
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1709

Session of
1993

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MAY 28, 1993

SENATOR BORTNER, COMMUNICATIONS AND HIGH TECHNOLOGY, IN SENATE,
AS AMENDED, JUNE 15, 1993

AN ACT

1 Creating the IRC/Ben Franklin Partnership and providing for its
2 powers; establishing the IRC/Ben Franklin Partnership Fund;
3 providing for certification of industrial resource centers,
4 for certification of Ben Franklin technology centers and for
5 certain transfers; and making repeals.

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

14 Section 1. Short title.

15 This act shall be known and may be cited as the IRC/Ben
16 Franklin Partnership Act.

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
23 Commonwealth manufacturing companies depends on the ability
24 of these companies to:

25 (i) Reorient management practices toward modern
26 manufacturing techniques and technologies.

27 (ii) Successfully compete in both domestic and
28 foreign markets.

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

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

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

7 (4) There is a continuing need to promote, stimulate and
8 encourage within this Commonwealth basic and applied
9 scientific research and development and scientific and
10 technological education.

11 (5) University-based consortia between business,
12 universities and government provide these entities with the
13 advanced technology research and development, training and
14 education necessary to diversify this Commonwealth's economy
15 and thereby stimulate this Commonwealth's economic growth.

16 (6) The industrial resource centers were created to
17 support the modernization efforts of this Commonwealth's
18 small-to-medium-sized manufacturing companies through
19 collaborative initiatives and individual projects that apply
20 and deploy advanced manufacturing management and production
21 philosophies and techniques in such areas as:

22 (i) Production, planning and inventory control.

23 (ii) Quality improvement.

24 (iii) Plant layouts.

25 (iv) Factory and office automation.

26 (v) Technology improvements.

27 (vi) Work force development and other training
28 programs.

29 (vii) Manufacturing strategies.

30 (7) The Ben Franklin technology centers were created to

1 build partnerships and provide direct assistance to help
2 firms develop and creatively apply techniques and related
3 practices to such activities as:

4 (i) Help companies to form and grow through the
5 development and commercialization of innovative products
6 and services.

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

10 (iii) Facilitate and support consortia of private
11 companies, academic institutions and government agencies
12 to collaboratively advance the state of knowledge and
13 practices.

14 (iv) Facilitate and support the availability of
15 services and collaborative activities throughout this
16 Commonwealth to provide business and technical
17 assistance.

18 (v) Select firms with potential for growth and
19 facilitate and support collaborative activities and
20 individual initiatives designed to address the needs of
21 manufacturing and technology-oriented companies for a
22 well-trained work force.

23 ~~(b) Policy. It is hereby declared to be the policy of the~~ <—

24 (B) POLICY.-- <—

25 (1) IT IS HEREBY DECLARED TO BE THE POLICY OF THE
26 Commonwealth to promote the health, safety, ~~moral~~s and <—
27 general welfare of its inhabitants through its Department of
28 Commerce by:

29 ~~(1)~~ (I) The creation of the IRC/Ben Franklin <—
30 Partnership, which shall exist for the purpose of

1 promoting competitiveness of Commonwealth companies
2 through interaction of technology development,
3 modernization and training programs.

4 ~~(2)~~ (II) The certification of industrial resource <—
5 centers, which shall exist for the purpose of
6 strengthening the competitive position of small-to-
7 medium-sized Commonwealth manufacturing companies through
8 the promotion, demonstration and transmission of modern
9 manufacturing techniques and technologies.

10 ~~(3)~~ (III) The certification of Ben Franklin <—
11 technology centers, which shall exist for the purpose of
12 identifying, generating, developing and refining
13 technology innovation opportunities for Commonwealth
14 businesses.

15 These purposes are hereby declared to be public purposes for
16 which public money may be spent.

17 (2) IT IS ALSO THE POLICY OF THE COMMONWEALTH NOT TO <—
18 DUPLICATE OR TO MANDATE THE DELIVERY OF TECHNICAL AND
19 PROFESSIONAL ECONOMIC DEVELOPMENT SERVICES CURRENTLY BEING
20 PROVIDED OR THOSE WHICH MAY BE PROVIDED IN THE FUTURE BY
21 OTHER ECONOMIC DEVELOPMENT ORGANIZATIONS THROUGHOUT THIS
22 COMMONWEALTH.

23 Section 3. Definitions.

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

27 "Advisory board." The IRC/Ben Franklin Partnership Advisory
28 Board.

