

1 **H. B. 2005**

2
3 (By Delegates Doyle and T. Campbell)

4 [Introduced January 12, 2011; referred to the
5 Committee on Education.]

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10 A BILL to amend and reenact §18B-2A-8 of the Code of West Virginia,
11 1931, as amended, relating to extending the provisions of the
12 Higher Education Flexibility Act to include certain
13 institutions of higher education.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18B-2A-8 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

18 **§18B-2A-8. Additional powers and duties of governing boards.**

19 (a) A state institution of higher education is granted the
20 powers, duties and authorities previously granted to the state
21 institutions of higher education known as Marshall University and
22 West Virginia University, subject to the following:

23 (1) The institutional operating budgets of all institutions to

1 which this section applies have achieved a level of funding
2 comparable with, but not less than ninety percent of, their
3 respective peers, as established pursuant to section three, article
4 one-a of this chapter;

5 (2) The commission approves granting the powers, duties and
6 authorities to that institution; and

7 (3) Except as specified in subsection (b) of this section, the
8 powers, duties and authorities may not be granted to any
9 institution prior to July 1, 2012.

10 (b) Any institution of higher education that independently
11 offers graduate degrees, and is not administratively linked with
12 another institution of higher education, is granted the powers,
13 duties and authorities set forth in subsection (c) of this section
14 on the date that the administrative link expired, subject to
15 subdivisions (1) and (2), subsection (a) of this section.

16 ~~(b)~~ (c) The powers, duties and authorities granted pursuant to
17 this section are those provided in:

18 (1) Section four-a, article six, chapter five of this code;

19 (2) Section two, article one, chapter five-g of this code;

20 (3) Section twelve-b, article one, chapter twelve of this
21 code;

22 (4) Sections five, six, seven and eight, article three,
23 chapter twelve of this code;

24 (5) Sections three and six, article one of this chapter;

- 1 (6) Section two, article one-a of this chapter;
2 (7) Section four, article one-b of this chapter;
3 (8) Sections three and four of this article;
4 (9) Sections two and three, article three of this chapter;
5 (10) Sections five, five-a, six and seven, article four of
6 this chapter;
7 (11) Sections three, four, seven and nine, article five of
8 this chapter; and
9 (12) Sections one and six-a, article ten of this chapter.
10 ~~(c)~~ (d) This section does not apply to any community and
11 technical college.

NOTE: The purpose of this bill is to extend the provisions of the Higher Education Flexibility Act to institutions of higher education that offer graduate degrees and are not or are no longer administratively linked to another institution of higher education.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.