WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 4529

(By Delegate Ms. Sprouse, Ms. Chandrupatil, Delegate Brown, Beach, Gallagher, Bugbee, and Wallad)

Passed March 9, 1996

In Effect Ninety Days from Passage
AN ACT to amend chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eighteen, relating to creating the science and technology advisory council; stating the legislative purpose; establishing membership of the council; establishing the powers and duties; payment of expenses; compensation of director; creating public-private partnerships; and establishing funding of the council.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eighteen, to read as follows:

ARTICLE 18. HIGHER EDUCATION — INDUSTRY PARTNER­SHIPS.

§18B-18-1. Legislative purpose.
1 The Legislature hereby finds that a pressing need
2 exists for a strategy based upon science and technology
3 which promotes a scientifically literate citizenry, encour­
4 ages the creation of higher-paying jobs and enhances the
5 growth of West Virginia's gross state product. To that end,
6 the state recognizes the need for collaborative research
and development efforts among institutions of higher education, industry, government and private organizations which will advance the state's scientific and technological development. The Legislature further finds that focused research and technical assistance efforts related to West Virginia industry will speed such development, improve technology transfer, assist companies in becoming growth leaders and link basic research and technological development to economic advancement.

The Legislature therefore declares that creation of a science and technology advisory council will be advantageous to the state by working to move West Virginia into a strong competitive position in science and technology. The council shall provide policy advice to the Legislature and to the governor on scientific and technology subjects and issues and provide policy advice to the council for community and economic development on science and technology issues that will serve to foster economic growth. The council shall also develop a state science and technology strategic plan for submission to the Legislature and the governor.

§ 18B-18-2. Science and technology advisory council; members appointment and expenses; appointment, duties, and compensation of director.

(a) There is hereby created a science and technology advisory council, which is a body corporate and politic, constituting a public corporation and government instrumentality. The council shall consist of eleven members who have professional, labor or managerial knowledge in science and technology development and operations and shall represent an equitable balance between academic and nonacademic persons as follows:

(1) Five members to be appointed by the governor, with the advice and consent of the Senate, with not more than three belonging to the same political party, also three of whom shall be from different congressional districts of the state, and, as near as may be, provide a broad state geographical distribution of members of the council;
(2) One member to be appointed by the governor, with the advice and consent of the Senate, from a list of two persons recommended by the speaker of the House of Delegates;

(3) One member to be appointed by the governor, with the advice and consent of the Senate, from a list of two persons recommended by the president of the Senate;

(4) Two members to be appointed by the governor, with the advice and consent of the Senate, from a list of four persons recommended by the chancellor of the university of West Virginia system;

(5) One member to be appointed by the governor, with the advice and consent of the Senate, from a list of two persons recommended by the chancellor of the state college system of West Virginia; and

(6) One member to be appointed by the governor, with the advice and consent of the Senate, from a list of two persons recommended by the council for community and economic development.

(b) Not later than the fifteenth day of April, one thousand nine hundred ninety-six, the governor shall appoint the eleven members of the council for staggered terms. The terms of the council members first taking office on or after the effective date of this legislation shall expire as designated by the governor at the time of their appointment, three at the end of the first year, four at the end of the second year, and four at the end of the third year. As the original appointments expire, each subsequent appointment shall be for a full three-year term. Any member whose term has expired shall serve until a successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. A member is eligible for only one successive reappointment. In cases of any vacancy in the office of a member, such vacancy shall be filled by the governor in the same manner as the original appointment was made.

(c) Members of the council are not entitled to compensation for services performed as members, but are
entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties. A majority of serving members constitutes a quorum for the purpose of conducting business. The governor shall designate a chair, who is not a public official, for a term to run concurrently with the term of office of the member designated. The council shall conduct all meetings in accordance with the open meeting law pursuant to article nine-a, chapter six of this Code.

(d) The council shall prepare and publish an annual report of its activities and accomplishments and submit it to the governor and to the legislative joint committee on government and finance on or before the fifteenth day of December of each year.

(e) Each year, the council shall submit to the governor a list of science and technology projects recommended for funding. Such projects shall serve to fulfill the policies established by the science and technology strategic plan. The recommendation shall itemize the funds requested and shall identify any expenditures that will be matched by federal funds, or matched by foundation, corporate or by other funds.

