

VETO MESSAGE - No. 6797

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 247, entitled:

"AN ACT to amend the public authorities law, in relation to the maintenance of a database on intellectual property"

NOT APPROVED

This bill would require the creation and maintenance of a database of intellectual property within the New York State Foundation for Science, Technology and Innovation (NYSTAR). The duties and responsibilities of NYSTAR would be expanded to include the operation and maintenance of a public, interactive database of all intellectual property generated by State employees or developed through State-funded research. The bill also would require NYSTAR, in its annual report, to provide an update on the status of the database.

The purpose of this legislation is to provide individuals and companies in the State interested in commercializing intellectual property with access to a public, comprehensive and current database where all such items and appropriate contacts are listed. While a laudable initiative, the legislation suffers from a fatal defect: the scope of the information collection made necessary by this bill would drive additional unfunded cost burdens for the State, since NYSTAR would be required to collect information from all State agencies and public and private universities that develop intellectual property or fund research that results in intellectual property, which would require additional staff. The bill also fails to accommodate the phenomena that intellectual property can be created almost daily and that whether something in fact is intellectual property frequently is a matter of dispute.

The bill does not provide a discrete funding source to finance these activities and NYSTAR could not implement the bill's provisions within its existing resources. In light of the State's financial condition, I cannot allow enactment of legislation that negatively impacts the State's fisc - whether upon enactment or in the future. The appropriate place for discussing such a proposal is in the budget process, where any expenditure can be weighed against other outlays and available revenues.

The bill is disapproved.

(signed) DAVID A. PATERSON