29 "Ben Franklin technology center." A nonprofit corporation,
30 incorporated for the purposes of identifying and generating

1 technology innovation opportunities among Commonwealth
2 businesses.

3 "Centers." The Ben Franklin technology centers and the
4 industrial resource centers.

5 "Department." The Department of Commerce of the
6 Commonwealth.

7 "Industrial resource center." A nonprofit corporation,
8 incorporated for the purposes of enhancing and supporting the
9 competitive ability of Commonwealth manufacturers by helping
10 them take advantage of and benefit from the transmission of
11 production techniques and technologies.

12 "Manufacturing." The giving of new shapes, new qualities or
13 new combinations to matter by the application of skill and labor
14 thereto.

15 "Partnership." The IRC/Ben Franklin Partnership.

16 "Partnership board." The board of directors of the IRC/Ben
17 Franklin 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.

22 "Secretary." The Secretary of Commerce of the Commonwealth.

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

27 Section 4. IRC/Ben Franklin Partnership.

28 (a) Creation.--A body corporate and politic, to be known as
29 the IRC/Ben Franklin Partnership, is hereby created as a public
30 authority and instrumentality of the Commonwealth. This

1 authority shall exercise the powers of the Commonwealth as an
2 agency of the Commonwealth.

3 (b) Members.--The partnership shall be composed of the
4 following members:

5 (1) The secretary.

6 (2) A representative of the Governor's Office with
7 responsibilities for technology to be appointed by the
8 Governor.

9 (3) Five representatives from the manufacturing or
10 advanced technology business sector to be appointed by the
11 Governor, at least two of whom shall be representatives of
12 small-to-medium-sized businesses.

13 (4) Two representatives from the education sector to be
14 appointed by the Governor, one of whom shall be a president
15 or board member of a four-year college or university and one
16 of whom shall be a president or board member of an
17 institution that provides vocational instruction.

18 (5) A representative from organized labor to be
19 appointed by the Governor.

20 (6) The chairman of the Milrite Council.

21 (7) Four representatives of the General Assembly
22 appointed as follows:

23 (i) One representative appointed by the President
24 pro tempore of the Senate.

25 (ii) One representative appointed by the Minority
26 Leader of the Senate.

27 (iii) One representative appointed by the Speaker of
28 the House of Representatives.

29 (iv) One representative appointed by the Minority
30 Leader of the House of Representatives.

1 (c) Chair.--The secretary shall chair the partnership board
2 and shall be authorized to designate an officer or employee
3 within the department in accordance with section 6(c) to chair
4 partnership board meetings in his absence.

5 (d) Terms.--

6 (1) The secretary and the representative of the
7 Governor's Office with responsibilities for technology shall,
8 for as long as they hold their respective positions, serve on
9 the partnership board for terms of four years, the terms to
10 run concurrently with that of the Governor.

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

14 (i) The two representatives from the private sector,
15 one representative from the education sector and the
16 labor representative shall serve terms of four years.

17 (ii) Two representatives from the private sector and
18 one representative from the education sector shall serve
19 for terms of three years.

20 (iii) One representative from the private sector
21 shall serve a term of two years.

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

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

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

5 Section 5. Powers and duties of partnership.

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

8 (1) To promote, stimulate and encourage competitiveness
9 through interaction of technology development, deployment,
10 modernization and education and training programs.

11 (2) To monitor the development of State and regional
12 plans to maximize coordination and cooperation between the
13 centers.

14 (3) To ensure that the activities of the centers are
15 coordinated to the greatest possible extent with other
16 organizations responsible for these four spheres of business
17 assistance:

18 (i) Technology assistance.

19 (ii) Business finance.

20 (iii) Business development.

21 (iv) Education and training.

22 (4) To coordinate efforts to identify and pursue Federal
23 and State funding opportunities, including opportunities to
24 assist defense-based firms in converting to nondefense
25 activities.

26 (5) To adopt bylaws, regulations and guidelines dealing
27 with the organization, meetings, activities and other
28 considerations as it may deem appropriate and consistent.

29 (6) To make contracts of every name and nature and to
30 execute all instruments necessary or convenient for the

1 carrying on of its business.

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

4 (8) To review the financial and disclosure information
5 submitted by the centers and request an independent audit of
6 the center's records.

7 (9) To appoint subcommittees, as needed.

8 (10) To sue and be sued, implead and be impleaded,
9 complain and defend in all courts.

10 (11) To approve funding allocations to centers.

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

13 (i) Separate State appropriations to the Ben
14 Franklin technology centers.

