

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **Senate Bill 184**

**FISCAL  
NOTE**

BY SENATORS BLAIR, BOSO, RUCKER, TRUMP AND

SYPOLT

[Introduced February 8, 2017; referred  
to the Committee on Government Organization; and then  
to the Committee on Finance]

1 A BILL to repeal §18-22C-1 and §18-22C-2 of the Code of West Virginia, 1931, as amended; to  
 2 amend and reenact §12-1-12d of said code; to amend and reenact §16-28-7 of said code;  
 3 to amend and reenact §18B-1B-5 and §18B-1B-6 of said code; to amend and reenact  
 4 §18B-1D-2 and §18B-1D-7 of said code; to amend and reenact §18B-2-5 of said code; to  
 5 amend and reenact §18B-2A-1 of said code; to amend said code by adding thereto a new  
 6 article, designated §18B-2D-1, §18B-2D-2, §18B-2D-3, §18B-2D-4, §18B-2D-5, §18B-2D-  
 7 6 and §18B-2D-7; and to amend and reenact §18B-14-10 of said code, all relating to  
 8 transferring the West Virginia School of Osteopathic Medicine from a state-owned and -  
 9 operated entity to a private not-for-profit corporation.

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

1 That §18-22C-1 and §18-22C-2 of the Code of West Virginia, 1931, as amended, be  
 2 repealed; that §12-1-12d of said code be amended and reenacted; that §16-28-7 of said code be  
 3 amended and reenacted; that §18B-1B-5 and §18B-1B-6 of said code be amended and  
 4 reenacted; that §18B-1D-2 and §18B-1D-7 of said code be amended and reenacted; that §18B-  
 5 2-5 of said code be amended and reenacted; that §18B-2A-1 of said code be amended and  
 6 reenacted; that said code be amended by adding thereto a new article, designated §18B-2D-1,  
 7 §18B-2D-2, §18B-2D-3, §18B-2D-4, §18B-2D-5, §18B-2D-6 and §18B-2D-7; and that §18B-14-  
 8 10 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

### **ARTICLE 1. STATE DEPOSITORIES.**

#### **§12-1-12d. Investments by Marshall University, West Virginia University and West Virginia School of Osteopathic Medicine.**

1 (a) Notwithstanding any provision of this article to the contrary, the governing boards of  
 2 Marshall University, West Virginia University and West Virginia School of Osteopathic Medicine  
 3 each may invest certain funds with its respective nonprofit foundation that has been established

4 to receive contributions exclusively for that university and which exists on January 1, 2005. The  
5 investment is subject to the limitations of this section.

6 (b) A governing board, through its chief financial officer, may enter into agreements,  
7 approved as to form by the State Treasurer, for the investment by its foundation of certain funds  
8 subject to their administration. Any interest or earnings on the moneys invested is retained by the  
9 investing university.

10 (c) Moneys of a university that may be invested with its foundation pursuant to this section  
11 are those subject to the administrative control of the university and that do not include any funds  
12 made available to the university from the state General Revenue Fund or the funds established  
13 in section eighteen or eighteen-a, article twenty-two, chapter twenty-nine of this code. Moneys  
14 permitted to be invested under this section may be aggregated in an investment fund for  
15 investment purposes.

16 (d) Investments by foundations that are authorized under this section shall be made in  
17 accordance with and subject to the provisions of the Uniform Prudent Investor Act, codified as  
18 article six-c, chapter forty-four of this code. As part of its fiduciary responsibilities, each governing  
19 board shall establish investment policies in accordance with the Uniform Prudent Investor Act for  
20 those moneys invested with its foundation. The governing board shall review, establish and  
21 modify, if necessary, the investment objectives as incorporated in its investment policies so as to  
22 provide for the financial security of the moneys invested with its foundation. The governing boards  
23 shall give consideration to the following:

- 24 (1) Preservation of capital;
- 25 (2) Diversification;
- 26 (3) Risk tolerance;
- 27 (4) Rate of return;
- 28 (5) Stability;
- 29 (6) Turnover;

30 (7) Liquidity; and

31 (8) Reasonable cost of fees.

32 (e) A governing board shall report annually by December 31 to the Governor and to the  
33 Joint Committee on Government and Finance on the performance of investments managed by its  
34 foundation pursuant to this section.

35 (f) The amendments to this section in the second extraordinary session of the Legislature  
36 in 2010 apply retroactively so that the authority granted by this section shall be construed as if  
37 that authority did not expire on July 1, 2010.

38 (g) Effective July 1, 2018, upon the transfer of the West Virginia School of Osteopathic  
39 Medicine to a not-for-profit corporation in accordance with article two-d, chapter eighteen-b of this  
40 code, the West Virginia School of Osteopathic Medicine shall not be subject to the provisions of  
41 this section. Any moneys so invested with the foundation and any interest and earnings on such  
42 moneys may be transferred to and retained by the not-for-profit corporation created in accordance  
43 with article two-d, chapter eighteen-b of this code.

