

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

**Introduced**

### **House Bill 4707**

**FISCAL  
NOTE**

BY DELEGATE FOLK

[Introduced February 23, 2016; Referred  
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18B-1B-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to abolishing the West Virginia Higher Education Policy Commission; transferring all  
 3 powers and duties of the commission relating to internal governance of institutions of  
 4 higher education to the board of governors of the institutions; transferring all powers and  
 5 duties of the commission to secure, provide, or administer financial support for educational  
 6 or research purposes to the Cabinet Secretary for the Department of Education and the  
 7 Arts; providing for the transfer and disposition of assets, property and records of the  
 8 commission; and authorizing legislative and emergency rulemaking.

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

1 That §18B-1B-1 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

**§18B-1B-1. Higher education policy commission abolished; transfer of powers and duties.**

1 (a) The Higher Education Policy Commission is hereby abolished, effective July 1, 2016.

2 (b) All powers and duties of the Higher Education Policy Commission related to the internal  
 3 governance of institutions of higher education shall be transferred to the governing boards of the  
 4 institutions.

5 (c) All powers and duties of the Higher Education Policy Commission to provide, secure,  
 6 or administer financial support for educational or research purposes, including but not limited to  
 7 state or federal scholarships, grants, fellowships, and loans, shall be transferred to the West  
 8 Virginia Cabinet Secretary for the Department of Education and the Arts.

9 (d) All monetary assets of the Higher Education Policy Commission shall be transferred  
 10 into the state’s General Revenue Fund. All other property of the Higher Education Policy  
 11 Commission shall be disposed of or transferred in accordance with the requirements of section  
 12 twelve, article ten, chapter four of this code.

13 (e) The West Virginia Cabinet Secretary for the Department of Education and the Arts may

14 promulgate rules to implement the requirements of this section, including emergency rules

15 promulgated pursuant to the provisions of article three, chapter twenty-nine-a of this code.

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NOTE: The purpose of this bill is to abolish the West Virginia Higher Education Policy Commission; to transfer all powers and duties of the commission relating to governance of institutions of higher education to the board of governors of the institutions; to transfer all powers and duties of the commission to secure, provide, or administer financial support for educational or research purposes to the Cabinet Secretary for the Department of Education and the Arts; to provide for the transfer and disposition of assets, property and records of the commission; and to authorize legislative and emergency rulemaking.

This section has been completely rewritten; therefore, it has been completely underscored.