

15105038D

SENATE BILL NO. 1206

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 16, 2015)

(Patron Prior to Substitute—Senator Wagner)

A BILL to amend and reenact §§ 23-4.4 and 23-38.87:17 of the Code of Virginia, relating to requiring public institutions of higher education to include certain information on intellectual property and externally sponsored research in their six-year plans.

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-4.4 and 23-38.87:17 of the Code of Virginia are amended and reenacted as follows:

§ 23-4.4. Authorization to transfer interest; Governor's approval required under certain circumstances.

A. The boards of visitors, the State Board for Community Colleges, or their designees are authorized to assign any interest they possess in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to subsection A of § 23-4.3. However, the Governor's prior written approval shall be required for transfers of such property developed wholly or predominately through the use of state general funds, exclusive of capital assets, and either (i) such property was developed by an employee of the institution acting within the scope of his assigned duties, or (ii) such property is to be transferred to an entity other than the Innovation and Entrepreneurship Investment Authority, an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges and universities, or an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law.

B. ~~The president of each state-supported institution of higher education, including the chancellor of the Virginia Community College System, shall report annually to the Governor and the Joint Commission on Technology and Science regarding the assignment of any intellectual property interests by that institution governing board of each public institution of higher education shall include in its six-year plan adopted pursuant to § 23-38.87:17 the following information for the prior fiscal year:~~ (i) *the assignment during the year of any intellectual property interests to a person or entity with a physical presence in Virginia by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution;* (ii) *the value of externally sponsored research funds received during the year from a person or entity with a physical presence in Virginia by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution;* and (iii) *the number and types of patents awarded during the year to the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution that were developed in whole or part from externally sponsored research provided by a person or entity with a physical presence in Virginia.*

Such information shall be included when the six-year plan is adopted and also as amendments to the six-year plan.

§ 23-38.87:17. Institutional six-year plans.

A. The governing board of each public institution of higher education shall develop and adopt biennially and amend or affirm annually a six-year plan for the institution and shall submit that plan to the Council, the Governor, and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance no later than July 1 of each odd-numbered year, and shall submit amendments to or an affirmation of that plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly.

B. The Secretary of Finance, Secretary of Education, Director of the Department of Planning and Budget, Executive Director of the Council, Staff Director of the House Committee on Appropriations, and Staff Director of the Senate Committee on Finance, or their designees, shall review each institution's plan or amendments and provide comments to the institution on that plan by September 1 of the relevant year. Each institution shall respond to any such comments by October 1 of that year.

C. Each plan shall be structured in accordance with, and be consistent with, the purposes of this chapter set forth in § 23-38.87:10 and the criteria developed pursuant to § 23-38.87:20, and shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance, Secretary of Education, Director of the Department of Planning and Budget, Executive Director of the Council, Staff Director of the House Committee on Appropriations, and Staff Director of the Senate Committee on

60 Finance, or their designees.

61 D. Each plan shall address the institution's academic, financial, and enrollment plans, to include the
62 number of Virginia and out-of-state students, for the six-year period and shall include:

63 1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other
64 nongeneral fund support for each year of the next biennium. The plan also shall include the institution's
65 anticipated annual tuition and educational and general fee charges required by (i) degree level and (ii)
66 domiciliary status, as provided in § 23-38.87:18, and shall indicate the planned use of any projected
67 increase in general fund, tuition, or other nongeneral fund revenues. The plan shall be based upon any
68 assumptions provided by the Council, following consultation with the Department of Planning and
69 Budget and the staffs of the House Committee on Appropriations and the Senate Committee on Finance,
70 for funding related to state general fund support pursuant to §§ 23-38.87:13, 23-38.87:14, 23-38.87:15,
71 and 23-38.87:16, and shall be aligned with the institution's six-year enrollment projections;

72 2. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on
73 low-income and middle-income students and their families as described in § 23-38.87:15, including the
74 projected mix of grants and loans;

75 3. Degree conferral targets for Virginia undergraduate students;

76 4. Plans for optimal year-round use of the institution's facilities and instructional resources;

77 5. Plans for the development of an instructional resource sharing program with other institutions of
78 higher education in the Commonwealth;

79 6. Plans with regard to any other incentives set forth in § 23-38.87:16 or to any other matters the
80 institution deems appropriate; ~~and~~

81 7. The identification of (i) new programs or initiatives including quality improvements and (ii)
82 institution-specific funding based on particular state policies or institution-specific programs, or both, as
83 provided in subsection C of § 23-38.87:18; *and*

84 8. *The information required under subsection B of § 23-4.4.*

85 E. In developing such plans, each public institution of higher education shall give consideration to
86 potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75 et seq.)
87 and shall discuss such potential impacts with the Virginia College Savings Plan. The chief executive
88 officer of the Virginia College Savings Plan shall provide to each institution the Plan's assumptions
89 underlying the contract pricing of the program.