**CHAPTER 16. PUBLIC HEALTH.**

**ARTICLE 28. ASSISTANCE TO KOREAN AND VIETNAM VETERANS EXPOSED TO  
CERTAIN CHEMICAL DEFOLIANTS OR HERBICIDES OR OTHER  
CAUSATIVE AGENTS, INCLUDING AGENT ORANGE.**

**§16-28-7. Assistance programs.**

1 (a) The department of health, the West Virginia University School of Medicine, the  
2 Marshall University School of Medicine, and the West Virginia School of Osteopathic Medicine,  
3 shall institute a cooperative program to:

4 (1) Refer veterans to appropriate state and federal agencies for the purpose of filing claims  
5 to remedy medical and financial problems caused by the veterans' exposure to chemical  
6 defoliants or herbicides or other causative agents, including agent orange; and

7 (2) Provide veterans with fat tissue biopsies, genetic counseling and genetic screening to  
 8 determine if the veteran has suffered physical damage as a result of substantial exposure to  
 9 chemical defoliants or herbicides or other causative agents, including agent orange.

10 (b) The director of the department of health shall adopt rules necessary to the  
 11 administration of the programs authorized by this section.

12 (c) Effective July 1, 2018, upon the transfer of the West Virginia School of Osteopathic  
 13 Medicine to a not-for-profit corporation in accordance with section three, article two-d, chapter  
 14 eighteen-b of this code, the West Virginia School of Osteopathic Medicine may continue to  
 15 participate in the cooperative program established pursuant to this section.

**CHAPTER 18B. HIGHER EDUCATION.**

**ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

**§18B-1B-5. Employment of Chancellor for Higher Education; office; powers and duties generally; employment of Vice Chancellors and other staff.**

1 (a) The commission, created by section one of this article, shall employ a Chancellor for  
 2 Higher Education who is the Chief Executive Officer of the Commission and who serves at its will  
 3 and pleasure.

4 (b) The commission shall set the qualifications for the position of Chancellor and, when a  
 5 vacancy occurs, shall conduct a thorough nationwide search for qualified candidates. A qualified  
 6 candidate is one who meets at least the following criteria:

- 7 (1) Possesses an excellent academic and administrative background;
- 8 (2) Demonstrates strong communication skills;
- 9 (3) Has significant experience and an established national reputation as a professional in  
 10 the field of higher education;
- 11 (4) Is free of institutional or regional biases; and
- 12 (5) Holds or retains no other administrative position within a system of higher education

13 while employed as chancellor.

14 (c) The commission shall conduct written performance evaluations of the chancellor  
15 annually and may offer the chancellor a contract not to exceed three years. At the end of each  
16 contract period, the commission shall review the evaluations and make a determination by vote  
17 of its members on continuing employment and compensation level.

18 (d) When filling a vacancy in the position of chancellor, the commission shall enter into an  
19 initial employment contract for one year with the candidate selected. At the end of the initial  
20 contract period, and each contract period thereafter, the commission shall review the evaluations  
21 and make a determination by vote of its members on continuing employment and compensation  
22 level for the chancellor.

23 (e) The commission sets the chancellor's salary. The salary may not exceed by more than  
24 twenty percent the average annual salary of chief executive officers of state systems of higher  
25 education in the states that comprise the membership of the Southern Regional Education Board.

26 (f) The commission may employ a Vice Chancellor for Health Sciences who serves at the  
27 will and pleasure of the commission. The Vice Chancellor for Health Sciences shall coordinate  
28 the West Virginia University School of Medicine, the Marshall University School of Medicine and  
29 the West Virginia School of Osteopathic Medicine and also shall provide assistance to the  
30 governing boards on matters related to medical education and health sciences: Provided, That  
31 the West Virginia School of Osteopathic Medicine and its board of Governors shall cease to  
32 continue as a recognized state institution for the purposes of this subsection upon the transfer to  
33 a not-for-profit corporation in accordance with section three, article two-d of this chapter. The Vice  
34 Chancellor for Health Sciences shall perform all duties assigned by the chancellor, the  
35 commission and state law. In the case of a vacancy in the office of Vice Chancellor of Health  
36 Sciences, the duties assigned to this office by law are the responsibility of the chancellor or a  
37 designee.

38 (g) The commission shall employ a Vice Chancellor for Administration pursuant to section

39 two, article four of this chapter.

40 (h) The commission shall employ a Vice Chancellor for Human Resources pursuant to  
41 section two-a, article four of this chapter. The person serving as senior director of human  
42 resources by the commission on January 1, 2011, is Vice Chancellor for Human Resources on  
43 the effective date of this section. Additionally, the commission shall employ a qualified generalist  
44 in the field of human resources pursuant to section two-a, article four of this chapter. The human  
45 resources generalist shall report to the Vice Chancellor for Human Resources.

46 (i) The commission may employ a Vice Chancellor for State Colleges who serves at the  
47 will and pleasure of the commission. At a minimum, the Vice Chancellor for State Colleges shall  
48 perform the following duties:

49 (1) Provide assistance to the commission, the chancellor and the state colleges on matters  
50 related to or of interest and concern to these institutions;

51 (2) Advise, assist and consult regularly with the presidents and governing boards of each  
52 state college;

53 (3) Serve as an advocate and spokesperson for the state colleges to represent them and  
54 to make their interests, views and issues known to the chancellor, the commission and  
55 governmental agencies;

56 (4) Perform all duties assigned by the chancellor, the commission and state law.

57 In addition, the Vice Chancellor for State Colleges shall provide staff assistance to the  
58 presidents and governing boards to the extent practicable.

