

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

House Bill 3020

BY DELEGATE ESPINOSA

[Passed March 9, 2019; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §18B-5-3 of the Code of West Virginia, 1931, as amended, relating
2 to the authority of the Higher Education Policy Commission, the Council for Community
3 and Technical College Education, and institutional governing boards to enter into contracts
4 for financial services; and providing for specified flexibility entering into agreements with
5 certain affiliated nonprofit corporations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. HIGHER EDUCATION BUDGETS AND EXPENDITURES.

§18B-5-3. Authority to contract for programs, services and facilities.

1 (a) The governing boards, the commission, and the council are authorized and
2 empowered to enter into contracts and expend funds for programs, services and facilities provided
3 by public and private education institutions, associations, boards, agencies, consortia,
4 corporations, partnerships, individuals and local, state and federal governmental bodies within
5 and outside of West Virginia in order that maximum higher education opportunities of high quality
6 may be provided to the citizens of the state in the most economical manner. In no event may a
7 contract for such services and facilities be entered into unless the commission, the council, or the
8 governing boards have determined that such services and facilities are necessary and would be
9 at a savings to the state.

10 (b) When a governing board, the commission, or the council determines that a contract for
11 financial services is necessary and proper, it may enter into such a contract with an affiliated
12 nonprofit corporation under such financial terms as the governing board, commission, or council
13 determines are reasonable and proper in the sound administration of their financial responsibilities
14 to the state. In so doing, the affiliated nonprofit corporation shall be deemed a sole source in
15 respect to any applicable law or regulation relating to expenditures of public funds.

16 (c) As used in this section, "affiliated nonprofit corporation" means a West Virginia
17 nonprofit, nonstock corporation which:

18 (1) Is organized as for charitable, educational, and scientific purposes, or for similar
19 purposes;

20 (2) Is recognized by the Internal Revenue Service as a Section 501(c)3, or successor
21 provision of federal law, tax-exempt organization;

22 (3) Is organized solely to support and contribute to the respective institution of higher
23 education, or to the commission, or to the council, as applicable; and

24 (4) Has annually independently audited financial statements, which have been included
25 and presented, for at least the preceding five fiscal years, in the audited financial statements of
26 the respective governing board, or of the respective institution of higher education under the
27 authority of a governing board, or of the commission or council.

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.

In 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, 2019.

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Governor