

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2706**

BY DELEGATES ESPINOSA, STATLER, UPSON, DEAN,  
ROHRBACH, WILSON, ROWAN, HARSHBARGER, ROMINE,  
R., HIGGINBOTHAM AND KELLY

[Introduced February 24, 2017; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as  
 2 amended, all relating to authorizing legislative rules regarding higher education;  
 3 authorizing legislative rules for the Higher Education Policy Commission regarding the  
 4 West Virginia Higher Education Grant Program, Providing Real Opportunities for  
 5 Maximizing In-state Student Excellence (PROMISE), Research Trust Fund Program, and  
 6 Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules  
 7 for the Council for Community and Technical College Education regarding the Annual  
 8 Reauthorization of Degree-Granting Institutions, and Business, Occupational and Trade  
 9 Schools.

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

1 That §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, be  
 2 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 15, 2004, relating to the  
 2 Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program rule) is  
 3 authorized.

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

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

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

12 (e) The legislative rule filed in the State Register on August 23, 2006, relating to the Higher

13 Education Policy Commission (West Virginia Higher Education Grant Program) is authorized.

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

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

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

22 (i) The legislative rule filed in the State Register on September 10, 2008, relating to the  
23 Higher Education Policy Commission (Medical Student Loan Program) is authorized, with the  
24 following amendment:

25 On page 2, subsection 5.1, following the words "financial aid office" by inserting a new  
26 subdivision 5.1.3 to read as follows: "United States citizenship or legal immigrant status while  
27 actively pursuing United States citizenship."

28 (j) The legislative rule filed in the State Register on December 1, 2008, relating to the  
29 Higher Education Policy Commission (West Virginia Higher Education Grant Program) is  
30 authorized.

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

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

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

39 (n) The legislative rule filed in the State Register on December 8, 2010, relating to the  
40 Higher Education Policy Commission (Authorization of Degree Granting Institutions) is  
41 authorized.

42 On page 28, subsection 9.1.b, following the words "Good cause shall consist of" by  
43 inserting the words "any one or more of the following".

44 (o) The legislative rule filed in the State Register on December 12, 2011, relating to the  
45 Higher Education Policy Commission (Tuition and Fee Policy) is authorized.

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

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

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

53 (s) The legislative rule filed in the State Register on January 24, 2014, relating to the  
54 Higher Education Policy Commission (Capital Project Management) is authorized.

55 (t) The legislative rule filed in the State Register on April 4, 2014, relating to the Higher  
56 Education Policy Commission (Underwood-Smith Teacher Scholarship Program) is authorized.

57 (u) The legislative rule filed in the State Register on August 4, 2014, relating to the Higher  
58 Education Policy Commission (Nursing Scholarship Program) is authorized.

59 (v) The legislative rule filed in the State Register on October 28, 2015, relating to the  
60 Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program) is  
61 authorized.

62 (w) The legislative rule filed in the State Register on October 28, 2015, relating to the  
63 Higher Education Policy Commission (Nursing Scholarship Program) is authorized.

64 (x) The legislative rule filed in the State Register on December 20, 2016, relating to the

65 Higher Education Policy Commission (West Virginia Higher Education Grant Program) is  
66 authorized.

67 (y) The legislative rule filed in the State Register on December 20, 2016, relating to the  
68 Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state  
69 Student Excellence - PROMISE) is authorized.

70 (z) The legislative rule filed in the State Register on December 20, 2016, relating to the  
71 Higher Education Policy Commission (Research Trust Fund Program) is authorized.

72 (aa) The legislative rule filed in the State Register on December 20, 2016, relating to the  
73 Higher Education Policy Commission (Annual Reauthorization of Degree-Granting Institutions) is  
74 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 September 29, 2004, relating to the  
2 West Virginia Council for Community and Technical College Education (performance indicators)  
3 is authorized.

4 (b) The legislative rule filed in the State Register on October 13, 2005, relating to the West  
5 Virginia Council for Community and Technical College Education (Authorization of degree-  
6 granting institutions) is authorized.

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

10 (d) The legislative rule filed in the State Register on December 4, 2008, relating to the  
11 West Virginia Council for Community and Technical College Education (Employing and  
12 Evaluating Presidents) is authorized.

13 (e) The legislative rule filed in the State Register on December 23, 2008, relating to the  
14 West Virginia Council for Community and Technical College Education (Performance Indicators)

15 is authorized.

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

18 (g) The legislative rule filed in the State Register on February 5, 2009, relating to the West  
19 Virginia Council for Community and Technical College Education (Accountability System) is  
20 authorized.

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

24 (i) The legislative rule filed in the State Register on October 26, 2011, relating to the West  
25 Virginia Council for Community and Technical College Education (Tuition and Fees) is authorized.

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

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

32 (l) The legislative rule filed in the State Register on March 21, 2013, relating to the West  
33 Virginia Council for Community and Technical College Education (Human Resources  
34 Administration) is authorized.

35 (m) The legislative rule filed in the State Register on August 21, 2012, relating to the West  
36 Virginia Council for Community and Technical College Education (West Virginia EDGE Program)  
37 is authorized.

38 (n) The legislative rule filed in the State Register on January 28, 2014, relating to the West  
39 Virginia Council for Community and Technical College Education (Capital Project Management)  
40 is authorized.

41           (o) The legislative rule filed in the State Register on January 18, 2017, relating to the West  
42 Virginia Council for Community and Technical College Education (Annual Reauthorization of  
43 Degree-Granting Institutions) is authorized.

44           (p) The legislative rule filed in the State Register on January 18, 2017, relating to the West  
45 Virginia Council for Community and Technical College Education (Business, Occupational and  
46 Trade Schools) is authorized.

NOTE: The purpose of this bill is to authorize legislative rules for the Higher Education Policy Commission regarding the West Virginia Higher Education Grant Program, Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE), Research Trust Fund Program, and Annual Reauthorization of Degree-Granting Institutions and to authorize legislative rules for the Council for Community and Technical College Education regarding the Annual Reauthorization of Degree-Granting Institutions, and Business, Occupational and Trade Schools.

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