59 (j) On behalf of the commission, the chancellor may enter into agreements with any state  
60 agency or political subdivision of the state, any state institution of higher education or any other  
61 person or entity to enlist staff assistance to implement the powers and duties assigned by the  
62 commission or by state law.

63 (k) The chancellor is responsible for the daily operations of the commission and has the  
64 following responsibilities relating to the commission and the governing boards under its

65 jurisdiction:

66 (1) To carry out policy and program directives of the commission;

67 (2) To develop and submit annual reports on the implementation plan to achieve the goals  
68 and objectives set forth in section one-a, article one and article one-d of this chapter, and in the  
69 compacts;

70 (3) To prepare and submit to the commission for its approval the proposed budget of the  
71 commission including the offices of the chancellor and the vice chancellors;

72 (4) To assist the governing boards in developing rules, subject to the provisions of section  
73 six, article one of this chapter. Nothing in this chapter requires the rules of the governing boards  
74 to be filed pursuant to the rule-making procedures provided in article three-a, chapter twenty-nine-  
75 a of this code. The commission and the council, either separately or jointly as appropriate, are  
76 responsible for ensuring that any policy which is required to be uniform across the institutions is  
77 applied in a uniform manner;

78 (5) To perform all other duties and responsibilities assigned by the commission or by state  
79 law.

80 (l) The chancellor shall be reimbursed for all actual and necessary expenses incurred in  
81 the performance of all assigned duties and responsibilities.

82 (m) The chancellor, with the commission, advises the Legislature on matters of higher  
83 education in West Virginia. The chancellor shall work closely with the Legislative Oversight  
84 Commission on Education Accountability and with the elected leadership of the state to ensure  
85 that they are fully informed about higher education issues and that the commission fully  
86 understands the goals, objectives and priorities for higher education that the Legislature has  
87 established by law.

88 (n) The chancellor may design and develop for consideration by the commission new  
89 statewide or region-wide initiatives in accordance with the goals set forth in section one-a, article  
90 one and article one-d of this chapter, and the public policy agenda articulated by the commission.



91 In those instances where the initiatives to be proposed have a direct and specific impact or  
92 connection to community and technical college education as well as to baccalaureate and  
93 graduate education, the Chancellor for Higher Education and the Chancellor for Community and  
94 Technical College Education shall design and develop the initiatives jointly for consideration by  
95 the commission and the council.

96 (o) To further the goals of cooperation and coordination between the commission and the  
97 State Board of Education, the chancellor serves as an ex officio, nonvoting member of the state  
98 board. The chancellor shall work closely with members of the State Board of Education and with  
99 the State Superintendent of Schools to assure that the following goals are met:

100 (1) Development and implementation of a seamless kindergarten-through-college system  
101 of education; and

102 (2) Appropriate coordination of missions and programs.

**§18B-1B-6. Appointment of institutional presidents; evaluation.**

1 (a) *Appointment of institutional presidents.* -- Appointment of presidents of the state  
2 institutions of higher education shall be made as follows:

3 (1) The initial contract term for a president of a state institution of higher education may  
4 not exceed two years. At the end of the initial contract period, and subject to the provisions of  
5 subsection (c) of this section, the governing board may offer the president a contract of longer  
6 duration, but not to exceed five years.

7 (2) The president of a state institution of higher education serves at the will and pleasure  
8 of the appointing governing board.

9 (3) Subject to the approval of the commission, the governing board of the institution  
10 appoints a president for Bluefield State College, Concord University, Fairmont State University,  
11 Glenville State College, Marshall University, Shepherd University, West Liberty University, ~~West~~  
12 ~~Virginia School of Osteopathic Medicine~~ West Virginia State University and West Virginia  
13 University.

14 (4) Subject to the approval of the council, the governing board of the community and  
15 technical college appoints a president for Blue Ridge Community and Technical College,  
16 BridgeValley Community and Technical College, Eastern West Virginia Community and Technical  
17 College, Mountwest Community and Technical College, New River Community and Technical  
18 College, Pierpont Community and Technical College, Southern West Virginia Community and  
19 Technical College, West Virginia Northern Community and Technical College and West Virginia  
20 University at Parkersburg.

21 (b) *Other appointments.* -- The President of West Virginia University appoints a campus  
22 president to be the administrative head of Potomac State College of West Virginia University and  
23 a campus president to be the administrative head of West Virginia University Institute of  
24 Technology.

25 (c) *Evaluation of presidents.* --

26 (1) The appointing governing board shall conduct written performance evaluations of the  
27 institution's president. Evaluations shall be done at the end of the initial contract period and in  
28 every third year of employment as president thereafter, recognizing unique characteristics of the  
29 institution and using institutional personnel, boards of advisors as appropriate, staff of the  
30 appropriate governing board and persons knowledgeable in higher education matters who are  
31 not otherwise employed by a governing board. A part of the evaluation shall be a determination  
32 of the success of the institution in meeting the requirements of its institutional compact and in  
33 achieving the goals, objectives and priorities established in articles one and one-d of this chapter.

34 (2) After reviewing the evaluations, the governing board shall make a determination by  
35 majority vote of its members on continuing employment and the compensation level for the  
36 president in accordance with subsection (a) of this section.

