No: 145

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1986

ENROLLED

HOUSE BILL No. 145

(By ~~Mr.~~ Del. Bailey + Del. Murphy)

Passed May 22, 1986

In Effect July 1, 1986 ~~Passage~~

C-641

ENROLLED

H. B. 145

(By DELEGATE BAILEY and DELEGATE MURPHY)

[Passed May 22, 1986; in effect July 1, 1986.]

AN ACT to amend article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen-a, and to amend and reenact section nine, article twenty-six, chapter eighteen of said code, all relating to authorizing institutions of higher education to transfer moneys between items of allocation or appropriation and within their general revenue account, with limitations thereon; expiration of authority to authorize transfers; and providing that the majority of the board of advisors of a state institution may grant such authorization upon request of its president, with notification of any authorization to be furnished the board of regents and be fully effected before any such transfer of moneys.

Be it enacted by the Legislature of West Virginia:

That article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nineteen-a; and that section nine, article twenty-six, chapter eighteen of said code be amended and reenacted, all to read as follows:

CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION.

ARTICLE 2. BUDGET DIVISION.

§5A-2-19a. Authorizing transfers between items of allocation or appropriation within general revenue accounts of state institutions of higher education; expiration of authority to authorize transfers.

Notwithstanding the provisions of section nineteen of this article and if authorized by a majority of the board of advisors of the institution of higher education, the president of such institution may transfer moneys within the general revenue account or accounts and between items of allocation or appropriation therein or subaccounts thereof: *Provided*, That no such transfer may increase the moneys allocated or appropriated to any personal services item or subaccount of a general revenue account of such institution. A request for such transfer of moneys, when desired, shall be made in writing by the president of the institution and shall be submitted to each member of the board of advisors for such institution. Whenever such request is approved, the board of regents shall be notified of such authorization, and the transfer shall have been effected prior to any expenditure of the moneys so transferred. Not more than five percent of the total allocation or appropriation in any general revenue account of an institution may be transferred within such account and between the items of allocation subaccounts thereof or within such account and between the items of appropriation thereof. The authority herein granted shall expire on the thirty-first day of December, one thousand nine hundred eighty-seven.

CHAPTER 18. EDUCATION.

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-9. Institutional boards of advisors.

(a) After the thirtieth day of June, one thousand nine hundred eighty-one, there shall be established at each state college and university, hereinafter referred to as the "institution," excluding centers and branches thereof, an institutional board of advisors. The board of advisors shall replace any advisory board in existence under the previous provisions of this section, except that

any such advisory board may continue until the thirtieth day of June, one thousand nine hundred eighty-one. The board of advisors shall consist of eleven members, including an administrative officer of the institution appointed by the president of the institution; a full-time member of the faculty with the rank of instructor or above duly elected by the faculty; a member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body; a member of the institutional classified staff duly elected by the classified staff; and, appointed by the board of regents, seven lay citizens of the state who have demonstrated a sincere interest in and concern for the welfare of the institution and who are representative of its population and occupations, including at least two alumni of the institution. Of the seven lay citizen members, no more than four may be of the same political party. The administrative officer, faculty member, student member and classified staff member shall serve for a term of one year and the seven lay citizen members shall serve terms of four years each, except that the initial appointments shall be for terms of one, two, three and four years. All members shall be eligible to succeed themselves for no more than one additional term. A vacancy in an unexpired term of a member shall be filled within sixty days of the occurrence thereof in the same manner as the original appointment or election. All initial terms shall begin on the first day of July, one thousand nine hundred eighty-one. Except in the case of a vacancy, all elections shall be held and all appointments shall be made no later than the thirtieth day of April preceding the commencement of the term.

(b) The board of advisors shall hold a regular meeting at least quarterly, commencing in July of each year. Additional meetings may be held upon the call of the chairman, president of the institution, or upon the request of at least four members. One of the seven lay citizen members shall be elected as chairman by the board of advisors in July of each year: *Provided*, That a lay citizen member may not serve as chairman for more than two consecutive years at a time. A majority

of the members shall constitute a quorum for conducting the business of the board of advisors. The president of the institution shall make available resources of the institution for conducting the business of the board of advisors. The members of the board of advisors shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties under this section upon presentation of an itemized sworn statement thereof. All expenses incurred by the board of advisors and the institution under this article shall be paid from funds allocated to the institution for such purpose.

(c) The board of advisors shall review, prior to their submission by the president to the board of regents, all proposals of the institution in the areas of mission, academic programs, budget, capital facilities and such other matters as requested by the president of the institution or the board of regents or otherwise assigned to it by law. The board of advisors shall comment on each such proposal in writing, with such recommendations for concurrence therein or revision or rejection thereof as it deems proper. Such written comments and recommendations shall accompany the proposal to the board of regents, and the board of regents shall include such comments and recommendations in its consideration of and action on the proposal. The board of regents shall promptly acknowledge receipt of the comments and recommendations and shall notify the board of advisors in writing of any action taken thereon.

(d) Upon request therefor in writing by the president of the institution, the board of advisors may authorize transfers between items of allocation or appropriation in accordance with the provisions of section nineteen-a, article two, chapter five-a of this code.

(e) The board of advisors shall review, prior to their implementation by the president, all proposals regarding institution-wide personnel policies. The board of advisors may comment on such proposals in writing.

(f) Upon the occurrence of a vacancy in the office of president of the institution, the board of advisors shall

90 serve as a search and screening committee for candi-
91 dates to fill the vacancy under guidelines established by
92 the board of regents. When serving as a search and
93 screening committee, the board of advisors and the
94 board of regents are each authorized to appoint up to
95 three additional persons to serve on the committee as
96 long as the search and screening process is in effect. The
97 three additional appointees of the board of advisors shall
98 be faculty members of the institution. Only for the
99 purposes of the search and screening process, such
100 additional members shall possess the same powers and
101 rights as the regular members of the board of advisors,
102 including reimbursement for all reasonable and neces-
103 sary expenses actually incurred. Following the search
104 and screening process, the committee shall submit the
105 names of at least three candidates to the board of
106 regents for consideration and appointment. If the board
107 of regents rejects all candidates so submitted, the
108 committee shall submit the names of at least three
109 additional candidates, and this process shall be repeated
110 until the board of regents appoints one of the candidates
111 so submitted. The board of regents shall provide all
112 necessary staff assistance to the board of advisors in its
113 role as a search and screening committee.

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Todd C. Wells
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Dan Tonkovich
President of the Senate

Joseph P. Albright
Speaker of the House of Delegates

The within Approved this the 28th day of May, 1986.

Arch A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR
Date 5/23/86
Time 4:32 p.m.