

FILED

2005 APR 19 P 4: 15

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 401

(By Senator *Pymale*)

PASSED April 1, 2005

In Effect from Passage

FILED

2005 APR 19 P 4: 15

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 401

(BY SENATOR PLYMALE, *original sponsor*)

[Passed April 1, 2005; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-2A-7, relating to institutional boards of governors; orders, resolutions, policies, rules and obligations of the governing boards; division of assets and liabilities by date certain; and financial audits.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18B-2A-7, to read as follows:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-7. Transfer of orders, resolutions, policies and rules, obligations, etc.; division of assets and liabilities; financial audits.

1 (a) When a board of governors is established for the
2 Community and Technical College of Shepherd or New
3 River Community and Technical College, all orders,
4 resolutions, policies and rules adopted or promulgated by
5 the community and technical college's sponsoring institu-
6 tion relating to the community and technical college or
7 community and technical college education, or which the
8 newly established board of governors finds necessary for
9 the exercise of its lawful powers and duties pursuant to
10 the provisions of this chapter, shall continue in effect until
11 rescinded, revised, altered or amended by the newly
12 established board of governors. Nothing in this section
13 requires the initial rules or policies of the community and
14 technical college to be promulgated again under the rule
15 adopted by the council for community and technical
16 college education pursuant to section six, article one of
17 this chapter unless such rules or policies are rescinded,
18 revised, altered or amended.

19 (b) Each valid agreement and obligation, undertaken or
20 agreed to on behalf of either of the above community and
21 technical colleges by its sponsoring institution before a
22 board of governors is established for the community and
23 technical college is hereby transferred to the board of
24 governors of the community and technical college once
25 established.

26 (c) The boards of governors of each former sponsoring
27 institution and community and technical college shall
28 jointly agree on a division of all assets and liabilities
29 between the sponsoring institution and the community and
30 technical college. If the boards of governors are unable to
31 reach agreement concerning a division of assets and
32 liabilities on or before the first day of May following the
33 date on which the board of governors of the community
34 and technical college is established, the boards of gover-
35 nors shall submit a summary of issues in dispute to the
36 higher education policy commission and the council for
37 community and technical college education which shall

38 jointly resolve all outstanding issues concerning the
39 division of assets and liabilities.

40 (d) The division of all assets and liabilities between the
41 former sponsoring institution and community and techni-
42 cal college shall be effective on the first day of July
43 following the date on which the board of governors of the
44 community and technical college is established.

45 (e) Any financial audit conducted for the period before
46 the effective date of the division of assets and liabilities
47 shall treat the community and technical college as an
48 administratively linked institution.

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

Handy White
.....
Chairman Senate Committee

D. Keith Bue
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Samuel Holmes
.....
Clerk of the Senate

Benson D. Soy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert Kiss
.....
Speaker House of Delegates

The within *is* approved this the *19th*
Day of *April* 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4/13/05

Time 10:50 am