37 (d) The legislative rules of the commission and council promulgated in accordance with  
38 section six, article one of this chapter and article three-a, chapter twenty-nine-a of this code which

39 are in effect on January 1, 2014, continue in effect unless amended or repealed. The rules provide  
40 guidance for the governing boards in filling vacancies in the office of president in accordance with  
41 this chapter and shall include, but are not limited to, clarifying the powers, duties and roles of the  
42 governing boards, commission, council and chancellors in the presidential appointment process.

## **ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.**

### **§18B-1D-2. Definitions.**

1 (a) *General.* -- For the purposes of this article and section one-a, article one of this chapter,  
2 terms have the meaning ascribed to them in section two, article one of this chapter, unless the  
3 context in which the term is used clearly requires a different meaning or a specific definition is  
4 provided in this section.

5 (b) *Definitions.* --

6 (1) "Accountability system for public higher education" or "accountability system" means  
7 all research, reports, documents, data and any other materials, the collection, analysis and  
8 dissemination of which are necessary or expedient to accomplish the purposes of this article or  
9 section one-a, article one of this chapter. The system includes legislative goals, objectives and  
10 priorities; public policy agendas; statewide master plans; state and institutional compacts;  
11 implementation plans; institutional mission statements and master plans; and the statewide report  
12 card.

13 (2) "Education partnership to achieve state goals and objectives" or "education  
14 partnership" means the formal and informal working relationships established between and  
15 among the State of West Virginia, the commission, the council, the State Board of Education and  
16 State Department of Education and the state institutions of higher education for the purpose of  
17 achieving state goals and objectives.

18 (3) "Functional literacy rate" means the percentage of adults over the age of seventeen

19 who are able to read beyond a fourth grade level and interpret basic information from sources  
20 such as road signs, job applications, newspaper articles and food and medicine labels.

21 (4) "Goals" means those long-term public purposes which are the desired and expected  
22 end result for which public higher education is established.

23 (5) "Implementation plan" means a document developed within the higher education  
24 community that identifies a series of objectives, sets forth performance indicators that can be  
25 used to determine if objectives are being achieved, outlines strategies for accomplishing the  
26 objectives and identifies benchmarks for evaluating progress in accomplishing the objectives over  
27 the life cycle of the plan.

28 (6) "Institutional compact" means a formal, written contract between either the commission  
29 or council and a state institution of higher education under its jurisdiction expressing intent to  
30 accomplish state and system goals and objectives.

31 (7) "Institutions under the jurisdiction of the commission" relative to the accountability  
32 system established by this article and section one-a, article one of this chapter means Bluefield  
33 State College, Concord University, Fairmont State University, Glenville State College, Marshall  
34 University, Shepherd University, West Liberty State College, the West Virginia School of  
35 Osteopathic Medicine, West Virginia State University and West Virginia University, including  
36 Potomac State College of West Virginia University and the West Virginia University Institute of  
37 Technology: Provided, That the West Virginia School of Osteopathic Medicine shall cease to be  
38 under the jurisdiction of the commission for the purposes of this article upon its transfer to a not-  
39 for-profit corporation in accordance with section three, article two-d of this chapter.

40 (8) "Institutions under the jurisdiction of the council" relative to the accountability system  
41 established by this article and section one-a, article one of this chapter means Blue Ridge  
42 Community and Technical College, the Community and Technical College at West Virginia  
43 University Institute of Technology, Eastern West Virginia Community and Technical College,

44 Marshall Community and Technical College, New River Community and Technical College,  
45 Pierpont Community and Technical College, Southern West Virginia Community and Technical  
46 College, West Virginia Northern Community and Technical College, West Virginia State  
47 Community and Technical College and West Virginia University at Parkersburg.

48 (9) "Net college costs" means the total cost of tuition, room and board minus the amount  
49 of financial aid a student receives.

50 (10) "Objectives" means the ends to be accomplished or attained within a specified period  
51 of time for the purpose of meeting the established goals.

52 (11) "Priority" or "priorities" means the order in which objectives are to be addressed for  
53 the purpose of achieving state goals.

54 (12) "Strategy" or "strategies" means specific activities carried out by public higher  
55 education which are directed toward accomplishing specific objectives.

56 (13) "Statewide master plan" or "system master plan" means a document developed by  
57 the council or commission that sets forth system goals, objectives and strategies and is aligned  
58 with, but not limited to, meeting state goals, objectives and priorities.

59 (14) "STEM courses and programs" means curricula leading to a degree or other  
60 recognized credential in the science, technology, engineering and mathematics fields of study or  
61 specialization.

62 (15) "State compact" means a formal, written agreement between the council and/or the  
63 commission and at least one other member of the education partnership to achieve state goals  
64 and objectives where significant collaboration and commitment of resources between the parties  
65 to the agreement is required in order to achieve the desired results.

**§18B-1D-7. Findings; establishment of institutional compacts; compact elements;  
submission date; review and approval process; rule required.**

1 (a) The Legislature finds that West Virginia long has recognized the value of education

2 and, on a per capita income basis, ranks very high among the states in its investment to support  
3 public education. The Legislature further finds that a combination of state and national  
4 demographic and economic factors as well as significant changes in methods of course and  
5 program delivery compel both the state and public higher education to create a process that will  
6 strengthen institutional capacity to provide the services so valued by the citizens of the state and  
7 so essential to promoting economic vitality.

