

# **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 2012**



# **ENROLLED**

## **House Bill No. 4126**

(By Delegates M. Poling, Paxton,  
Perry, Moye and Fragale)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

# ENROLLED

## H. B. 4126

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(BY DELEGATES M. POLING, PAXTON,  
PERRY, MOYE AND FRAGALE)

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[Passed March 6, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to higher education; legislative rules; authorizing a rule for the Higher Education Policy Commission regarding tuition and fees; and authorizing a rule for the Council for Community and Technical College Education regarding the Workforce Development Initiative Program and tuition and fees.

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

That §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### **ARTICLE 17. LEGISLATIVE RULES.**

#### **§18B-17-2. Authorizing rules of Higher Education Policy Commission.**

- 1 (a) The legislative rule filed in the State Register on
- 2 October 15, 2004, relating to the Higher Education Policy
- 3 Commission (Underwood-Smith Teacher Scholarship Program
- 4 rule) is authorized.

5 (b) The legislative rule filed in the State Register on  
6 October 15, 2004, relating to the Higher Education Policy  
7 Commission (West Virginia Engineering, Science and  
8 Technology Scholarship Program rule) is authorized.

9 (c) The legislative rule filed in the State Register on  
10 October 15, 2004, relating to the Higher Education Policy  
11 Commission (Medical Education Fee and Medical Student  
12 Loan Program rule) is authorized.

13 (d) The legislative rule filed in the State Register on  
14 October 27, 2005, relating to the Higher Education Policy  
15 Commission (Authorization of degree-granting institutions)  
16 is authorized.

17 (e) The legislative rule filed in the State Register on  
18 August 23, 2006, relating to the Higher Education Policy  
19 Commission (West Virginia Higher Education Grant  
20 Program) is authorized.

21 (f) The legislative rule filed in the State Register on  
22 January 4, 2008, relating to the Higher Education Policy  
23 Commission (Providing Real Opportunities for Maximizing  
24 In-state Student Excellence - PROMISE) is authorized.

25 (g) The legislative rule filed in the State Register on  
26 August 25, 2008, relating to the Higher Education Policy  
27 Commission (Research Trust Program) is authorized.

28 (h) The legislative rule filed in the State Register on  
29 January 8, 2009, relating to the Higher Education Policy  
30 Commission (Guidelines for Governing Boards in Employing  
31 and Evaluating Presidents) is authorized.

32 (i) The legislative rule filed in the State Register on  
33 September 10, 2008, relating to the Higher Education Policy

34 Commission (Medical Student Loan Program) is authorized,  
35 with the following amendment:

36 On page 2, subsection 5.1, following the words “financial  
37 aid office” by inserting a new subdivision 5.1.3 to read as  
38 follows: “United States citizenship or legal immigrant status  
39 while actively pursuing United States citizenship.”

40 (j) The legislative rule filed in the State Register on  
41 December 1, 2008, relating to the Higher Education Policy  
42 Commission (West Virginia Higher Education Grant  
43 Program) is authorized.

44 (k) The legislative rule filed in the State Register on  
45 January 26, 2009, relating to the Higher Education Policy  
46 Commission (Accountability System) is authorized.

47 (l) The legislative rule filed in the State Register on May  
48 20, 2009, relating to the Higher Education Policy  
49 Commission (Energy and Water Savings Revolving Loan  
50 Fund Program) is authorized.

51 (m) The legislative rule filed in the State Register on  
52 January 27, 2010, relating to the Higher Education Policy  
53 Commission (Providing Real Opportunities for Maximizing  
54 In-state Student Excellence - PROMISE) is authorized.

55 (n) The legislative rule filed in the State Register on  
56 December 8, 2010, relating to the Higher Education Policy  
57 Commission (Authorization of Degree Granting Institutions)  
58 is authorized, with the following amendment:

59 On page 28, subsection 9.1.b, following the words “Good  
60 cause shall consist of” by inserting the words “any one or  
61 more of the following”.

62 (o) The legislative rule filed in the State Register on  
63 December 12, 2011, relating to the Higher Education Policy  
64 Commission (Tuition and Fee Policy) is authorized.

**§18B-17-3. Authorizing rule of the Council for Community and  
Technical College Education.**

1 (a) The legislative rule filed in the State Register on  
2 September 29, 2004, relating to the West Virginia Council for  
3 Community and Technical College Education (performance  
4 indicators rule) is authorized.

5 (b) The legislative rule filed in the State Register on  
6 October 13, 2005, relating to the West Virginia Council for  
7 Community and Technical College Education (Authorization  
8 of degree-granting institutions) is authorized.

9 (c) The legislative rule filed in the State Register on  
10 October 30, 2006, relating to the West Virginia Council for  
11 Community and Technical College Education (Workforce  
12 Development Initiative Program) is authorized.

13 (d) The legislative rule filed in the State Register on  
14 December 4, 2008, relating to the West Virginia Council for  
15 Community and Technical College Education (Employing  
16 and Evaluating Presidents) is authorized.

17 (e) The legislative rule filed in the State Register on  
18 December 23, 2008, relating to the West Virginia Council for  
19 Community and Technical College Education (Performance  
20 Indicators) is authorized.

21 (f) The legislative rule filed in the State Register on  
22 February 5, 2009, relating to the West Virginia Council for  
23 Community and Technical College Education (Finance) is  
24 authorized.

25       (g) The legislative rule filed in the State Register on  
26 February 5, 2009, relating to the West Virginia Council for  
27 Community and Technical College Education (Accountability  
28 System) is authorized.

29       (h) The legislative rule filed in the State Register on June  
30 15, 2011, relating to the West Virginia Council for  
31 Community and Technical College Education (Workforce  
32 Development Initiative Program) is authorized.

33       (i) The legislative rule filed in the State Register on  
34 October 26, 2011, relating to the West Virginia Council for  
35 Community and Technical College Education (Tuition and  
36 Fees) is authorized.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*