15 (ii) Separate State appropriations to the industrial
16 resource centers.

17 (iii) Any other State appropriations, Federal funds,
18 royalties, gifts, grants, bequests, devises and private
19 funds.

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

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

26 Section 6. Partnership board.

27 (a) Organization.--The powers of the partnership shall be
28 exercised by a board consisting of the members of the
29 partnership. Within 90 days after the effective date of this
30 act, the partnership board shall meet and organize. The

1 ~~secretary and his successor in office~~ shall be the chair and
2 chief executive officer. The partnership board shall elect a
3 secretary and treasurer from their number. At the first meeting
4 in each year thereafter, they shall elect from their number a
5 secretary and treasurer.

6 (b) Quorum.--A majority of the members shall constitute a
7 quorum of the partnership board for the purpose of organizing
8 the partnership and conducting the business thereof, and all
9 action shall be taken by a vote of a majority of the members
10 present, unless specified otherwise in the bylaws of the
11 partnership or in this act. Only members or their designees who
12 are physically present at a meeting shall count toward a quorum
13 of the partnership board.

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

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

26 Section 7. Fund.

27 (a) Establishment.--There is hereby established in the State
28 Treasury a special fund to be known as the IRC/Ben Franklin
29 Partnership Fund into which shall be deposited any State
30 appropriations to the centers, any other State appropriations

1 for a purpose related to this act, Federal funds, royalties,
2 gifts, grants, bequests, devises, private funds and funds from
3 any other source for the purposes of this act. Funds
4 appropriated by the General Assembly for the Ben Franklin
5 Partnership Program will be used solely for the Ben Franklin
6 Partnership Program and funds appropriated by the General
7 Assembly for the Industrial Resource Centers will be used solely
8 for the Industrial Resource Centers. Any other moneys, including
9 Federal funds, which are earmarked for a specific program or
10 purpose must be allocated to that program or purpose.

11 (b) Appropriation of moneys.--Moneys in the fund, including
12 Federal funds, are hereby appropriated out of the fund with the
13 approval of the Governor for the purposes set forth in this act.

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

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

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

19 (1) The chair of the board of each industrial resource
20 center.

21 (2) The chair of the board of each of the Ben Franklin
22 technology centers.

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

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

27 (5) The president of the Pennsylvania Economic
28 Development Association.

29 (c) Chair.--The advisory board shall be chaired by two
30 representatives, one of whom shall be selected by the chairs of

1 the boards of the industrial resource centers and one of whom
2 shall be selected by the chairs of the boards of the Ben
3 Franklin technology centers. These cochairs shall attend and
4 fully participate in the discussions held at all partnership
5 board meetings, in order to convey to the partnership board the
6 views of the advisory board.

7 (d) Votes.--For voting purposes, there shall exist 11 total
8 votes. Four of the votes shall be equally divided among the
9 industrial resource center chairs. Four of the votes shall be
10 equally divided among the Ben Franklin technology center chairs.
11 The three remaining votes shall be equally divided among the
12 chair of the board of the Economic Planning and Development
13 Commission, the State director of the small business development
14 centers and the president of the Pennsylvania Economic
15 Development Association.

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

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

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

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

27 Section 9. Duties of advisory board.

28 The advisory board shall:

29 (1) Make recommendations to the partnership.

30 (2) Issue periodic reports.

- 1 (3) Sponsor and conduct conferences and studies.
- 2 (4) Collect and disseminate information.
- 3 (5) Develop strategies designed to coordinate the
- 4 efforts of the centers, promote joint funding proposals for
- 5 each of the centers and develop strategies designed to
- 6 facilitate the sharing of information and the best and most
- 7 efficient manufacturing practices.

8 The duties of the advisory board shall not include the review
9 and approval of annual funding proposals and allocations for
10 each of the centers.

11 Section 10. Industrial resource centers.

12 An industrial resource center shall:

13 (1) Serve manufacturing industries in this Commonwealth.

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

16 (i) The capacity to help manufacturing firms
17 evaluate those elements which are critical to their
18 competitive ability, such as the need for implementation
19 of process technology, the need for continuous
20 improvement in quality and understanding the nature of
21 existing and future global markets.

22 (ii) The ability to assist companies in identifying
23 and applying appropriate technologies.

24 (iii) The ability to transmit products and
25 techniques to improve the manufacturing process.

26 (iv) An information service designed to provide
27 manufacturers with practical data on the availability and
28 capability of commercially available processes and
29 technologies.

