

Senate Bill No. 239

(By Senators Kessler (Acting President) and Hall,
By Request of the Executive)

[Introduced January 24, 2011; referred to the Committee on
Education; and then to the Committee on Finance.]

A BILL to amend and reenact §18B-18A-9 of the Code of West Virginia, 1931, as amended, relating to higher education-directed research endowments; extending the date upon which moneys must be deposited into research endowments operated by participating institutions; and altering the time period for reallocation of matching moneys.

Be it enacted by the Legislature of West Virginia:

That §18B-18A-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 18A. DIRECTED RESEARCH ENDOWMENTS.

§18B-18A-9. Reallocation of matching moneys.

- 1 (a) No later than ~~five~~ seven years from the effective date of
- 2 this article, each participating institution shall have depos-

3 ited into its research endowments an amount of qualified
4 donations equal to or greater than the total amount of
5 moneys allocated for distribution to the institution pursuant
6 to the provisions of subsection (c), section three of this
7 article.

8 (1) If one of the participating institutions fails to have
9 deposited into its research endowments the requisite amount
10 of qualified donations by the end of this ~~five-year~~ seven-year
11 period, then any portion of the moneys allocated to the
12 institution that has not been distributed shall be reallocated
13 for distribution to the other participating institution pursu-
14 ant to the terms of this article.

15 (2) To be eligible to receive a distribution of reallocated
16 moneys pursuant to this subsection, the other participating
17 institution shall have qualified donations in excess of the
18 amount required by subsection (a) of this section deposited
19 into its research endowment(s) in an amount equal to or
20 greater than the amount of reallocated moneys.

21 (3) If the other participating institution does not have
22 excess qualified donations on deposit, the reallocated
23 moneys shall be made available for distribution by the
24 commission to state colleges in accordance with the provi-
25 sions of section ten of this article.

26 (b) If any pledge previously used by a participating
27 institution to obtain a distribution of matching moneys from
28 the trust fund has not been paid in full within ~~five~~ seven
29 years from the effective date of this article, then the institu-
30 tion shall return the unmatched portion of state moneys to
31 the trust fund. These moneys shall be reallocated for distri-
32 bution to the other participating institution or to the state
33 colleges pursuant to the terms of this section and section ten
34 of this article as applicable.

35 (c) If both participating institutions fail to have deposited
36 into their respective research endowments the requisite
37 amount of qualified donations within ~~five~~ seven years from
38 the effective date of this article, then any moneys remaining
39 in the trust fund that have not been distributed shall be
40 made available for distribution by the commission to state
41 colleges in accordance with the 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.)