

§ 64-a. Patent policy. 1. Notwithstanding the provisions of section one hundred thirty-five of the civil service law, the participation in royalty or other arrangements may be extended or the payment of additional compensation may be made to an employee of a state department or of an agency, in addition to such employee's definite salary or compensation, provided such participation or additional compensation is pursuant to a patent policy approved for such department or agency by the director of the budget and the state comptroller. Such participation or additional compensation shall not affect the entitlement of the employee to any regular pay, annuity or award to which he or she is otherwise entitled or for which he or she is otherwise eligible under the civil service law or any other applicable statute shall not be included as compensation for the purposes of computing overtime pay or for retirement purposes.

2. The department and agency patent policies in effect on the effective date of this section shall be continued. Such existing policies, unless promulgated pursuant to article eight of the education law, shall be subject to the approval of the director of the budget and the state comptroller.

3. A state department or agency may, after the effective date of this section, adopt a patent policy, or amend a patent policy previously approved by the director of the budget for such agency, subject to the approval of the director of the budget, the state comptroller and the director of the office of employee relations. Where such policy or amendment affects a term or condition of employment, such policy or amendment shall be adopted in accordance with the provisions of article fourteen of the civil service law.

4. Any such patent policy shall contain an express provision requiring the comptroller's approval of any transfer of patents or other technologies by, or for the benefit of, the state.