

HB 3229

FILED

2009 APR 20 PM 4: 06

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2009



**ENROLLED**

**House Bill No. 3229**

(By Delegates M. Poling, Paxton, Stowers, Ennis, Moye,  
Shaver, Williams, Perry, Shott, Sumner and Canterbury)



Passed April 8, 2009

In Effect July 1, 2009

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(BY DELEGATES M. POLING, PAXTON, STOWERS, ENNIS, MOYE,  
SHAVER, WILLIAMS, PERRY, SHOTT, SUMNER AND CANTERBURY)

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[Passed April 8, 2009; in effect July 1, 2009.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-18B-1 and 18B-18B-2, all relating to creation of the Science and Research Council; establishing purposes; providing for membership appointments, qualifications, and terms of office; providing that the council replaces the EPSCoR Advisory Council; requiring development of a strategic state plan for science and technology research; and requiring annual reports to the Legislative Oversight Commission on Education Accountability.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18B-18B-1 and 18B-18B-2, all to read as follows:

**ARTICLE 18B. SCIENCE AND RESEARCH COUNCIL.**

**§18B-18B-1. Science and Research Council established; purposes.**

1 (a) The Science and Research Council is hereby  
2 established. For the purposes of this article only, "council"  
3 means the Science and Research Council established herein.

4 (b) The purposes of the council include, but are not  
5 limited to, the following:

6 (1) Increasing the capacity of the state and state  
7 institutions of higher education to attract, implement and use  
8 cutting-edge, competitive research funds and infrastructure;

9 (2) Providing expertise and policy guidance in science  
10 and research to the state, its agencies and state institutions of  
11 higher education regarding federal programs such as the  
12 Experimental Program to Stimulate Competitive Research  
13 ("EPSCoR") and similar state programs such as the West  
14 Virginia Research Trust Fund established in article eighteen-  
15 a of this chapter and the Research Challenge Fund  
16 established in section twelve, article one-b of this chapter;

17 (3) Encouraging research collaboration among public  
18 and private institutions of higher education and the private  
19 sector, both within and outside the state;

20 (4) Promoting education at all levels in the fields of  
21 science, technology, engineering and mathematics; and

22 (5) Providing recommendations to the Commission and  
23 state policymakers, including the Governor and Legislature,  
24 regarding science and research initiatives and effective  
25 programmatic activities, budgets and investments to  
26 implement those initiatives.

27 (c) The council replaces the EPSCoR State Advisory  
28 Council and consists of fifteen members as follows:

29           (1) The vice presidents in charge of research at Marshall  
30 University and West Virginia University;

31           (2) A representative of health sciences at Marshall  
32 University and a representative of health sciences at West  
33 Virginia University, appointed by the deans of the respective  
34 schools of medicine;

35           (3) The Secretary of Education and the Arts or designee;

36           (4) The State Superintendent of Schools or designee;

37           (5) The Secretary of Commerce or designee;

38           (6) The Vice Chancellor for Science and Research of the  
39 Commission;

40           (7) The Chancellor of the Commission who chairs the  
41 council;

42           (8) One member engaged in applied research at Marshall  
43 University and one member engaged in applied research at  
44 West Virginia University, appointed by the provosts of the  
45 respective universities; and .

46           (9) Four members, appointed by the Governor, who have  
47 demonstrated interest, knowledge, skill and experience in  
48 academic research and scientific innovation and who possess  
49 recognized credentials and expertise in one or more of the  
50 following areas:

51           (A) Science, technology, engineering or mathematics  
52 (“STEM”) fields;

53           (B) Cyberinfrastructure, information technology or  
54 computer science;

55 (C) Research and development;

56 (D) Technology based economic development or  
57 industry; or

58 (E) Undergraduate research or science education.

59 At least two of the members appointed by the Governor  
60 shall be representatives of business or industry.

61 (d) Of the initial appointments made by the Governor,  
62 one member shall be appointed to a one-year term; one  
63 member shall be appointed to a two-year term; one member  
64 shall be appointed to a three-year term; and one member shall  
65 be appointed to a four-year term. Of the initial appointments  
66 made by the deans of schools of medicine, the member  
67 appointed by the dean of the Marshall University School of  
68 Medicine shall be appointed to a two-year term, and the  
69 member appointed by the dean of the West Virginia  
70 University School of Medicine shall be appointed to a three-  
71 year term. Of the initial appointments made by the provosts,  
72 the member appointed by the West Virginia University  
73 provost shall be appointed to a two-year term, and the  
74 member appointed by the Marshall University provost shall  
75 be appointed to a four-year term.

76 (e) After the initial appointments, all members serve  
77 terms of four years. Each appointed member who qualifies  
78 under the provisions of this section may serve for no more  
79 than two successive terms. An appointment to fill a vacancy  
80 on the council or reappointment of a member who is eligible  
81 to serve an additional term is made in accordance with the  
82 provisions of this section.

83 (f) Members of the council serve without  
84 compensation, but are entitled to reimbursement by the

85 commission for expenses, including travel expenses,  
86 actually incurred by the member in the official conduct of  
87 the business of the council.

**§ 18B-18B-2. Strategic plan; reports.**

1 (a) The council shall develop a strategic state plan for  
2 science and technology research that establishes a  
3 collaborative process to engage all scientific research  
4 resources, both public and private, in a comprehensive,  
5 strategic network. The council's strategic state plan serves as  
6 the state plan for science and technology research.

7 (b) At a minimum, the strategic plan shall address  
8 science and technology research resources and their relation  
9 to the following areas of research:

10 (1) Human and physical infrastructure;

11 (2) Policy development;

12 (3) Education and outreach;

13 (4) Research innovation; and

14 (5) Economic development.

15 (c) Periodically, the council shall reassess the strategic  
16 state plan and update it as needed. Any new or updated  
17 strategic state plan shall be approved by the commission prior  
18 to becoming effective.

19 (d) The EPSCoR Advisory Council's current "Vision  
20 2015: The West Virginia Science and Technology Strategic  
21 Plan" serves as the state plan for science and technology  
22 research until a plan is approved by the council.

23           (e) The council shall report to the Legislative Oversight  
24 Commission on Education Accountability by July 1, 2010,  
25 and annually thereafter, on progress in implementing the  
26 strategic state plan, as well as any updates to the plan.

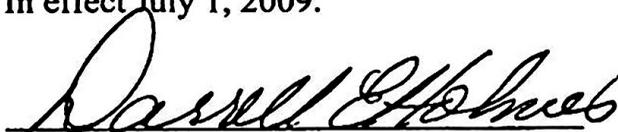
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

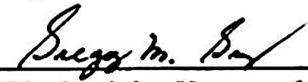
  
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Chairman Senate Committee

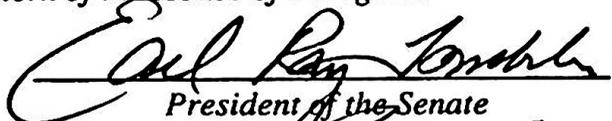
  
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Chairman House Committee

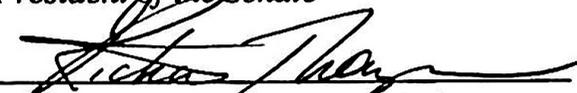
Originating in the House.

In effect July 1, 2009.

  
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Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 20<sup>th</sup>  
day of April, 2009.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

APR 16 2009

Time 2:15 pm