WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Committee Substitute for

HOUSE BILL No. 1317

(By Delegate Bailey)

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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 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.

CHAPTER 18. EDUCATION.

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.


1 (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 occur-
rence 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 recommenda-
tions 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 regard-
ing 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
serve as a search and screening committee for candidates to fill the vacancy under guidelines established by the board of regents. When serving as a search and screening committee, the board of advisors and the board of regents are each authorized to appoint up to three additional persons to serve on the committee as long as the search and screening process is in effect. The three additional appointees of the board of advisors shall be faculty members of the institution. Only for the purposes of the search and screening process, such additional members shall possess the same powers and rights as the regular members of the board of advisors, including reimbursement for all reasonable and necessary expenses actually incurred. Following the search and screening process, the committee shall submit the names of at least three candidates to the board of regents for consideration and appointment. If the board of regents rejects all candidates so submitted, the committee shall submit the names of at least three additional candidates, and this process shall be repeated until the board of regents appoints one of the candidates so submitted. The board of regents shall provide all necessary staff assistance to the board of advisors in its 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 Fulla
Chairman House Committee

Originating in the House.

Takes effect from passage.

Ted C. Smith
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Van Tassell
President of the Senate

Joseph P. Allepuz
Speaker of the House of Delegates

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

Michael D. Vavro
Governor