8 (b) Therefore, each state college and university shall prepare an institutional compact for  
9 submission to the commission and each community and technical college shall prepare an  
10 institutional compact for submission to the council. When the process herein provided is  
11 completed, the resulting institutional compact constitutes a negotiated contract between the state  
12 institution of higher education and the commission or council, respectively, containing at a  
13 minimum the following basic components:

14 (1) Institutional strategies for focusing resources on meeting the goals and objectives set  
15 forth in this article and section one-a, article one of this chapter; and

16 (2) Commission or council strategies for promoting and supporting the institution in fulfilling  
17 its mission and objectives, to make it more competitive with its peers and to ensure the continuity  
18 of academic programs and services to its students.

19 (c) In addition to the basic contract components described in subsection (b) of this section,  
20 each compact shall contain at least the following elements:

21 (1) A determination of the mission of the institution which specifically addresses changes  
22 necessary or expedient to accomplish the goals and objectives articulated by the state and the  
23 appropriate statewide master plan;

24 (2) A detailed statement of how the compact is aligned with and will be implemented in  
25 conjunction with the master plan of the institution;

26 (3) A comprehensive assessment of education needs within the institution's geographic

27 area of responsibility;

28 (4) A strategy to ensure access to comprehensive community and technical college and  
29 workforce development services within each respective region of the state consistent with the  
30 mission of the institution;

31 (5) Provision for collaboration and brokering of education services as necessary or  
32 expedient to carry out the institutional mission and meet its objectives;

33 (6) Provision of student services at the optimum level to support the institutional mission  
34 and to achieve state goals and objectives;

35 (7) Strategies for using existing infrastructure and resources within each region, where  
36 feasible, to increase student access while controlling costs and maintaining academic quality; and

37 (8) Other public policy objectives or initiatives adopted by the commission or council  
38 pursuant to the intent and purposes of this article and section one-a, article one of this chapter.

39 (d) Each institutional compact shall be updated annually and shall follow the same general  
40 guidelines contained in this section.

41 (e) Development and updating of the institutional compacts is subject to the following  
42 conditions:

43 (1) The ultimate responsibility for developing and updating the compacts at the institutional  
44 level resides with the board of advisors or the board of Governors, as appropriate. It is the  
45 responsibility of the commission or council to provide technical assistance as requested and to  
46 negotiate with the institution development of the strategies to promote and support the institution  
47 pursuant to subsection (b) of this section;

48 (2) The commission and the council each shall establish a date by which institutions under  
49 their respective jurisdictions shall submit their compacts to the commission or council pursuant to  
50 the provisions of this article. The date established by each state-level coordinating board shall  
51 apply uniformly to all institutions under the jurisdiction of that coordinating board and shall meet

52 the following additional conditions:

53 (A) Allow sufficient time for careful analysis of the compacts by the central office staff and  
54 for review by members of the commission or the council, as appropriate; and

55 (B) Allow sufficient time for the institutions to make necessary revisions to the compacts  
56 as provided in this section.

57 (3) The commission and council shall review each compact from the institutions under  
58 their respective jurisdictions and either adopt the compact or return it with specific comments for  
59 change or improvement. The commission and council, respectively, shall continue this process  
60 as long as each considers advisable;

61 (4) By May 1 annually, if the institutional compact of any institution as presented by that  
62 institution is not adopted by the respective commission or council, then the commission or council  
63 is empowered and directed to develop and adopt the institutional compact for the institution and  
64 the institution is bound by the compact so adopted; and

65 (5) As far as practicable, the commission and council each shall establish uniform  
66 processes and forms for the development and submission of the institutional compacts by the  
67 institutions under their respective jurisdictions, taking into consideration the differences in  
68 institutional missions and objectives. As a part of this function, the commission and council each  
69 shall organize the statements of legislative goals and objectives contained in this article and  
70 section one-a, article one of this chapter in a manner that facilitates the purposes therein.

71 (f) *Assignment of geographic areas of responsibility.* —

72 (1) The commission shall assign geographic areas of responsibility to the state institutions  
73 of higher education under its jurisdiction, except for the state institutions of higher education  
74 known as ~~West Virginia School of Osteopathic Medicine~~ Marshall University and West Virginia  
75 University. For institutions other than the state institutions of higher education known as ~~West~~  
76 ~~Virginia School of Osteopathic Medicine~~ Marshall University and West Virginia University, the



77 geographic areas of responsibility are made a part of their institutional compacts to ensure that  
78 all areas of the state are provided necessary programs and services to achieve state goals and  
79 objectives. The commission and the council each shall develop data-based measures to  
80 determine the extent to which institutions under their respective jurisdictions are providing higher  
81 education services aligned with state goals and objectives and institutional missions within their  
82 geographic areas of responsibility. This information shall be reported in the statewide report card  
83 established pursuant to section eight of this article.

84 (2) The council shall assign geographic areas of responsibility to the state institutions of  
85 higher education under its jurisdiction, including the administratively linked institution known as  
86 Marshall Community and Technical College, the administratively linked institution known as the  
87 Community and Technical College at West Virginia University Institute of Technology and the  
88 regional campus known as West Virginia University at Parkersburg.

