

No. 1982-223

AN ACT

HB 2344

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," changing the name of the Pennsylvania Science and Engineering Foundation and further providing for membership on and duties of the board.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. As much as applies to the Department of Commerce of section 203, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended December 3, 1970 (P.L.834, No.275), is amended to read:

Section 203. Advisory Boards and Commissions.—The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:

* * *

In the Department of Commerce,

Board of the [**Pennsylvania Science and Engineering Foundation**] *Ben Franklin Partnership Fund*.

Section 2. Clause (n) of section 448 of the act, added January 3, 1968 (1967 P.L.922, No.416), is amended to read:

Section 448. Advisory Boards and Commissions.—The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

* * *

(n) There is hereby created in the Department of Commerce a Board of the [**Pennsylvania Science and Engineering Foundation**] *Ben Franklin Partnership Fund* which shall consist of the [**Secretary of Commerce, the Governor's Science Advisor and nine**] *Secretaries of Commerce, Environmental Resources and Agriculture, the Director of the Governor's Office of Policy and Planning and the Executive Director of the Governor's Energy Council or their designees, the chairman of the Milrite*

Council, four members of the General Assembly appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives with no more than one member of each House from each party being appointed, and five additional members to be appointed by the Governor [by and with the advice and consent of the Senate, four of whom shall be from the Governor's Science Advisory Committee.

From the membership of this board, the Governor shall appoint the chairman and vice-chairman.] at least one of whom shall represent organized labor and at least one of whom shall be an owner of a small business. The chairman of this board shall be the Secretary of Commerce.

All members shall be appointed for terms of four years, such terms to run concurrent with that of the Governor. Any member appointed to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed.

The board members shall receive no compensation for their services but shall be reimbursed for their expenses actually incurred by them in the performance of their duties under this act.

The Department of Commerce shall provide an executive director and all other staff services to the board, including liaison between the board and science and engineering research, *business, labor*, development and education agencies and related organizations, and between the foundation and other agencies of the Commonwealth. *The board may adopt bylaws dealing with the organization, meetings, activities and other such considerations as it may deem appropriate and consistent with its powers and duties.*

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Section 3. Section 2503-B of the act, added January 3, 1968 (1967 P.L.922, No.416), is amended to read:

Section 2503-B. *Duties and Powers of the Board of [Pennsylvania Science and Engineering Foundation] the Ben Franklin Partnership Fund.—(a) The Board of the [Pennsylvania Science and Engineering Foundation] Ben Franklin Partnership Fund is authorized to promote, stimulate and encourage (i) basic and applied scientific research and development in Pennsylvania and (ii) scientific and technological education in Pennsylvania, which may reasonably be expected to advance the Commonwealth's economic growth and welfare. In addition, the board shall, upon request, provide advice to the Governor and the executive agencies concerning scientific, technological and engineering matters, which relate to the economic growth and the health, safety and welfare of the Commonwealth and its citizens; and may establish advanced technology centers which shall serve as university-based consortiums between business, universities and government to provide advanced technology research and development, training, education and related activities which show significant potential in diversification of Pennsylvania's economy and the State's economic growth.*

(b) With the approval of the Governor, the board is authorized to enter into mutually satisfactory contracts [or], agreements or grants with

educational institutions, nonprofit institutions and organizations, business enterprises and other persons concerned with scientific and technological research, and development in the Commonwealth, as well as any State or Federal agency, to foster and support scientific and technological research, development **[and]**, education **and promotion of applied advanced technology activities**. The board may, subject to the approval of the Governor, make grants to educational institutions, nonprofit institutions and organizations, and other persons for the same purposes. The board may sponsor and conduct conferences and studies, collect and disseminate information, and issue periodic reports relating to scientific and technological research, development, and education in the Commonwealth, including grants for Governor's chairs to Pennsylvania colleges and universities in the field of new materials; maintain **[a register] registers and inventories** of scientific and technological personnel and facilities, including but not limited to scientific libraries and data centers. It may receive gifts, grants, bequests or devises from any source, including funds from the Federal government.

(c) The board may enter into a matching grant program, involving consortiums of college or university and private sector organizations for the purposes of establishing, operating and promoting advanced technology centers throughout the Commonwealth. Such centers shall receive no more than fifty per centum (50%) of their financial support from this board. Applicants for funds provided under this section shall secure financial commitments from profit and nonprofit groups and organizations, including the Federal government or local political subdivisions and shall be required to submit applications in accordance with policies and criteria issued by the board. Such centers shall utilize to the extent possible, existing or new private businesses operating or willing to operate in the fields of expertise needed to accomplish the purposes of the center. Eligible purposes which the board may fund under this matching grant program include, but are not limited to:

(1) Development and strengthening of joint research and development efforts including facilities for advanced technologies activities, equipment, personnel, land and related activities, which will lead to new technologies which will create or preserve jobs.

(2) Providing training and curriculum development related to advanced technology in order to provide a skilled work force to secure employment in advanced technology industries.

(3) Technical assistance and technology transfer activities on an area-wide or Statewide basis to transfer research and development activities into the marketplace.

(4) Assistance through small business incubators, including, but not limited to space, services and technical assistance.

(5) Market development, feasibility studies and other activities related to increasing jobs in advanced technology industries.

(6) Staff support for advanced technology councils or other mechanisms to encourage labor, business, university and governmental linkages in promoting advanced technology industrial diversification.

(7) Facilitate establishment of technology parks, which will serve as locations for facilities devoted to research and development and technology-intensive light manufacturing.

(d) The Ben Franklin Partnership Fund, together with its statutory functions and duties, shall terminate and go out of existence on December 31, 1988, unless reestablished or continued by the General Assembly. Evaluation and review, termination, reestablishment and continuation of the agency shall be conducted pursuant to the provisions of the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."

Section 4. (a) All appropriations, personnel and other resources of the Pennsylvania Science and Engineering Foundation shall be transferred to the Board of the Ben Franklin Partnership Fund.

(b) This act shall not apply to any outstanding contracts or commitments entered into by the Pennsylvania Science and Engineering Foundation, and any procedures, bylaws or regulations of the Pennsylvania Science and Engineering Foundation shall remain in effect and be applicable to the Board of the Ben Franklin Partnership Fund until expressly repealed or modified.

Section 5. This act shall take effect July 1, 1982.

APPROVED—The 6th day of December, A. D. 1982.

DICK THORNBURGH