partners and the  
10 industrial resource centers.

11 [(ii) Separate State appropriations to the  
12 industrial resource centers.]

13 (iii) Any other State appropriations, Federal funds,  
14 funds established under official orders and other  
15 statutes, royalties, gifts, grants, bequests, devises and  
16 private funds.

17 (13) To comply with Federal legislation and regulations.

18 (b) Debt restriction.--Notwithstanding any other provisions  
19 of this act, the partnership shall not have the authority to  
20 issue any bonds, notes or any other obligation evidencing a debt  
21 or liability of the partnership, the Commonwealth or any of its  
22 political subdivisions.

## 23 Section 6. Partnership board.

24 (a) Organization.--The powers of the partnership shall be  
25 exercised by a board consisting of the members of the  
26 partnership. Within 90 days after the effective date of this  
27 act, the partnership board shall meet and organize. The  
28 secretary shall be the chair and chief executive officer. The  
29 partnership board shall elect a secretary and treasurer from  
30 their number. At the first meeting in each year thereafter, they



1 shall elect from their number a secretary and treasurer.

2 (b) Quorum.--A majority of the members shall constitute a  
3 quorum of the partnership board for the purpose of organizing  
4 the partnership and conducting the business thereof, and all  
5 action shall be taken by a vote of a majority of the members  
6 present, unless specified otherwise in the bylaws of the  
7 partnership or in this act. Only members or their designees who  
8 are physically present at a meeting or able to participate fully  
9 in the deliberations by appropriate telecommunications means  
10 shall count toward a quorum of the partnership board.

11 (c) Designees.--Each public officer of the partnership board  
12 may designate an officer or employee of the Commonwealth to  
13 represent him at meetings of the partnership board. Each  
14 designee may lawfully vote and otherwise act on behalf of the  
15 member of the partnership board for whom he constitutes the  
16 designee. The designation shall be in writing delivered to the  
17 partnership and shall continue in effect until revoked or  
18 amended in writing delivered to the partnership.

19 (d) Staff services.--The department shall provide an  
20 executive director and staff services to the partnership for its  
21 administration of this act[, including review of the proposals  
22 submitted to the partnership by the advisory board].

23 Section 8. Ben Franklin/IRC Partnership Advisory Board.

24 (a) Creation.--There is hereby created within the department  
25 the Ben Franklin/IRC Partnership Advisory Board.

26 (b) Members.--The advisory board shall be composed of the  
27 following members:

28 (1) The chair of the board of each industrial resource  
29 center.

30 (2) The chair of the board of each of the Ben Franklin

1 technology centers.

2 (3) The chair of the board of the Economic Planning and  
3 Development Council.

4 (4) The State director of the small business development  
5 centers.

6 (5) The president of the Pennsylvania Economic  
7 Development Association.

8 (c) Chair.--The advisory board shall be chaired by two  
9 representatives, one of whom shall be selected by the chairs of  
10 the boards of the industrial resource centers and one of whom  
11 shall be selected by the chairs of the boards of the Ben  
12 Franklin technology centers. These cochairs shall attend and  
13 fully participate in the discussions held at all partnership  
14 board meetings, in order to convey to the partnership board the  
15 views of the advisory board.

16 (d) Votes.--For voting purposes, there shall exist 11 total  
17 votes. Four of the votes shall be equally divided among the  
18 industrial resource center chairs. Four of the votes shall be  
19 equally divided among the Ben Franklin technology center chairs.  
20 The three remaining votes shall be equally divided among the  
21 chair of the board of the Economic Planning and Development  
22 Commission, the State director of the small business development  
23 centers and the president of the Pennsylvania Economic  
24 Development Association.

25 (e) Term.--All members of the advisory board shall serve for  
26 as long as they continue to hold the positions outlined above.

27 (f) Compensation.--The advisory board members shall receive  
28 no compensation for their services but shall be reimbursed for  
29 their expenses actually incurred by them in the performance of  
30 their duties under this act.

1 (g) Purpose.--The advisory board shall facilitate discussion  
2 among the organizations represented to promote better  
3 coordination of services and opportunities.

4 (h) Staff support.--The staff to the partnership shall  
5 provide staff support to the advisory board.

