

Veto-1317

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

ENROLLED

Committee Substitute for
HOUSE BILL No. 1317

(By ☒ Delegate Bailey)

— ● —

Passed March 8, 1986

In Effect from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1317
(By DELEGATE BAILEY)

[Passed March 8, 1986; in effect from passage.]

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; 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.

1 Notwithstanding the provisions of section nineteen of
2 this article and if authorized by a majority of the board
3 of advisors of the institution of higher education, the
4 president of such institution may transfer moneys
5 within the general revenue account or accounts and
6 between items of allocation or appropriation therein or
7 subaccounts thereof: *Provided*, That no such transfer
8 may increase the moneys allocated or appropriated to
9 any personal services item or subaccount of a general
10 revenue account of such institution. A request for such
11 transfer of moneys, when desired, shall be made in
12 writing by the president of the institution and shall be
13 submitted to each member of the board of advisors for
14 such institution. Whenever such request is approved, the
15 board of regents shall be notified of such authorization,
16 and the transfer shall have been effected prior to any
17 expenditure of the moneys so transferred. Not more
18 than five percent of the total allocation or appropriation
19 in any general revenue account of an institution may be
20 transferred within such account and between the items
21 of allocation subaccounts thereof or within such account
22 and between the items of appropriation thereof.

CHAPTER 18. EDUCATION.

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

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

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

9 day of June, one thousand nine hundred eighty-one. The
10 board of advisors shall consist of eleven members,
11 including an administrative officer of the institution
12 appointed by the president of the institution; a full-time
13 member of the faculty with the rank of instructor or
14 above duly elected by the faculty; a member of the
15 student body in good academic standing, enrolled for
16 college credit work and duly elected by the student
17 body; a member of the institutional classified staff duly
18 elected by the classified staff; and, appointed by the
19 board of regents, seven lay citizens of the state who have
20 demonstrated a sincere interest in and concern for the
21 welfare of the institution and who are representative of
22 its population and occupations, including at least two
23 alumni of the institution. Of the seven lay citizen
24 members, no more than four may be of the same
25 political party. The administrative officer, faculty
26 member, student member and classified staff member
27 shall serve for a term of one year and the seven lay
28 citizen members shall serve terms of four years each,
29 except that the initial appointments shall be for terms
30 of one, two, three and four years. All members shall be
31 eligible to succeed themselves for no more than one
32 additional term. A vacancy in an unexpired term of a
33 member shall be filled within sixty days of the occur-
34 rence thereof in the same manner as the original
35 appointment or election. All initial terms shall begin on
36 the first day of July, one thousand nine hundred eighty-
37 one. Except in the case of a vacancy, all elections shall
38 be held and all appointments shall be made no later than
39 the thirtieth day of April preceding the commencement
40 of the term.

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

51 the business of the board of advisors. The president of
52 the institution shall make available resources of the
53 institution for conducting the business of the board of
54 advisors. The members of the board of advisors shall be
55 reimbursed for all reasonable and necessary expenses
56 actually incurred in the performance of their duties
57 under this section upon presentation of an itemized
58 sworn statement thereof. All expenses incurred by the
59 board of advisors and the institution under this article
60 shall be paid from funds allocated to the institution for
61 such purpose.

62 (c) The board of advisors shall review, prior to their
63 submission by the president to the board of regents, all
64 proposals of the institution in the areas of mission,
65 academic programs, budget, capital facilities and such
66 other matters as requested by the president of the
67 institution or the board of regents or otherwise assigned
68 to it by law. The board of advisors shall comment on
69 each such proposal in writing, with such
70 recommendations for concurrence therein or revision or
71 rejection thereof as it deems proper. Such written
72 comments and recommendations shall accompany the
73 proposal to the board of regents, and the board of
74 regents shall include such comments and recommenda-
75 tions in its consideration of and action on the proposal.
76 The board of regents shall promptly acknowledge
77 receipt of the comments and recommendations and shall
78 notify the board of advisors in writing of any action
79 taken thereon.

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

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

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

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

Enr. Com. Sub. for H. B. 1317] 6

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fulla
Chairman House Committee

Originating in the House.

Takes effect from passage.

Leslie C. Stull
Clerk of the Senate

Donald L. Hoff
Clerk of the House of Delegates

Sam Tenbar
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within disapproved this the 26th
day of March, 1986.

Richard A. Thompson
Governor

PRESENTED TO THE

GOVERNMENT

Date 3/20/86

Time 4:37 p.m.

RECEIVED

1986 MAR 26 14 10:09

SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86