

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

— ● —

ENROLLED

Committee Substitute for

HOUSE BILL No. *705*

(By Mr. *Bryan*)

— ● —

PASSED *April 8,* 1977

In Effect *ninety days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 705

(By MR. BRYAN)

[Passed April 8, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen-b, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting the board of regents from establishing additional community colleges, state colleges or universities, branches or other off-campus locations.

Be it enacted by the Legislature of West Virginia:

That section thirteen-b, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-13b. Continuance, establishment and operation of community colleges, state colleges and universities, branch colleges and off-campus locations of state universities and colleges; exceptions.

- 1 (a) The board of regents is authorized and empowered to
- 2 continue to operate and maintain any branch colleges and
- 3 off-campus locations of state universities and colleges here-
- 4 tofore established including Potomac State College of West
- 5 Virginia University, the Parkersburg branch of West Virginia
- 6 University, the Logan and Williamson branches of Marshall

7 University, the Hancock county branch and the Wheeling
8 campus of West Liberty State College.

9 (b) Notwithstanding any other provisions of this code
10 to the contrary, the board of regents may designate any one,
11 several or all of the existing branches or off-campus loca-
12 tions of the state universities and colleges (including Potomac
13 State College of West Virginia University, the Parkersburg
14 branch of West Virginia University, the Logan and Williamson
15 branches of Marshall University, and the Hancock county
16 branch and the Wheeling campus of West Liberty State
17 College) to be established as community colleges responsible
18 directly to and subject to the governance of the board of
19 regents. The board of regents shall determine programs to
20 be offered in each community college, provided such programs
21 are of two years or less duration, fix enrollments, designate
22 a name for each community college, employ a president and
23 such staff and faculty as determined appropriate, appoint
24 an advisory board for each institution consistent with section
25 nine of this article and exercise such general determination,
26 control, supervision and management of the financial, busi-
27 ness and educational policies and affairs of each community
28 college as is provided in this chapter.

29 (c) The board of regents may fix tuition and establish
30 and set such other fees to be charged students as it deems
31 appropriate, retaining the same in a revolving fund for the
32 partial or full support, including the making of capital
33 improvements, of any branch college or off-campus location
34 of a state university or college authorized to be continued
35 in subsection (a) of this section or of any community college
36 designated or established under the authority granted in sub-
37 section (b) of this section. Funds collected at any such branch
38 college, off-campus location of a state university or college, or
39 community college may be used only for the benefit of the
40 institution at which collected. The board of regents may
41 also establish special fees for such purposes as, including but
42 not limited to, health services, student activities, student
43 recreation, athletics or any other extracurricular purposes.
44 Such special fees shall be paid into special funds and used only
45 for the purposes for which collected.

46 (d) The board of regents may allocate from the appropria-
47 tions for the state system of higher education fund for the
48 operation and capital improvement of any institution continued
49 under authority of subsection (a) of this section or designated
50 or established as a community college under authority of
51 subsection (b) of this section and may accept federal grants,
52 funds from county boards of education, other local govern-
53 mental bodies, corporations or persons. The board may enter
54 into memoranda of agreements with such governmental bodies,
55 corporations or persons for the use or acceptance of local plant
56 facilities and/or the acceptance of grants or contributions
57 toward the cost of the acquisition or construction of such facili-
58 ties. Such local governmental bodies may convey capital
59 improvements, or lease the same without monetary considera-
60 tion, to the board, for the use by the institution, and the board
61 may accept such facilities or the use or lease thereof, and
62 such grants or contributions, for such purposes from such
63 governmental bodies, the federal government or any corpora-
64 tion or person.

65 After the effective date of this section, the board of regents
66 shall not establish a free standing community college, state
67 college or university or any permanent branch, off-campus
68 location, center or station of a community college, state col-
69 lege or university, without the express authorization of the
70 Legislature.

71 The board may permit the establishment of a community col-
72 lege as a component of, and located on, the primary campus
73 of an established college or university, provided that:

74 (1) The board has determined through appropriate studies
75 that the opportunity for quality education to the residents of this
76 state will be improved by the establishment of such com-
77 munity college; and,

78 (2) Such community college and classes, courses and pro-
79 grams offered therein will not supplant, modify, replace or
80 otherwise duplicate such classes, courses or programs being
81 offered or to be offered by an existing community college,
82 state college or university, or private institution of higher
83 education located within reasonable proximity of the pro-
84 posed community college; and,

85 (3) Has determined that any programs, courses or classes
86 to be offered by such community college are not being provided
87 by an existing community college, state college or university
88 or private institution of higher education, within reasonable
89 proximity of the proposed community college; and,

90 (4) Such classes, courses and programs proposed to be
91 offered at such community college shall be designed to improve
92 the technical, vocational and career competitiveness of students
93 in the job market; and,

94 (5) Prior to the establishment of such community college
95 the board shall transmit to the Legislature documentation
96 justifying the establishment of such community college, in-
97 cluding anticipated and projected financial costs thereto.

98 Nothing contained herein shall prohibit the off-campus of-
99 ferings for credit of classes, instruction, continuing education
100 courses and extension courses by community colleges or state
101 colleges and universities at centers or locations in facilities used
102 temporarily or occasionally for such purposes.

103 Graduate courses and programs currently offered or to be
104 offered by institutions of higher education authorized to offer
105 such graduate courses and programs are exempt from the
106 provisions of this section.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chuston Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John Dillon, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. Brothman
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is disappeared this the 35
day of April, 1977.

John R. Ryle
Governor

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