WEST VIRGINIA LEGISLATURE
EXTRAORDINARY SESSION, 1988

ENROLLED

SENATE BILL NO. 11

(By Senator and Senator )

PASSED June 18, 1988
In Effect From Passage
ENROLLED
Senate Bill No. 11

(BY SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST) AND HARMAN)

[Passed June 18, 1988; in effect from passage.]

AN ACT to amend and reenact sections one and three, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state institutions of higher education and board of regents; providing for legislative intent regarding delegation of responsibilities and equitable distribution of state funds; and continuing the board of regents until one thousand nine hundred eighty-nine.

Be it enacted by the Legislature of West Virginia:

That sections one and three, 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.

§18-26-1. Legislative purpose.

1 The purpose of the Legislature in the enactment of this article is to establish a state agency to be known as the West Virginia board of regents which will have the general determination, control, supervision and management of the financial, business, and educational policies and affairs of
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all state institutions of higher education. Except as
otherwise provided by law, the board’s responsibilities
shall include, but shall not be limited to, the making of
studies and recommendations respecting higher education
in West Virginia; allocating among the state institutions of
higher education specific functions and responsibilities;
submitting budget requests for such institutions; and
equitably allocating available state appropriated funds
among the institutions.

It is the intent of the Legislature that the board shall
delegate, as far as is lawful, efficient and fiscally
responsible and within prescribed standards and
limitations, such part of its power and control over
financial, educational and administrative affairs to the
president or other administrative head of each state
institution of higher education. This shall not be
interpreted to include the classification of employees,
lawful appeals made by students in accordance with board
policy, lawful appeals made by faculty or staff, or final
review of new or established academic or other programs.

The Legislature further intends that, in order to allocate
funding for higher education in an equitable manner to
achieve the goals and objectives of the system as determined
by the board of regents and to promote the mission of each
state institution of higher education, the board of regents
implement a funding formula for the distribution of state
funds on and after the first day of July, one thousand nine
hundred eighty-eight, and shall annually review and revise
such formula thereafter.

Except as is otherwise provided by law or rule, the
president or other administrative head of each state
institution of higher education shall exercise all the duties
and powers conferred by law in the government of the
institution under such person’s management and control
and, subject to review by the board, shall have the authority
and responsibility for overseeing the routine matters of the
institution, which include, but are not limited to, travel
approval, sabbaticals, budget oversight and special student
fees. The president or other administrative head of each
state institution of higher education shall also be
responsible for seeking community advice on academic or
other programs.
§18-26-3. West Virginia board of regents created; general powers; continuation.

There is hereby created a state agency to be known as the West Virginia board of regents, which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal.

After having conducted a performance audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the West Virginia board of regents should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the West Virginia board of regents shall continue to exist until the first day of July, one thousand nine hundred eighty-nine.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...........................this the...................
day of ... June 1988.

Governor
PRESENTED TO THE
GOVERNOR
Date 6/23/58
Time 3:41 p.m.