30 (v) The development of demonstration sites which

1 manufacturers can visit to learn about and evaluate
2 technologies.

3 (vi) Providing manufacturers with services designed
4 to help them better understand as well as apply modern
5 manufacturing techniques and concepts.

6 (vii) Working with the department and other State
7 agencies and local or regional organizations in the
8 implementation of economic development plans.

9 (viii) Providing manufacturers with marketing
10 strategies and assistance in training and workforce
11 development.

12 (3) Represent a consortium of interest designed to meet
13 the needs of industry in its particular region.

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

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

21 Section 11. Ben Franklin technology centers.

22 A Ben Franklin technology center shall:

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

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

28 (i) Development and strengthening of joint research
29 and development efforts, including facilities for
30 advanced technologies activities, equipment, personnel,

1 land and related activities, which will lead to new
2 technologies which will create or preserve jobs.

3 (ii) Providing training and curriculum development
4 related to advanced technology in order to provide a
5 skilled work force to secure employment in advanced
6 technology industries.

7 (iii) Technical assistance and technology transfer
8 activities on an areawide or Statewide basis to transfer
9 research and development activities into the marketplace.

10 (iv) Assistance through small business incubators,
11 including, but not limited to, space services and
12 technical assistance.

13 (v) Market development, feasibility studies and
14 other activities related to increasing jobs in advanced
15 technology industries.

16 (vi) Staff support for advanced technology councils
17 or other mechanisms to encourage labor, business,
18 university and government linkages in promoting advanced
19 technology industrial diversification.

20 (vii) Facilitate establishment of technology parks,
21 which will serve as locations for facilities devoted to
22 research and development and technology-intensive light
23 manufacturing.

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

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

30 (5) Complement and cooperate with every other center and

shall make every effort to share expertise and clientele to develop a strong Statewide network.

Section 12. Certification.

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

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

(c) Modification or revocation.--The partnership shall have the power to certify centers or to modify or revoke their certifications consistent with the rules and regulations to be promulgated by the partnership. The partnership also shall have the power to change the number of regions or change the minimum service boundary within a given region. These actions shall require a two-thirds majority vote of the partnership board.

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

The partnership is hereby authorized to make grants to certified centers; however, before any grant may be made, the certified center shall submit a funding proposal to the partnership, and the partnership shall determine ~~that~~ WHETHER the funding proposal is consistent with the purposes of this act. Approval by the partnership of a certified center's individual research and development or consulting projects, or financial assistance will not be required, provided such projects or financial assistance are approved by the board of the certified center and meet the requirements set forth in this

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1 act and in regulations and guidelines established by the
2 partnership.

3 Section 14. Requirement of matching funds.

4 Funds in the form of a grant made to an industrial resource
5 center or to a Ben Franklin technology center by the partnership
6 pursuant to this act shall be matched by private sector funds on
7 a minimum basis to be established by regulation. Private
8 matching funds shall include, but not be limited to, monetary or
9 in-kind support from private businesses, corporations,
10 individuals, trade associations, foundations and federally and
11 locally subsidized grants. For Ben Franklin technology centers
12 only, private matching funds shall also include machinery and
13 equipment. Private matching funds shall not include any fees
14 received by an industrial resource center or a Ben Franklin
15 technology center for direct business services relating to a
16 project subsidized by the partnership or interest accrued on
17 proceeds from any State grant.

18 Section 15. Records.

19 Centers shall permit authorized employees or agents of the
20 partnership or the Commonwealth to inspect the center's books
21 and records during regular business hours, upon the reasonable
22 request of the partnership.

23 Section 16. Reporting requirements.

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

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

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

1 (3) A list of the center's current officers and
2 directors.

3 (4) Financial information as the partnership may
4 require.

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

8 Section 17. Rules and regulations.

9 The partnership shall promulgate rules and regulations to
10 carry out the purposes of this act.

11 Section 18. Transfers.

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

25 Section 19. References.

26 All references to the board of the Ben Franklin Partnership
27 Fund existing in law and not repealed by this act shall
28 hereinafter be deemed to refer to the partnership created by
29 this act.

30 Section 20. Repeals.

1 As much of section 203 as refers to the board of the Ben
2 Franklin Partnership Fund and sections 448(n), 448(n.1) and
3 2503-B of the act of April 9, 1929 (P.L.177, No.175), known as
4 The Administrative Code of 1929, are repealed.

5 Section 21. Sunset.

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

16 Section 22. Effective date.

17 This act shall take effect ~~immediately~~ IN 120 DAYS.

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