

# H. B. 3104

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(BY DELEGATES M. POLING AND STOWERS)

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[Introduced March 25, 2013; referred to the  
Committee on the Education.]

A BILL to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding authorization of degree granting institutions and human resources administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding authorization of degree granting institutions and human resources administration.

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

That §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 17. LEGISLATIVE RULES.**

**§18B-17-2. Authorizing rules of Higher Education Policy Commission.**

1           (a) The legislative rule filed in the State Register on October  
2 15, 2004, relating to the Higher Education Policy Commission  
3 (Underwood-Smith Teacher Scholarship Program rule) is  
4 authorized.

5           (b) The legislative rule filed in the State Register on October  
6 15, 2004, relating to the Higher Education Policy Commission  
7 (West Virginia Engineering, Science and Technology Scholar-  
8 ship Program rule) is authorized.

9           (c) The legislative rule filed in the State Register on October  
10 15, 2004, relating to the Higher Education Policy Commission  
11 (Medical Education Fee and Medical Student Loan Program  
12 rule) is authorized.

13           (d) The legislative rule filed in the State Register on October  
14 27, 2005, relating to the Higher Education Policy Commission  
15 (Authorization of degree-granting institutions) is authorized.

16           (e) The legislative rule filed in the State Register on August  
17 23, 2006, relating to the Higher Education Policy Commission  
18 (West Virginia Higher Education Grant Program) is authorized.

19 (f) The legislative rule filed in the State Register on January  
20 4, 2008, relating to the Higher Education Policy Commission  
21 (Providing Real Opportunities for Maximizing In-state Student  
22 Excellence - PROMISE) is authorized.

23 (g) The legislative rule filed in the State Register on August  
24 25, 2008, relating to the Higher Education Policy Commission  
25 (Research Trust Program) is authorized.

26 (h) The legislative rule filed in the State Register on January  
27 8, 2009, relating to the Higher Education Policy Commission  
28 (Guidelines for Governing Boards in Employing and Evaluating  
29 Presidents) is authorized.

30 (i) The legislative rule filed in the State Register on Septem-  
31 ber 10, 2008, relating to the Higher Education Policy Commis-  
32 sion (Medical Student Loan Program) is authorized, with the  
33 following amendment:

34 On page 2, subsection 5.1, following the words “financial aid  
35 office” by inserting a new subdivision 5.1.3 to read as follows:  
36 “United States citizenship or legal immigrant status while  
37 actively pursuing United States citizenship.”

38 (j) The legislative rule filed in the State Register on Decem-  
39 ber 1, 2008, relating to the Higher Education Policy Commission  
40 (West Virginia Higher Education Grant Program) is authorized.

41 (k) The legislative rule filed in the State Register on January  
42 26, 2009, relating to the Higher Education Policy Commission  
43 (Accountability System) is authorized.

44 (l) The legislative rule filed in the State Register on May 20,  
45 2009, relating to the Higher Education Policy Commission  
46 (Energy and Water Savings Revolving Loan Fund Program) is  
47 authorized.

48 (m) The legislative rule filed in the State Register on January  
49 27, 2010, relating to the Higher Education Policy Commission  
50 (Providing Real Opportunities for Maximizing In-state Student  
51 Excellence - PROMISE) is authorized.

52 (n) The legislative rule filed in the State Register on Decem-  
53 ber 8, 2010, relating to the Higher Education Policy Commission  
54 (Authorization of Degree Granting Institutions) is authorized.

55 On page 28, subsection 9.1.b, following the words “Good  
56 cause shall consist of” by inserting the words “any one or more  
57 of the following”.

58 (o) The legislative rule filed in the State Register on Decem-  
59 ber 12, 2011, relating to the Higher Education Policy Commis-  
60 sion (Tuition and Fee Policy) is authorized.

61 (p) The legislative rule filed in the State Register on August  
62 10, 2012, relating to the Higher Education Policy Commission  
63 (Authorization of Degree Granting Institutions) is authorized.

64 (q) The legislative rule filed in the State Register on August  
65 10, 2012, relating to the Higher Education Policy Commission  
66 (Annual Reauthorization of Degree Granting Institutions) is  
67 authorized.

68 (r) The legislative rule filed in the State Register on March  
69 20, 2013, relating to the Higher Education Policy Commission  
70 (Human Resources Administration) is authorized.

**§18B-17-3. Authorizing rules of the Council for Community and  
Technical College Education.**

1 (a) The legislative rule filed in the State Register on Septem-  
2 ber 29, 2004, relating to the West Virginia Council for Commu-  
3 nity and Technical College Education (performance indicators  
4 rule) is authorized.

5 (b) The legislative rule filed in the State Register on October  
6 13, 2005, relating to the West Virginia Council for Community

7 and Technical College Education (Authorization of  
8 degree-granting institutions) is authorized.

9 (c) The legislative rule filed in the State Register on October  
10 30, 2006, relating to the West Virginia Council for Community  
11 and Technical College Education (Workforce Development  
12 Initiative Program) is authorized.

13 (d) The legislative rule filed in the State Register on Decem-  
14 ber 4, 2008, relating to the West Virginia Council for Commu-  
15 nity and Technical College Education (Employing and Evaluat-  
16 ing Presidents) is authorized.

17 (e) The legislative rule filed in the State Register on Decem-  
18 ber 23, 2008, relating to the West Virginia Council for Commu-  
19 nity and Technical College Education (Performance Indicators)  
20 is authorized.

21 (f) The legislative rule filed in the State Register on February  
22 5, 2009, relating to the West Virginia Council for Community  
23 and Technical College Education (Finance) is authorized.

24 (g) The legislative rule filed in the State Register on Febru-  
25 ary 5, 2009, relating to the West Virginia Council for Commu-  
26 nity and Technical College Education (Accountability System)  
27 is authorized.

28 (h) The legislative rule filed in the State Register on June 15,  
29 2011, relating to the West Virginia Council for Community and  
30 Technical College Education (Workforce Development Initiative  
31 Program) is authorized.

32 (i) The legislative rule filed in the State Register on October  
33 26, 2011, relating to the West Virginia Council for Community  
34 and Technical College Education (Tuition and Fees) is autho-  
35 rized.

36 (j) The legislative rule filed in the State Register on October  
37 17, 2012, relating to the West Virginia Council for Community  
38 and Technical College Education (Authorization of Degree  
39 Granting Institutions) is authorized.

40 (k) The legislative rule filed in the State Register on October  
41 17, 2012, relating to the West Virginia Council for Community  
42 and Technical College Education (Annual Reauthorization of  
43 Degree Granting Institutions) is authorized.

44 (l) The legislative rule filed in the State Register on March  
45 21, 2013, relating to the West Virginia Council for Community  
46 and Technical College Education (Human Resources Adminis-  
47 tration) is authorized.

NOTE: The purpose of this bill is to authorize legislative rules for the Higher Education Policy Commission and the Council for Community and Technical College Education regarding the authorization of degree granting institutions and human resources administration.

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