(f) The chair of the council also shall serve as the executive director of the council for his or her term of office. He or she shall hold a graduate degree and have professional experience in fields involving science and technology research or development. The expenses of the executive director shall be paid from funds provided by foundation grants, in-kind contributions, or other funds obtained pursuant to subsection (b), section four of this article. The executive director shall provide or obtain scientific and technical information to support the administrative work of the council, and to that end may contract with the university system, a nonprofit organization, or other state agency for research and administrative support.

(g) The executive director of the council shall be available to the governor, the speaker of the House of Delegates, and the president of the Senate, to analyze and comment upon proposed legislation and rules which relate
to or materially affect state scientific and technical issues.


(a) The council shall consult with the higher education governing boards and with state business leaders in the exercise of its powers and duties, which shall include, but not be limited to, the following: (1) Preparation of a comprehensive strategic plan and recommendation of programs in furtherance thereof that will support and foster state science and technology research; (2) cooperation with appropriate state agencies to retain and enlarge existing state industries through technology expansion; and (3) formulation of plans to establish science and technology research centers at state universities and colleges. The council may seek public and private research grants and contracts, matching funds and procurement arrangements from the state and federal government, private industry and other agencies, in furtherance of its mission and programs. An initial comprehensive strategic plan that will support and foster economic growth in science and technology research and development in the state shall be developed and provided to the governor and the Legislature no later than the first day of July, one thousand ninety-seven and shall include, but not be limited to, the following:

(1) A science and technology policy;

(2) The identification of strengths and weaknesses in the basic science resources and research capabilities in the state;

(3) The identification of methods that will coordinate and engender collaborative research efforts between research entities throughout the state, whether public or private;

(4) The designation of areas for potential scientific and technological development, including those related to and having a direct impact upon the economic development of the state;
(5) Recommendations on how to improve and strengthen the partnership between the private sector, institutions of higher education and government;

(6) Recommendations on how to improve the infrastructure for research and research training;

(7) Recommendations on a system to transfer technology to the private sector in the state; and

(8) Recommendations on legislative changes required to improve the overall science and technology environment in the state; and

(9) Other recommendations on science and technology policy and programs as appropriate.

The strategic plan may be updated and refiled on or before the first day of July of each year; an annual work plan shall be submitted each year beginning the first day of July, one thousand nine hundred ninety-eight.

(b) In developing its strategic plan, the science and technology council shall utilize its resources as well as the technical support available to it through the university of West Virginia system, the state college system of West Virginia, the West Virginia development office, the West Virginia experimental program to stimulate competitive research (EPSCoR), federal and state agencies, and other appropriate organizations that have an interest in fostering science and technology research and development in West Virginia.

(c) The council shall undertake to keep abreast of state and national scientific and technological developments and work to establish, foster, and successfully conclude university, college, and other scientific research projects or clusters.

(d) To reduce and avoid duplication of research work and expenditures, the council shall, as a part of its strategic plan, formulate methods that will coordinate and generate collaborative efforts between research entities throughout West Virginia, whether public or private, and foster synergistic relationships among them. Cooperating agencies
may contract with the council, as hereinafter provided, so as to participate in science and technology projects, jointly or through the programs of the council with other participating institutions, government units, and private business firms.

§18B-18-4. Public-private partnerships; funding.

(a) In furtherance of its mission, the science and technology council is authorized to enter into contracts or joint venture agreements with federal and state agencies; with nonprofit corporations organized pursuant to the corporate laws of this state or other jurisdictions that are qualified under section 501(c)(3) of the Internal Revenue Code; and with other organizations that conduct research, make grants, improve educational programs, and work for the scientific, educational or economic development of this state. All contracts and joint venture agreements must be approved by a majority vote of the council. The council may also enter into such contractual agreements for consideration or recompense to it even though such entities are funded from sources other than the state. Members of the council are not prohibited from sitting on the boards of directors of any contracting private nonprofit corporation, foundation, or firm: Provided, That members of the council shall not be exempt from any of the provisions of chapter six-b of this code.

(b) The council is authorized to receive and accept gifts or grants from private foundations, corporations, individuals, devises and bequests, or from other lawful sources. Such funds shall be paid into a special account in the state treasury for the use and benefit of the science and technology advisory council.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within [ ] approved this the [ ] day of [ ] 1996.

Governor