2	(By Senators Kessler (Acting President) and Hall,
3	By Request of the Executive)
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5	[Introduced January 24, 2011; referred to the Committee on
6	Education; and then to the Committee on Finance.]
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10	A BILL to amend and reenact §18B-18A-9 of the Code of West
11	Virginia, 1931, as amended, relating to higher education-
12	directed research endowments; extending the date upon which
13	moneys must be deposited into research endowments operated by
14	participating institutions; and altering the time period for
15	reallocation of matching moneys.
16	Be it enacted by the Legislature of West Virginia:
17	That §18B-18A-9 of the Code of West Virginia, 1931, as
18	amended, be amended and reenacted to read as follows:
19	ARTICLE 18A. DIRECTED RESEARCH ENDOWMENTS.
20	§18B-18A-9. Reallocation of matching moneys.
21	(a) No later than five <u>seven</u> years from the effective date of
22	this article, each participating institution shall have deposited
23	into its research endowments an amount of qualified donations equal

Senate Bill No. 239

- 1 to or greater than the total amount of moneys allocated for 2 distribution to the institution pursuant to the provisions of 3 subsection (c), section three of this article.
- 4 (1) If one of the participating institutions fails to have 5 deposited into its research endowments the requisite amount of 6 qualified donations by the end of this five-year seven-year period, 7 then any portion of the moneys allocated to the institution that 8 has not been distributed shall be reallocated for distribution to 9 the other participating institution pursuant to the terms of this 10 article.
- 12 moneys pursuant to this subsection, the other participating
 13 institution shall have qualified donations in excess of the amount
 14 required by subsection (a) of this section deposited into its
 15 research endowment(s) in an amount equal to or greater than the
 16 amount of reallocated moneys.
- 17 (3) If the other participating institution does not have 18 excess qualified donations on deposit, the reallocated moneys shall 19 be made available for distribution by the commission to state 20 colleges in accordance with the provisions of section ten of this 21 article.
- 22 (b) If any pledge previously used by a participating 23 institution to obtain a distribution of matching moneys from the 24 trust fund has not been paid in full within five seven years from

- 1 the effective date of this article, then the institution shall
- 2 return the unmatched portion of state moneys to the trust fund.
- 3 These moneys shall be reallocated for distribution to the other
- 4 participating institution or to the state colleges pursuant to the
- 5 terms of this section and section ten of this article as
- 6 applicable.
- 7 (c) If both participating institutions fail to have deposited
- 8 into their respective research endowments the requisite amount of
- 9 qualified donations within five seven years from the effective date
- 10 of this article, then any moneys remaining in the trust fund that
- 11 have not been distributed shall be made available for distribution
- 12 by the commission to state colleges in accordance with the
- 13 provisions of this article.

(NOTE: The purpose of this bill is to extend the period higher education institutes shall have to deposit moneys into research endowments.

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