

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2243

BY DELEGATE LINVILLE

[Introduced February 10, 2021; Referred to the
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, §5A-13-6, and §5A-13-7,
 3 all relating to establishing a West Virginia Saving Money and Reducing Time Prize
 4 Program; declaring legislative intent; establishing a program within the Department of
 5 Administration; providing for program coordinator; granting rule-making authority to the
 6 secretary of the department; defining criteria and subjects for prize awards; declaring
 7 eligibility of state institutions of higher learning and grounds for disqualification; requiring
 8 applications for prize awards; creating a West Virginia SMaRT Prize Review Board;
 9 declaring membership and duties; providing for determination of award and source of
 10 payments; restricting payment of awards out of realized savings; and establishing
 11 provisions for ownership and licensing of proposed solutions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. SAVING MONEY AND REDUCING TIME PRIZE PROGRAM (SMART PRIZE).

§5A-13-1. Legislative intent.

1 It is in the public interest to stimulate creativity and develop innovative solutions for
 2 technical, procedural and practical problems impeding the efficiency, and draining the budget, of
 3 the state. The intent of the Legislature is to induce our institutions of higher education to compete
 4 in the development of effective solutions to challenges facing our state government institutions.
 5 By providing financial incentives for producing a solution, the state may benefit from substantial
 6 savings in its operations when a solution is developed, and the state may simultaneously provide
 7 financial support to an innovative educational institution by dedicating a portion of the resulting
 8 savings back to the responsible institution.

§5A-13-2. Establishment of program; administration; rule-making.

1 (a) There is hereby created the West Virginia Saving Money and Reducing Time Prize

2 Program, to be known alternately as the WV SMaRT Prize Program, within the Department of
3 Administration. The department shall provide organizational and administrative services for an
4 inducement prize contest system within West Virginia state government.

5 (b) The Secretary of the Department of Administration shall select a person to serve as
6 coordinator of the program, either by creating a position within the department or by assigning
7 coordinator duties to those of an existing employee. The program coordinator shall be responsible
8 for developing specifications for prize subjects, receiving suggestions for prize subjects and
9 assisting the Governor in their selection, coordinating the publication of prize subjects, receiving
10 applications for awards under the program, referring applications to other agencies for evaluation
11 and comment, specifying forms, coordinating correspondence and communications, facilitating
12 meetings of the prize review board and serving as its clerk and custodian of all program records.

13 (c) The Secretary of the Department of Administration may, with the advice and
14 recommendations of the prize review board, propose rules for legislative approval, pursuant to
15 the provisions of §29A-3-1 et seq., and promulgate procedural rules to carry out the provisions of
16 this article.

§5A-13-3. Defining prize subjects.

1 (a) The Governor, either in person or through a designee specified in writing, may declare
2 any number of subjects to be eligible for a SMaRT Prize award. When a subject is declared open
3 for competition, there shall be sufficient specification of the criteria for a solution to enable ready
4 determination of whether a proposed solution in an application satisfies the stated subject. Prize
5 specifications may be open-ended in duration, but a specification may provide limits upon prize
6 criteria, such as the period in which applications will be accepted and the period over which an
7 award will be paid. Multiple subjects may be open for development of solutions and for prize
8 eligibility at the same time.

9 (b) Any person, including, but not limited to, public employees and members of the
10 Legislature, may suggest a prize subject to the Governor through the program coordinator.

11 (c) The initial subject for prize eligibility shall be development of a system or means of
12 cropping or management of the growth of vegetation to safe standards on state highway
13 shoulders and medians without the use of herbicides or labor-intensive, regular mowing.

§5A-13-4. Eligible institutions; applications.

1 A solution to a prize subject may be proposed by any department or program unit of any
2 “state institution of higher education” as defined in §18B-1-2 of this code: *Provided*, That a state
3 institution of higher education is disqualified from receiving an award for any prize subject that
4 was originally suggested by an officer, member or employee of that institution. To be considered
5 for an award, the department or program unit shall submit an application to the program
6 coordinator with a detailed explanation of the proposed solution, including required materials or
7 other resources, an itemization of the costs necessary for implementation of the solution, and an
8 estimate of the anticipated savings upon full implementation of the proposed solution.

