

**Senate Bill No. 64**

(By Senators Sypolt and Blair)

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[Introduced February 13, 2013; referred to the Committee on  
Health and Human Resources; and then to the Committee on the  
Judiciary.]  
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A BILL to amend and reenact §18B-2A-4 of the Code of West Virginia,  
1931, as amended, relating to prohibiting abortions at state  
college or university medical facilities except when the  
abortion is necessary to save the life of the woman receiving  
the abortion.

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

That §18B-2A-4 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

**§18B-2A-4. Powers and duties of governing boards generally.**

Each governing board separately has the following powers and  
duties:

(a) Determine, control, supervise and manage the financial,

1 business and education policies and affairs of the state  
2 institution of higher education under its jurisdiction;

3 (b) Develop a master plan for the institution under its  
4 jurisdiction.

5 (1) The ultimate responsibility for developing and updating  
6 each master plan at the institutional level resides with the Board  
7 of Governors but the ultimate responsibility for approving the  
8 final version of each institutional master plan, including periodic  
9 updates, resides with the commission or council, as appropriate.

10 (2) Each institutional master plan shall include, but not be  
11 limited to, the following:

12 (A) A detailed demonstration of how the institutional master  
13 plan will be used to meet the goals and objectives of the  
14 institutional compact;

15 (B) A well-developed set of goals outlining missions, degree  
16 offerings, resource requirements, physical plant needs, personnel  
17 needs, enrollment levels and other planning determinates and  
18 projections necessary in a plan to assure that the needs of the  
19 institution's area of responsibility for a quality system of higher  
20 education are addressed;

21 (C) Documentation showing how the governing board involved the  
22 commission or council, as appropriate, institutional constituency  
23 groups, clientele of the institution and the general public in the

1 development of all segments of the institutional master plan.

2       (3) The plan shall be established for periods of not fewer  
3 than three nor more than five years and shall be revised  
4 periodically as necessary, including adding or deleting degree  
5 programs as the governing board in its discretion determines is  
6 necessary;

7       (c) Develop a ten-year campus development plan in accordance  
8 with article nineteen of this chapter;

9       (d) Prescribe for the institution, under its jurisdiction, in  
10 accordance with its master plan and compact, specific functions and  
11 responsibilities to achieve the goals, objectives and priorities  
12 established in articles one and one-d of this chapter to meet the  
13 higher education needs of its area of responsibility and to avoid  
14 unnecessary duplication;

15       (e) Direct the preparation of an appropriation request for the  
16 institution under its jurisdiction, which relates directly to  
17 missions, goals and projections as found in the institutional  
18 master plan and the institutional compact;

19       (f) Consider, revise and submit to the commission or council,  
20 as appropriate, an appropriation request on behalf of the  
21 institution under its jurisdiction;

22       (g) Review, at least every five years, all academic programs  
23 offered at the institution under its jurisdiction. The review

1 shall address the viability, adequacy and necessity of the programs  
2 in relation to established state goals, objectives and priorities,  
3 the institutional master plan, the institutional compact and the  
4 education and workforce needs of its responsibility district. As  
5 a part of the review, each governing board shall require the  
6 institution under its jurisdiction to conduct periodic studies of  
7 its graduates and their employers to determine placement patterns  
8 and the effectiveness of the education experience. Where  
9 appropriate, these studies should coincide with the studies  
10 required of many academic disciplines by their accrediting bodies;

11 (h) Ensure that the sequence and availability of academic  
12 programs and courses offered by the institution under its  
13 jurisdiction is such that students have the maximum opportunity to  
14 complete programs in the time frame normally associated with  
15 program completion. Each governing board is responsible to see  
16 that the needs of nontraditional, college-age students are  
17 appropriately addressed and, to the extent it is possible for the  
18 individual governing board to control, to assure core course work  
19 completed at the institution is transferable to any other state  
20 institution of higher education for credit with the grade earned;

21 (I) Subject to article one-b of this chapter, approve the  
22 teacher education programs offered in the institution under its  
23 control. In order to permit graduates of teacher education

1 programs to receive a degree from a nationally accredited program  
2 and in order to prevent expensive duplication of program  
3 accreditation, the commission may select and use one nationally  
4 recognized teacher education program accreditation standard as the  
5 appropriate standard for program evaluation;

6 (j) Involve faculty, students and classified employees in  
7 institutional-level planning and decision making when those groups  
8 are affected;

9 (k) Subject to the provisions of federal law and pursuant to  
10 articles seven, eight and nine of this chapter and to rules adopted  
11 by the commission and the council, administer a system for the  
12 management of personnel matters, including, but not limited to,  
13 personnel classification, compensation and discipline for employees  
14 at the institution under its jurisdiction;

15 (l) Administer a system for hearing employee grievances and  
16 appeals. Notwithstanding any other provision of this code to the  
17 contrary, the procedure established in article two, chapter six-c  
18 of this code is the exclusive mechanism for hearing prospective  
19 employee grievances and appeals;