89 (3) The geographic areas of responsibility for the state institutions of higher education  
90 known as ~~West Virginia School of Osteopathic Medicine~~ Marshall University and West Virginia  
91 University are assigned by the Legislature.

92 (4) The benchmarks established in the institutional compacts include measures of  
93 programs and services by geographic area throughout the assigned geographic area of  
94 responsibility.

95 (g) The compacts shall contain benchmarks to be used to determine progress toward  
96 meeting the objectives established in the compacts. The benchmarks shall meet the following  
97 criteria:

98 (1) They shall be objective;

99 (2) They shall be directly linked to the objectives in the compacts;

100 (3) They shall be measured by the indicators described in subsection (h) of this section;

101 and

102 (4) Where applicable, they shall be used to measure progress in geographic areas of  
103 responsibility.

104 (h) The rules required by subsection (c), section one of this article shall include indicators  
105 which measure the degree to which the goals and objectives set forth in this article and section  
106 one-a, article one of this chapter are being met by the institutions under the jurisdiction of the  
107 commission and the council, respectively.

108 (1) The rules pertaining to benchmarks and indicators in effect for the commission and the  
109 council on the effective date of this section remain in effect for the institutions under their  
110 respective jurisdictions until amended, modified, repealed or replaced by the commission or the  
111 council, respectively, pursuant to the provisions of this article, section six, article one of this  
112 chapter and article three-a, chapter twenty-nine-a of this code.

113 (2) The rules shall set forth at least the following as pertains to all state institutions of  
114 higher education:

115 (A) The indicators used to measure the degree to which the goals and objectives are being  
116 met;

117 (B) Uniform definitions for the various data elements to be used in establishing the  
118 indicators;

119 (C) Guidelines for the collection and reporting of data; and

120 (D) Sufficient detail within the benchmarks and indicators to provide the following  
121 information:

122 (i) Measurable evidence that the pursuits of the institution are focused on the education  
123 needs of the citizens of the state and are aligned with the objectives of the institutional compacts  
124 and statewide master plans;

125 (ii) Delineation of the objectives and benchmarks for an institution so that the commission  
126 or council can precisely measure the degree to which progress is being made toward achieving

127 the goals and objectives provided in this article and section one-a, article one of this chapter; and

128 (iii) Identification of specific objectives within the master plan or compact of an institution  
129 that are not being met or toward which sufficient progress is not being made.

130 (3) In addition to any other requirement, the rule established by the council shall set forth  
131 at least the following as pertains to community and technical college education:

132 (A) Benchmarks and indicators which are targeted to identify the following:

133 (i) The degree to which progress is being made by institutions toward meeting state goals  
134 and objectives and the essential conditions for community and technical college education  
135 pursuant to section three, article three-c of this chapter;

136 (ii) Information and data necessary to be considered by the council in making the  
137 determination required by section three, article two-c of this chapter; and

138 (B) Sufficient detail within the benchmarks and indicators to provide clear evidence to  
139 support an objective determination by the council that an institution's progress toward achieving  
140 state goals and objectives and the essential conditions for community and technical college  
141 education is so deficient that implementation of the provisions of section four, article two-c of this  
142 chapter is warranted and necessary.

143 (i) The commission and the council, respectively, shall approve the compacts developed  
144 for the institutions under their respective jurisdictions by the boards of Governors or the boards of  
145 advisors pursuant to this section and consistent with the powers and duties prescribed in section  
146 four, article two-a of this chapter and section one, article six of this chapter.

## **ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.**

**§18B-2-5. Establishment and operation of a state school of osteopathic medicine; authority  
and duty to purchase property, expend appropriations and conduct programs of the  
West Virginia School of Osteopathic Medicine.**

1           The board of trustees shall operate and maintain the state school of osteopathy, known  
2 as the "West Virginia School of Osteopathic Medicine" and located in Lewisburg, Greenbrier  
3 County, as previously established by the board of regents, as a part of the University of West  
4 Virginia as defined in section two, article one of this chapter. The title to all the real property and  
5 all facilities and equipment of the West Virginia School of Osteopathic Medicine and the previously  
6 existing Greenbrier College of Osteopathic Medicine, located at Lewisburg, Greenbrier County,  
7 shall be and remain vested in the board of trustees. The title to any such property originally  
8 acquired by or vested in the name of the board of regents is hereby transferred to and shall remain  
9 vested in the board of trustees.

10           The board of trustees shall employ a president and such staff and faculty as determined  
11 appropriate for the school, ~~appoint an advisory board consistent with section one, article six of~~  
12 ~~this chapter~~ and exercise general determination, control, supervision and management of the  
13 financial, business and educational policies and affairs of the school of osteopathic medicine.

14           The school shall be authorized to offer such curricula, programs, courses and services  
15 and confer such degrees as may be approved by the board of trustees. The board of trustees  
16 shall fix tuition and establish and set other fees to be charged students as it deems appropriate,  
17 including the establishment of special fees for specific purposes. Special fees shall be paid into  
18 special funds and be used only for the purposes for which said fees were collected.

19           The board of trustees shall expend from the appropriations allocated for the West Virginia  
20 School of Osteopathic Medicine such funds as are necessary for the operation and conduct of  
21 programs, the acquisition of clear title to the property of the Greenbrier College of Osteopathic  
22 Medicine, and for necessary capital improvements. The title to all property purchased for the use  
23 of the West Virginia School of Osteopathic Medicine shall be vested in the board of trustees.

