

HB 4529

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



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HOUSE BILL No. 4529

(By Delegate Mr. Spraker, Mr. Chambers, and
Delegates Browning, Beach, Gallagher,
Prezioso, and Wallard)

Passed March 8, 1996

In Effect Ninety Day From Passage

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H. B. 4529

(MR. SPEAKER, MR. CHAMBERS, AND DELEGATES BROWNING,
BEACH, GALLAGHER, PREZIOSO AND WALLACE)

[Passed March 8, 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

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7 and development efforts among institutions of higher
8 education, industry, government and private organizations
9 which will advance the state's scientific and technological
10 development. The Legislature further finds that focused
11 research and technical assistance efforts related to West
12 Virginia industry will speed such development, improve
13 technology transfer, assist companies in becoming growth
14 leaders and link basic research and technological develop-
15 ment to economic advancement.

16 The Legislature therefore declares that creation of a
17 science and technology advisory council will be advanta-
18 geous to the state by working to move West Virginia into a
19 strong competitive position in science and technology.
20 The council shall provide policy advice to the Legislature
21 and to the governor on scientific and technology subjects
22 and issues and provide policy advice to the council for
23 community and economic development on science and
24 technology issues that will serve to foster economic
25 growth. The council shall also develop a state science and
26 technology strategic plan for submission to the Legislature
27 and the governor.

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

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

9 (1) Five members to be appointed by the governor,
10 with the advice and consent of the Senate, with not more
11 than three belonging to the same political party, also three
12 of whom shall be from different congressional districts of
13 the state, and, as near as may be, provide a broad state
14 geographical distribution of members of the council;

15 (2) One member to be appointed by the governor,
16 with the advice and consent of the Senate, from a list of
17 two persons recommended by the speaker of the House of
18 Delegates;

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

22 (4) Two members to be appointed by the governor,
23 with the advice and consent of the Senate, from a list of
24 four persons recommended by the chancellor of the uni-
25 versity of West Virginia system;

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

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

34 (b) Not later than the fifteenth day of April, one thou-
35 sand nine hundred ninety-six, the governor shall appoint
36 the eleven members of the council for staggered terms.
37 The terms of the council members first taking office on or
38 after the effective date of this legislation shall expire as
39 designated by the governor at the time of their appoint-
40 ment, three at the end of the first year, four at the end of
41 the second year, and four at the end of the third year. As
42 the original appointments expire, each subsequent ap-
43 pointment shall be for a full three-year term. Any mem-
44 ber whose term has expired shall serve until a successor
45 has been duly appointed and qualified. Any person ap-
46 pointed to fill a vacancy shall serve only for the unexpired
47 term. A member is eligible for only one successive reap-
48 pointment. In cases of any vacancy in the office of a
49 member, such vacancy shall be filled by the governor in
50 the same manner as the original appointment was made.

51 (c) Members of the council are not entitled to com-
52 pensation for services performed as members, but are

53 entitled to reimbursement for all reasonable and necessary
54 expenses actually incurred in the performance of their
55 duties. A majority of serving members constitutes a quo-
56 rum for the purpose of conducting business. The gover-
57 nor shall designate a chair, who is not a public official, for
58 a term to run concurrently with the term of office of the
59 member designated. The council shall conduct all meet-
60 ings in accordance with the open meeting law pursuant to
61 article nine-a, chapter six of this Code.

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

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

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

88 (g) The executive director of the council shall be
89 available to the governor, the speaker of the House of
90 Delegates, and the president of the Senate, to analyze and
91 comment upon proposed legislation and rules which relate

92 to or materially affect state scientific and technical issues.

§18B-18-3. Powers and duties of science and technology council.

1 (a) The council shall consult with the higher education
2 governing boards and with state business leaders in the
3 exercise of its powers and duties, which shall include, but
4 not be limited to, the following: (1) Preparation of a com-
5 prehensive strategic plan and recommendation of pro-
6 grams in furtherance thereof that will support and foster
7 state science and technology research; (2) cooperation
8 with appropriate state agencies to retain and enlarge exist-
9 ing state industries through technology expansion; and (3)
10 formulation of plans to establish science and technology
11 research centers at state universities and colleges. The
12 council may seek public and private research grants and
13 contracts, matching funds and procurement arrangements
14 from the state and federal government, private industry
15 and other agencies, in furtherance of its mission and pro-
16 grams. An initial comprehensive strategic plan that will
17 support and foster economic growth in science and tech-
18 nology research and development in the state shall be
19 developed and provided to the governor and the Legisla-
20 ture no later than the first day of July, one thousand nine
21 hundred ninety-seven and shall include, but not be limited
22 to, the following:

23 (1) A science and technology policy;

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

27 (3) The identification of methods that will coordinate
28 and engender collaborative research efforts between re-
29 search entities throughout the state, whether public or
30 private;

31 (4) The designation of areas for potential scientific
32 and technological development, including those related to
33 and having a direct impact upon the economic develop-
34 ment of the state;

35 (5) Recommendations on how to improve and
36 strengthen the partnership between the private sector, insti-
37 tutions of higher education and government;

38 (6) Recommendations on how to improve the infra-
39 structure for research and research training;

40 (7) Recommendations on a system to transfer technol-
41 ogy to the private sector in the state; and

42 (8) Recommendations on legislative changes required
43 to improve the overall science and technology environ-
44 ment in the state; and

45 (9) Other recommendations on science and technolo-
46 gy policy and programs as appropriate.

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

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

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

66 (d) To reduce and avoid duplication of research work
67 and expenditures, the council shall, as a part of its strategic
68 plan, formulate methods that will coordinate and generate
69 collaborative efforts between research entities throughout
70 West Virginia, whether public or private, and foster syner-
71 gistic relationships among them. Cooperating agencies

72 may contract with the council, as hereinafter provided, so
73 as to participate in science and technology projects, jointly
74 or through the programs of the council with other partici-
75 pating institutions, government units, and private business
76 firms.

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

1 (a) In furtherance of its mission, the science and tech-
2 nology council is authorized to enter into contracts or
3 joint venture agreements with federal and state agencies;
4 with nonprofit corporations organized pursuant to the
5 corporate laws of this state or other jurisdictions that are
6 qualified under section 501(c)(3) of the Internal Revenue
7 Code; and with other organizations that conduct research,
8 make grants, improve educational programs, and work for
9 the scientific, educational or economic development of
10 this state. All contracts and joint venture agreements must
11 be approved by a majority vote of the council. The coun-
12 cil may also enter into such contractual agreements for
13 consideration or recompense to it even though such enti-
14 ties are funded from sources other than the state. Mem-
15 bers of the council are not prohibited from sitting on the
16 boards of directors of any contracting private nonprofit
17 corporation, foundation, or firm: *Provided*, That mem-
18 bers of the council shall not be exempt from any of the
19 provisions of chapter six-b of this code.

20 (b) The council is authorized to receive and accept
21 gifts or grants from private foundations, corporations,
22 individuals, devises and bequests, or from other lawful
23 sources. Such funds shall be paid into a special account in
24 the state treasury for the use and benefit of the science and
25 technology advisory council.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Andy Skowron
Chairman Senate Committee

Andy Seacrest
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell Bell
Clerk of the Senate

Gregory M. Fry
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert C. Byrd
Speaker of the House of Delegates

The within is approved this the 15th
day of April, 1996.

Easton Caperton
Governor



SENT TO THE

GOVERNOR

Date 3/26/96

Time 4:15 pm