6 Section 9. Duties of advisory board.

7 The advisory board shall:

8 (1) Make recommendations to the partnership.

9 (2) Issue periodic reports.

10 (3) Sponsor and conduct conferences and studies.

11 (4) Collect and disseminate information.

12 (5) Develop strategies designed to coordinate the  
13 efforts of the centers, promote joint funding proposals for  
14 each of the centers and develop strategies designed to  
15 facilitate the sharing of information and the best and most  
16 efficient manufacturing practices.

17 The duties of the advisory board shall not include the review  
18 and approval of annual funding proposals and allocations for  
19 each of the centers.]

20 Section 10. Industrial resource centers.

21 An industrial resource center shall:

22 (1) Serve manufacturing industries in this Commonwealth.

23 (1.1) Work with companies, such as engineering design,  
24 software engineering, accounting, educational corporations  
25 and institutions and distribution centers, to help specific  
26 manufacturing firms serviced by those companies modernize  
27 their manufacturing techniques and technologies.

28 (2) Offer manufacturers comprehensive assistance which  
29 may include, but is not limited to:

30 (i) The capacity to help manufacturing firms

1 evaluate those elements which are critical to their  
2 competitive ability, such as [the need for]  
3 implementation of commercially available process  
4 [technology, the need for] technologies, continuous  
5 improvement in quality, development of work force skills  
6 and understanding the nature of [existing and future]  
7 global markets.

8 (ii) The ability to assist companies in identifying  
9 and applying appropriate technologies.

10 (iii) The ability to transmit products and  
11 techniques to improve [the] manufacturing [process]  
12 processes.

13 (iv) [An information service designed to]  
14 Information services which provide manufacturers with  
15 practical data on business issues and the availability  
16 and capability of commercially available processes and  
17 technologies and assistance with implementation.

18 (v) The development of demonstration sites which  
19 manufacturers can visit to learn about and evaluate  
20 technologies.

21 (vi) Providing manufacturers with services designed  
22 to help them better understand [as well as] and apply  
23 modern manufacturing techniques and concepts.

24 (vii) Working with the department and other State  
25 agencies and local or regional organizations in the  
26 implementation of economic development plans.

27 (viii) Providing manufacturers with marketing  
28 strategies and assistance in training and [workforce]  
29 work force development.

30 (3) Represent a consortium of interest designed to meet

1 the needs of [industry in its particular region.]

2 manufacturers in their particular regions.

3 (4) Be an independent nonprofit institution overseen by  
4 a regional board of directors comprising private industry,  
5 economic development organization and university and  
6 educational institution representatives, with at least 50%  
7 representation from private industry.

8 (5) Complement and cooperate with every other center and  
9 [shall] make every effort to share expertise and clientele to  
10 develop a strong Statewide network.

11 [Section 11. Ben Franklin technology centers.

12 A Ben Franklin technology center shall:

13 (1) Act to assist companies and regions to identify and  
14 develop local technology opportunities which make significant  
15 contributions to this Commonwealth's economy.

16 (2) Offer businesses comprehensive assistance which may  
17 include, but not be limited to:

18 (i) Development and strengthening of joint research  
19 and development efforts, including facilities for  
20 advanced technologies activities, equipment, personnel,  
21 land and related activities, which will lead to new  
22 technologies which will create or preserve jobs.

23 (ii) Providing training and curriculum development  
24 related to advanced technology in order to provide a  
25 skilled work force to secure employment in advanced  
26 technology industries.

27 (iii) Technical assistance and technology transfer  
28 activities on an areawide or Statewide basis to transfer  
29 research and development activities into the marketplace.

30 (iv) Assistance through small business incubators,

1 including, but not limited to, space services and  
2 technical assistance.

3 (v) Market development, feasibility studies and  
4 other activities related to increasing jobs in advanced  
5 technology industries.

6 (vi) Staff support for advanced technology councils  
7 or other mechanisms to encourage labor, business,  
8 university and government linkages in promoting advanced  
9 technology industrial diversification.

10 (vii) Facilitate establishment of technology parks,  
11 which will serve as locations for facilities devoted to  
12 research and development and technology-intensive light  
13 manufacturing.

