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
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 continue to operate and maintain any branch colleges and off-campus locations of state universities and colleges here­tofore established including Potomac State College of West Virginia University, the Parkersburg branch of West Virginia University, the Logan and Williamson branches of Marshall
(b) Notwithstanding any other provisions of this code to the contrary, the board of regents may designate any one, several or all of the existing branches or off-campus locations of the state universities and colleges (including Potomac State College of West Virginia University, the Parkersburg branch of West Virginia University, the Logan and Williamson branches of Marshall University, and the Hancock county branch and the Wheeling campus of West Liberty State College) to be established as community colleges responsible directly to and subject to the governance of the board of regents. The board of regents shall determine programs to be offered in each community college, provided such programs are of two years or less duration, fix enrollments, designate a name for each community college, employ a president and such staff and faculty as determined appropriate, appoint an advisory board for each institution consistent with section nine of this article and exercise such general determination, control, supervision and management of the financial, business and educational policies and affairs of each community college as is provided in this chapter.

(c) The board of regents may fix tuition and establish and set such other fees to be charged students as it deems appropriate, retaining the same in a revolving fund for the partial or full support, including the making of capital improvements, of any branch college or off-campus location of a state university or college authorized to be continued in subsection (a) of this section or of any community college designated or established under the authority granted in subsection (b) of this section. Funds collected at any such branch college, off-campus location of a state university or college, or community college may be used only for the benefit of the institution at which collected. The board of regents may also establish special fees for such purposes as, including but not limited to, health services, student activities, student recreation, athletics or any other extracurricular purposes. Such special fees shall be paid into special funds and used only for the purposes for which collected.
(d) The board of regents may allocate from the appropriations for the state system of higher education fund for the operation and capital improvement of any institution continued under authority of subsection (a) of this section or designated or established as a community college under authority of subsection (b) of this section and may accept federal grants, funds from county boards of education, other local governmental bodies, corporations or persons. The board may enter into memoranda of agreements with such governmental bodies, corporations or persons for the use or acceptance of local plant facilities and/or the acceptance of grants or contributions toward the cost of the acquisition or construction of such facilities. Such local governmental bodies may convey capital improvements, or lease the same without monetary consideration, to the board, for the use by the institution, and the board may accept such facilities or the use or lease thereof, and such grants or contributions, for such purposes from such governmental bodies, the federal government or any corporation or person.

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

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

(1) The board has determined through appropriate studies that the opportunity for quality education to the residents of this state will be improved by the establishment of such community college; and,

(2) Such community college and classes, courses and programs offered therein will not supplant, modify, replace or otherwise duplicate such classes, courses or programs being offered or to be offered by an existing community college, state college or university, or private institution of higher education located within reasonable proximity of the proposed community college; and,
(3) Has determined that any programs, courses or classes to be offered by such community college are not being provided by an existing community college, state college or university or private institution of higher education, within reasonable proximity of the proposed community college; and,

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

(5) Prior to the establishment of such community college the board shall transmit to the Legislature documentation justifying the establishment of such community college, including anticipated and projected financial costs thereto.

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

Graduate courses and programs currently offered or to be offered by institutions of higher education authorized to offer such graduate courses and programs are exempt from the 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. Christian
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. Wilson, Jr.
Clerk of the Senate

Clerk of the House of Delegates

H. Brotzman
President of the Senate

Donald L. Corcoran
Speaker House of Delegates

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

John D. Frey
Governor