24           The board of trustees is authorized to enter into contracts on behalf of the West Virginia  
25 School of Osteopathic Medicine with public and private educational institutions, agencies and

26 boards, with governmental agencies and with corporations, partnerships, and individuals for the  
27 performance of instructional or other services.

28 The board of trustees is hereby specifically authorized to contract with the West Virginia  
29 anatomical board and the West Virginia anatomical board is hereby specifically authorized to  
30 contract with the board of trustees on behalf of the West Virginia School of Osteopathic Medicine  
31 for the requisition, use, disposition and control of any body as may come under the authority of  
32 the anatomical board: *Provided*, That such body be used exclusively for educational purposes of  
33 the West Virginia School of Osteopathic Medicine.

34 The board of trustees is further authorized to contract with any other person, corporation  
35 or entity for the purchase of cadavers for educational purposes at the West Virginia School of  
36 Osteopathic Medicine, notwithstanding any provision of law to the contrary.

37 The provisions of this section shall expire upon the transfer of the West Virginia School of  
38 Osteopathic Medicine to a not-for-profit corporation in accordance with article two-d of this  
39 chapter.

## **ARTICLE 2A. INSTITUTIONAL BOARD OF GOVERNORS.**

### **§18B-2A-1. Findings; composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.**

1 (a) *Findings.* –

2 The Legislature finds that the State of West Virginia is served best when the membership  
3 of each governing board includes the following:

4 (1) The academic expertise and institutional experience of faculty members and a student  
5 of the institution governed by the board;

6 (2) The technical or professional expertise and institutional experience of a classified  
7 employee of the institution governed by the board;

8 (3) An awareness and understanding of the issues facing the institution governed by the  
9 board; and

10 (4) The diverse perspectives that arise from a membership that is balanced in terms of  
11 gender and varied in terms of race and ethnic heritage.

12 (b) *Boards of Governors established.* –

13 A board of Governors is continued at each of the following institutions: Bluefield State  
14 College, Blue Ridge Community and Technical College, Bridgemont Community and Technical  
15 College, Concord University, Eastern West Virginia Community and Technical College, Fairmont  
16 State University, Glenville State College, Kanawha Valley Community and Technical College,  
17 Mountwest Community and Technical College, Marshall University, New River Community and  
18 Technical College, Pierpont Community and Technical College, Shepherd University, Southern  
19 West Virginia Community and Technical College, West Liberty University, West Virginia Northern  
20 Community and Technical College, the West Virginia School of Osteopathic Medicine, West  
21 Virginia State University, West Virginia University and West Virginia University at Parkersburg:  
22 Provided, That the West Virginia School of Osteopathic Medicine shall cease to continue as a  
23 recognized board of Governors for the purposes of this section upon its transfer to a not-for-profit  
24 corporation in accordance with section three, article two-d of this chapter.

25 (c) *Board membership.* –

26 (1) An appointment to fill a vacancy on the board or reappointment of a member who is  
27 eligible to serve an additional term is made in accordance with the provisions of this section.

28 (2) The Board of Governors for Marshall University consists of sixteen persons. The Board  
29 of Governors for West Virginia University consists of seventeen persons. The boards of  
30 Governors of the other state institutions of higher education consist of twelve persons.

31 (3) Each board of Governors includes the following members:

32 (A) A full-time member of the faculty with the rank of instructor or above duly elected by

33 the faculty of the respective institution;

34 (B) A member of the student body in good academic standing, enrolled for college credit  
35 work and duly elected by the student body of the respective institution; and

36 (C) A member from the institutional classified employees duly elected by the classified  
37 employees of the respective institution;

38 (4) For the Board of Governors at Marshall University, thirteen lay members appointed by  
39 the Governor, by and with the advice and consent of the Senate, pursuant to this section;

40 (5) For the Board of Governors at West Virginia University, twelve lay members appointed  
41 by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and  
42 additionally:

43 (A) The Chairperson of the Board of Visitors of West Virginia University Institute of  
44 Technology;

45 (B) A full-time faculty member representing the extension service at the institution or a full-  
46 time faculty member representing the health sciences, selected by the faculty senate.(6) For each  
47 board of Governors of the other state institutions of higher education, nine lay members appointed  
48 by the Governor, by and with the advice and consent of the Senate, pursuant to this section.

49 (A) Of the nine members appointed by the Governor, no more than five may be of the  
50 same political party. Of the thirteen members appointed by the Governor to the governing board  
51 of Marshall University, no more than eight may be of the same political party. Of the twelve  
52 members appointed by the Governor to the governing board of West Virginia University, no more  
53 than seven may be of the same political party.

54 (B) Of the nine members appointed by the Governor, at least five shall be residents of the  
55 state. Of the thirteen members appointed by the Governor to the governing board of Marshall  
56 University, at least eight shall be residents of the state. Of the twelve members appointed by the  
57 Governor to the governing board of West Virginia University, at least seven shall be residents of

58 the state.