14 (3) Represent a consortium of interest designed to meet  
15 the needs of businesses in their particular regions.

16 (4) Be an independent nonprofit institution overseen by  
17 a regional board of directors comprising economic  
18 development, university and private industry participants,  
19 with at least 50% representation from private industry.

20 (5) Complement and cooperate with every other center and  
21 shall make every effort to share expertise and clientele to  
22 develop a strong Statewide network.]

23 Section 11.1. Ben Franklin Technology Partners.

24 The Ben Franklin Technology Partners shall do all of the  
25 following:

26 (1) Serve as the Commonwealth's key regional partners to  
27 reach out to and assist companies and communities in  
28 identifying, developing, adapting and implementing advanced  
29 technology and innovation opportunities within an  
30 entrepreneurial business environment.

1       (2) Coordinate and provide comprehensive assistance to  
2 the growing base of innovative, advanced technology companies  
3 and their communities, examples of which include:

4           (i) Development and strengthening of joint research  
5 and development efforts, including facilities for  
6 advanced technologies activities, equipment, personnel,  
7 land and related activities which will lead to new or  
8 improved technologies to create or preserve jobs.

9           (ii) Providing, stimulating and opening access to  
10 multiple forms of seed capital and growth financing,  
11 which are needed at various stages to support innovative,  
12 advanced technology businesses and an entrepreneurial  
13 business environment.

14           (iii) Facilitating and supporting education and  
15 training activities and innovative approaches which  
16 complement and leverage the efforts of primary education  
17 providers and programs in order to provide a skilled work  
18 force needed by advanced technology industries.

19           (iv) Technical assistance and technology transfer  
20 activities on a regional or Statewide basis to transfer  
21 research and development activities into the marketplace.

22           (v) Assistance through small business incubators,  
23 including space, services and technical assistance.

24           (vi) Market development, market positioning,  
25 feasibility studies and other activities related to  
26 increasing jobs in innovative, advanced technology  
27 industries.

28           (vii) Support for councils or other mechanisms to  
29 encourage labor, business, university and government  
30 linkages in promoting advanced technology, technology-

1 based entrepreneurship and industrial diversifications.

2 (viii) Facilitating establishment of technology  
3 parks and other site developments which will serve to  
4 foster and support the growth and retention of  
5 innovative, advanced technology companies in a given  
6 community.

7 (3) Represent a consortium of interest designed to meet  
8 the needs of innovative, advanced technology businesses in  
9 their particular regions by linking people, technology and  
10 capital in response to market opportunities.

11 (4) Be independent nonprofit institutions overseen by  
12 regional boards of directors comprising economic development,  
13 university or nonprofit research institutions and private  
14 industry participants, with at least 50% representation from  
15 private industry.

16 (5) Complement and cooperate with every other center and  
17 make every effort to share expertise and clientele to develop  
18 a strong Statewide network.

19 Section 12. Certification.

20 (a) Power to review and certify.--The partnership shall have  
21 the power to review and certify all applications for regional  
22 industrial resource centers, industry-specific industrial  
23 resource centers and [Ben Franklin technology centers] partners.  
24 The standards for certification of each type of center shall be  
25 developed by the partnership [by regulation].

26 (b) Existing centers.--Centers in existence and in receipt  
27 of funds from the department as of the date this act becomes  
28 effective are hereby deemed certified.

29 (c) Modification or revocation.--The partnership shall have  
30 the power to certify centers or to modify or revoke their



1 certifications consistent with the [rules and] regulations to be  
2 promulgated by the partnership. The partnership also shall have  
3 the power to change the number of regions or change the minimum  
4 service boundary within a given region. These actions shall  
5 require a two-thirds majority vote of the partnership board.

6 Section 13. Applications for and approval of grants to centers.

7 The partnership is hereby authorized to make grants to  
8 certified centers[; however, before any grant may be made, the  
9 certified center shall submit a funding proposal to the  
10 partnership, and the partnership shall determine whether the  
11 funding proposal is consistent with the purposes of this act.

