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OFFICE OF THE VIEW SECKETARY OF STATE

## WEST VIRGINIA LEGISLATURE

EXTRAORDINARY SESSION, 1988

# ENROLLED

# SENATE BILL NO.\_\_\_\_\_

Keguest) (By Senator Ion Jacome ane

PASSED unl In Effect 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
- 2 article is to establish a state agency to be known as the West
- 3 Virginia board of regents which will have the general
- 4 determination, control, supervision and management of the
- 5 financial, business, and educational policies and affairs of

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all state institutions of higher education. Except as 6 7 otherwise provided by law, the board's responsibilities 8 shall include, but shall not be limited to, the making of 9 studies and recommendations respecting higher education 10 in West Virginia; allocating among the state institutions of 11 higher education specific functions and responsibilities; 12submitting budget requests for such institutions; and 13 equitably allocating available state appropriated funds 14 among the institutions.

15 It is the intent of the Legislature that the board shall 16 delegate, as far as is lawful, efficient and fiscally 17 responsible and within prescribed standards and 18 limitations, such part of its power and control over financial, educational and administrative affairs to the 19 20 president or other administrative head of each state institution of higher education. This shall not be 21 22interpreted to include the classification of employees, 23lawful appeals made by students in accordance with board policy, lawful appeals made by faculty or staff, or final 24 25review of new or established academic or other programs.

26The Legislature further intends that, in order to allocate 27funding for higher education in an equitable manner to 28 achieve the goals and objectives of the system as determined 29 by the board of regents and to promote the mission of each state institution of higher education, the board of regents 30 31 implement a funding formula for the distribution of state 32funds on and after the first day of July, one thousand nine 33 hundred eighty-eight, and shall annually review and revise 34 such formula thereafter.

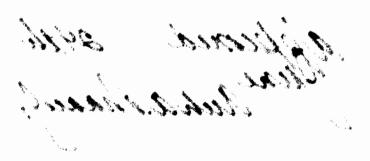
Except as is otherwise provided by law or rule, the 35 36 president or other administrative head of each state 37 institution of higher education shall exercise all the duties 38 and powers conferred by law in the government of the institution under such person's management and control 39 40 and, subject to review by the board, shall have the authority 41 and responsibility for overseeing the routine matters of the 42 institution, which include, but are not limited to, travel approval, sabbaticals, budget oversight and special student 43 44 fees. The president or other administrative head of each 45 state institution of higher education shall also be responsible for seeking community advice on academic or 46 other programs. 47

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## §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.

6 After having conducted a performance audit through its 7 joint committee on government operations, pursuant to 8 section nine, article ten, chapter four of this code, the 9 Legislature hereby finds and declares that the West 10 Virginia board of regents should be continued and 11 reestablished. Accordingly, notwithstanding the provisions 12 of section four, article ten, chapter four of this code, the 13 West Virginia board of regents shall continue to exist until 14 the first day of July, one thousand nine hundred eighty-15 nine.



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

1 Dellomo XIIIa. Chairman Senate Committee

Dornard V. Koll Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

1a President of the Senate

Speaker House of Delegates

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GOVERNOR Date 6/23/88 Time 3:41 p.m.