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SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

3RD EXTRAORDINARY SESSION, 1988



**ENROLLED**

SENATE BILL NO. 11

(By Senator Tomovich, Mr. President (By Request)  
and Senator Sarman)



PASSED June 18, 1988

In Effect from Passage



**ENROLLED**  
**Senate Bill No. 11**

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

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

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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

6 all state institutions of higher education. Except as  
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;  
12 submitting 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  
19 financial, educational and administrative affairs to the  
20 president or other administrative head of each state  
21 institution of higher education. This shall not be  
22 interpreted to include the classification of employees,  
23 lawful appeals made by students in accordance with board  
24 policy, lawful appeals made by faculty or staff, or final  
25 review of new or established academic or other programs.

26 The Legislature further intends that, in order to allocate  
27 funding 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  
30 state institution of higher education, the board of regents  
31 implement a funding formula for the distribution of state  
32 funds 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.

35 Except as is otherwise provided by law or rule, the  
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  
39 institution under such person's management and control  
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  
43 approval, sabbaticals, budget oversight and special student  
44 fees. The president or other administrative head of each  
45 state institution of higher education shall also be  
46 responsible for seeking community advice on academic or  
47 other programs.

**§18-26-3. West Virginia board of regents created; general powers; continuation.**

1 There is hereby created a state agency to be known as the  
2 West Virginia board of regents, which shall be a corporation  
3 and as such may contract and be contracted with, plead and  
4 be impleaded, sue and be sued, and have and use a common  
5 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.

*[Handwritten signatures and text, likely a signature block, are present at the bottom of the page.]*

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

*Bruce C. Williams*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Judd C. Welch*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Don Tombari*  
President of the Senate

*John A. Reber*  
Speaker House of Delegates

The within *approved* this the *24th*  
day of *June* 1988.

*Arch A. Haase, Jr.*  
Governor



PRESENTED TO THE

GOVERNOR

Date 6/22/88

Time 3:41 p.m.