12 Approval by the partnership of a certified center's individual  
13 research and development or consulting projects or financial  
14 assistance will not be required, provided such projects or  
15 financial assistance are approved by the board of the certified  
16 center and meet the requirements set forth in this act and in  
17 regulations and guidelines established by the partnership.] and

18 to monitor that those grants are utilized in compliance with  
19 broad policies and guidelines established by the partnership.

20 The certified centers shall submit a funding proposal to the  
21 partnership according to guidelines specified by the partnership  
22 to facilitate the partnership's oversight. However, once an  
23 overall center grant or allocation is made by the partnership,  
24 responsibility for specific center strategies, programs,  
25 initiatives, projects, staffing and other spending shall rest  
26 solely with the center's regional board of directors as long as  
27 those activities adhere to the policies and guidelines of the  
28 partnership. This sole responsibility of the center boards shall  
29 apply to all funding received by the center from the  
30 Commonwealth or derived from Commonwealth funds, such as

paybacks, reimbursements, investment returns, fees for services  
and any other similar forms of income. The centers shall make a  
full accounting of all such sources and uses of funds to the  
partnership on an annual basis and upon request.

Section 14. Requirement of matching funds.

Funds in the form of a grant made to an industrial resource  
center or to [a Ben Franklin technology center] regional  
partners by the partnership pursuant to this act shall be  
matched by private sector funds on a minimum basis to be  
established by [regulation] the partnership. Private matching  
funds shall include, but not be limited to, monetary or in-kind  
support from private businesses, corporations, individuals,  
trade associations, foundations [and], federally and locally  
subsidized grants and other forms of non-Commonwealth support.

For [Ben Franklin technology centers] partners only, private  
matching funds shall also include machinery and equipment.  
[Private matching funds shall not include any fees received by  
an industrial resource center or a Ben Franklin technology  
center for direct business services relating to a project  
subsidized by the partnership or interest accrued on proceeds  
from any State grant.]

Section 16. Reporting requirements.

Centers shall be required to annually submit to the  
partnership the following:

(1) The center's current mailing address and telephone  
number.

(2) A copy of the center's current articles of  
incorporation and bylaws if they are amended during the  
previous year.

(3) A list of the center's current officers and

1 directors.

2 (4) Financial information as the partnership may  
3 [require.] request. However, at a minimum, centers shall  
4 submit an independent audit which covers all funds received  
5 directly from the Commonwealth and funds derived from  
6 Commonwealth support, such as paybacks, reimbursements,  
7 investment returns, fees for services and any other similar  
8 forms of income which result at least partially from initial  
9 expenditure of Commonwealth funds. Upon request, centers  
10 shall also furnish general financial and program information  
11 about activities at the center supported entirely by non-  
12 Commonwealth sources, such as Federal or foundation grants  
13 arranged directly by the center.

14 (5) Disclosure information of the center's officers and  
15 directors as the partnership may require to ensure the  
16 integrity of this act.

17 Section 18. Transfers.

18 All allocations, appropriations, equipment, files, records,  
19 contracts, agreements, obligations and other materials which are  
20 used, employed or expended in connection with the powers, duties  
21 or functions of the board of the Ben [Franklin] Franklin/IRC  
22 Partnership Fund under the provisions of the act of April 9,  
23 1929 (P.L.177, No.175), known as The Administrative Code of  
24 1929, [and the department in connection with the industrial  
25 resource centers] are hereby transferred to the partnership  
26 created by this act with the same force and effect as if the  
27 allocations and appropriations have been made to and the items  
28 had been the property of the partnership in the first instance  
29 and as if the contracts, agreements and obligations had been  
30 incurred or entered into by the partnership.

1 Section 21. Sunset.

2 The Ben Franklin/IRC Partnership, together with its statutory  
3 functions and duties, shall terminate and go out of existence on  
4 December 31, [2000] 2006, unless reestablished or continued by  
5 the General Assembly. The Legislative Budget and Finance  
6 Committee shall be required to present to the General Assembly a  
7 report evaluating the partnership by December 31, 1999. This  
8 report shall provide the General Assembly with a recommendation  
9 as to whether the partnership is to be continued and, if so, the  
10 changes which are suggested by the committee to improve the  
11 operation of the partnership.

12 Section 2. This act shall take effect in 60 days.