§5A-13-5. SMaRT Prize Review Board; membership; powers.

1 (a) There is hereby created a West Virginia SMaRT Prize Review Board, which shall be
2 composed of five members: three members of the executive branch and two citizen members not
3 employed by the state government. The executive branch members shall be the Secretary of the
4 Department of Administration or his or her designee, the Governor’s chief technology officer or
5 his or her designee, and the Secretary of the Department of Commerce or his or her designee.
6 The terms of the executive branch members of the board shall be consistent with the terms of the
7 offices to which they have been elected or appointed. The citizen members shall be nominated
8 by the Governor, subject to confirmation by the Senate, with the first citizen member to be
9 appointed to an initial term of two years and the second citizen member to be appointed to an
10 initial term of four years. Upon completion of these initial terms, citizen members may serve
11 subsequent terms of four years per term, subject to the will and pleasure of the Governor. Each
12 member of the board not otherwise employed by the state shall be paid the same compensation,
13 and each member of the board shall be paid the expense reimbursement, as is paid to members

14 of the Legislature for their interim duties as recommended by the Citizens Legislative
15 Compensation Commission and authorized by law for each day or portion thereof engaged in the
16 discharge of official duties.

17 (b) The West Virginia SMaRT Prize Review Board shall have the following powers:

18 (1) To evaluate applications for prize subjects and, when satisfactory, recommend to the
19 Governor that a prize be awarded;

20 (2) To consult with executive branch officers and employees to seek their expertise and
21 assistance in evaluating the sufficiency of solutions proposed in an application for a prize;

22 (3) To determine and fix the reasonable lifetime of the award if not established within the
23 original specification for the prize;

24 (4) To accept gifts or grants of property, funds, security interests, money, materials, labor,
25 supplies, or services from the federal government or from any governmental unit or any person,
26 firm, or corporation and to carry out the terms or provisions of or make agreements with respect
27 to or pledge any gifts or grants and to do any and all things necessary, useful, desirable or
28 convenient in connection with the procuring, acceptance or disposition of gifts or grants; and

29 (5) To suggest legislative and procedural rules to the Secretary of the Department of
30 Administration for promulgation pursuant to the provisions of §29A-3-1 *et seq.* of this code.

31 (c) The board shall meet when needed to evaluate an application for a prize award and
32 shall conduct at least one meeting every six months while an application for a prize award is
33 pending before the board.

§5A-13-6. Awards; qualifications; determination of winner.

1 (a) If the West Virginia SMaRT Prize Review Board recommends to the Governor that a
2 state institution of higher education receive a prize award and the Governor concurs, the
3 successful department or program unit of the state institution shall receive an award of up to 20
4 percent of the savings actually realized by the state each year for the reasonable life of the
5 solution and corresponding savings as determined by the board.

6 (b) No prize shall be awarded unless and until the solution is implemented by at least one
7 spending unit of the state and the amount of the actual savings is determined after one year of
8 implementation of the solution.

9 (c) The award payments to the department or program unit shall be charged by the head
10 of the affected spending unit against the appropriation item or items to which the realized savings
11 apply and paid at least annually. If the prize solution benefits state government as a whole and
12 no one agency or spending unit benefits to a greater degree than others, the Governor may
13 include payments under the prize award in his or her annual budget request and the Legislature
14 may appropriate money dedicated thereto. Awards shall only be paid from realized savings.

§5A-13-7. Ownership of solution; state license in perpetuity.

1 As a condition of eligibility and receipt of a prize award, the department or program unit of
2 the state institution of higher education shall grant, at the time of application, a perpetual license
3 to the State of West Virginia to use, implement, and to modify and develop derivative methods,
4 processes, devices, or works from, the solution described in the application. In all other respects,
5 the department or program unit shall retain exclusive ownership rights to the solution, including
6 the rights to pursue and obtain patent protection, to receive proceeds and royalties therefrom,
7 and to license the solution to other users.

NOTE: The purpose of this bill is to establish an incentive program for the development of cost and time-saving solutions for state government to be developed by state institutions of higher education.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.