20 (m) Solicit and use or expend voluntary support, including  
21 financial contributions and support services, for the institution  
22 under its jurisdiction;

23 (n) Appoint a president for the institution under its

1 jurisdiction subject to section six, article one-b of this chapter;

2       (o) Conduct written performance evaluations of the president  
3 pursuant to section six, article one-b of this chapter;

4       (p) Employ all faculty and staff at the institution under its  
5 jurisdiction. The employees operate under the supervision of the  
6 president, but are employees of the governing board;

7       (q) Submit to the commission or council, as appropriate, ~~any~~  
8 data or reports requested by the commission or council, as  
9 appropriate, within the time frame set by the commission or  
10 council;

11       ® Enter into contracts or consortium agreements with the  
12 public schools, private schools or private industry to provide  
13 technical, vocational, college preparatory, remedial and customized  
14 training courses at locations either on campuses of the state  
15 institutions of higher education or at off-campus locations in the  
16 institution's responsibility district. To accomplish this goal,  
17 the boards may share resources among the various groups in the  
18 community;

19       (s) Provide and transfer funding and property to certain  
20 corporations pursuant to section ten, article twelve of this  
21 chapter;

22       (t) Delegate, with prescribed standards and limitations, the  
23 part of its power and control over the business affairs of the

1 institution to the president in any case where it considers the  
2 delegation necessary and prudent in order to enable the institution  
3 to function in a proper and expeditious manner and to meet the  
4 requirements of its master plan and compact. If a governing board  
5 elects to delegate any of its power and control under this  
6 subsection, it shall enter the delegation in the minutes of the  
7 meeting when the decision was made and shall notify the commission  
8 or council, as appropriate. Any delegation of power and control  
9 may be rescinded by the appropriate governing board, the commission  
10 or council, as appropriate, at any time, in whole or in part,  
11 except that the commission may not revoke delegations of authority  
12 made by the governing boards of Marshall University or West  
13 Virginia University as they relate to the state institutions of  
14 higher education known as Marshall University and West Virginia  
15 University;

16 (u) Unless changed by the commission or the council, as  
17 appropriate, continue to abide by existing rules setting forth  
18 standards for acceptance of advanced placement credit for the  
19 institution under its jurisdiction. Individual departments at a  
20 state institution of higher education may, upon approval of the  
21 institutional faculty senate, require higher scores on the advanced  
22 placement test than scores designated by the governing board when  
23 the credit is to be used toward meeting a requirement of the core

1 curriculum for a major in that department;

2 (v) Consult, cooperate and work with the State Treasurer and  
3 the State Auditor to update as necessary and maintain an efficient  
4 and cost-effective system for the financial management and  
5 expenditure of appropriated and nonappropriated revenue at the  
6 institution under its jurisdiction that ensures ~~that~~ properly  
7 submitted requests for payment be paid on or before the due date  
8 but, in any event, within fifteen days of receipt in the State  
9 Auditor's Office;

10 (w) In consultation with the appropriate chancellor and the  
11 Secretary of the Department of Administration, develop, update as  
12 necessary and maintain a plan to administer a consistent method of  
13 conducting personnel transactions, including, but not limited to,  
14 hiring, dismissal, promotions and transfers at the institution  
15 under its jurisdiction. Each personnel transaction shall be  
16 accompanied by the appropriate standardized system or forms, which  
17 shall be submitted to the respective governing board and the  
18 Department of Finance and Administration;

19 (x) Notwithstanding any other provision of this code to the  
20 contrary, transfer funds from any account specifically appropriated  
21 for its use to any corresponding line item in a general revenue  
22 account at any agency or institution under its jurisdiction as long  
23 as the transferred funds are used for the purposes appropriated;



1           (y) Transfer funds from appropriated special revenue accounts  
2 for capital improvements under its jurisdiction to special revenue  
3 accounts at agencies or institutions under its jurisdiction as long  
4 as the transferred funds are used for the purposes appropriated in  
5 accordance with article nineteen of this chapter;

6           (z) Notwithstanding any other provision of this code to the  
7 contrary, acquire legal services that are necessary, including  
8 representation of the governing board, its institution, employees  
9 and officers before any court or administrative body. The counsel  
10 may be employed either on a salaried basis or on a reasonable fee  
11 basis. In addition, the governing board may, but is not required  
12 to, call upon the Attorney General for legal assistance and  
13 representation as provided by law; ~~and~~

14           (aa) Contract and pay for disability insurance for a class or  
15 classes of employees at a state institution of higher education  
16 under its jurisdiction; and

17           (bb) The governing boards shall prohibit the performance of an  
18 abortion at any institution or facility under the respective  
19 jurisdiction of the governing boards except when the performance of  
20 the abortion is necessary to save the life of the woman receiving  
21 the abortion.

NOTE: The purpose of this bill is to prohibit abortions at state college or university medical facilities, except when the abortion is necessary to save the life of the woman receiving the abortion.

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