59 (7) In making lay appointments, the Governor shall consider the institutional mission and  
60 membership characteristics including the following:

61 (A) The need for individual skills, knowledge and experience relevant to governing the  
62 institution;

63 (B) The need for awareness and understanding of institutional problems and priorities,  
64 including those related to research, teaching and outreach;

65 (C) The value of gender, racial and ethnic diversity; and

66 (D) The value of achieving balance in gender and diversity in the racial and ethnic  
67 characteristics of the lay membership of each board.

68 (d) *Board member terms.* –

69 (1) The student member serves for a term of one year. Each term begins on July 1.

70 (2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty  
71 members are eligible to succeed themselves for three additional terms, not to exceed a total of  
72 eight consecutive years.

73 (3) The member representing classified employees serves for a term of two years. Each  
74 term begins on July 1. Members representing classified employees are eligible to succeed  
75 themselves for three additional terms, not to exceed a total of eight consecutive years.

76 (4) The appointed lay citizen members serve terms of four years each and are eligible to  
77 succeed themselves for no more than one additional term, except that citizen members who are  
78 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after  
79 completing an unexpired term.

80 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term  
81 within thirty days of the occurrence of the vacancy in the same manner as the original appointment  
82 or election. Except in the case of a vacancy, all elections are held and all appointments are made



83 no later than June 30 preceding the commencement of the term. Each board of Governors shall  
84 elect one of its appointed lay members to be chairperson in June of each year. A member may  
85 not serve as chairperson for more than four consecutive years.

86 (6) The appointed members of the boards of Governors serve staggered terms of up to  
87 four years except that four of the initial appointments to the governing boards of community and  
88 technical colleges that became independent July 1, 2008, are for terms of two years and five of  
89 the initial appointments are for terms of four years.

90 (e) *Board member eligibility, expenses.* –

91 (1) A person is ineligible for appointment to membership on a board of Governors of a  
92 state institution of higher education under the following conditions:

93 (A) For a baccalaureate institution or university, a person is ineligible for appointment who  
94 is an officer, employee or member of any other board of Governors; an employee of any institution  
95 of higher education; an officer or member of any political party executive committee; the holder of  
96 any other public office or public employment under the government of this state or any of its  
97 political subdivisions; an employee of any affiliated research corporation created pursuant to  
98 article twelve of this chapter; an employee of any affiliated foundation organized and operated in  
99 support of one or more state institutions of higher education; or a member of the council or  
100 commission. This subsection does not prevent the representative from the faculty, classified  
101 employees, students or the superintendent of a county board of education from being members  
102 of the governing boards.

103 (B) For a community and technical college, a person is ineligible for appointment who is  
104 an officer, employee or member of any other board of Governors; a member of a board of visitors  
105 of any public institution of higher education; an employee of any institution of higher education;  
106 an officer or member of any political party executive committee; the holder of any other public  
107 office, other than an elected county office, or public employment, other than employment by the

108 county board of education, under the government of this state or any of its political subdivisions;  
109 an employee of any affiliated research corporation created pursuant to article twelve of this  
110 chapter; an employee of any affiliated foundation organized and operated in support of one or  
111 more state institutions of higher education; or a member of the council or commission. This  
112 subsection does not prevent the representative from the faculty, classified employees or students  
113 from being members of the governing boards.

114 (2) Before exercising any authority or performing any duties as a member of a governing  
115 board, each member shall qualify as such by taking and subscribing to the oath of office  
116 prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof  
117 shall be filed with the Secretary of State.

118 (3) A member of a governing board appointed by the Governor may not be removed from  
119 office by the Governor except for official misconduct, incompetence, neglect of duty or gross  
120 immorality and then only in the manner prescribed by law for the removal of the state elective  
121 officers by the Governor.

122 (4) The members of the board of Governors serve without compensation, but are  
123 reimbursed for all reasonable and necessary expenses actually incurred in the performance of  
124 official duties under this article upon presentation of an itemized sworn statement of expenses.

125 (5) The president of the institution shall make available resources of the institution for  
126 conducting the business of its board of Governors. All expenses incurred by the board of  
127 Governors and the institution under this section are paid from funds allocated to the institution for  
128 that purpose.

## **ARTICLE 2D. WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE.**

### **§18B-2D-1. Legislative Findings.**

1 (a) The Legislature hereby makes the following findings:

2 (1) Access to quality medical education in the state is critical to the long-term health and  
3 welfare of the citizens of this state.

4 (2) If medical education can be improved and expanded by reducing state involvement  
5 and control over certain medical education components, then the Legislature should take steps  
6 to reduce such involvement and control.

7 (3) The West Virginia School of Osteopathic Medicine currently does not hold any bonds  
8 or have any indebtedness to the state, and would greatly benefit from increased flexibility in its  
9 medical education operations, and possesses the financial stability to operate privately without  
10 long-term reliance on state appropriations.

11 (4) Allowing the West Virginia School of Osteopathic Medicine to become a private not-  
12 for-profit corporation would greatly benefit the institution by providing it greater flexibility and  
13 freedom in providing medical education, and thus, would greatly enhance the quality of medical  
14 education in this state.

15 (5) It would be in the best long-term interest of the state, the health and welfare of its  
16 citizens, and the West Virginia School of Osteopathic Medicine to effectuate the transfer of the  
17 West Virginia School of Osteopathic Medicine from a state institution to a not-for-profit  
18 corporation.

19 (b) The legislative purpose of this article is to effectuate the transfer of the West Virginia  
20 School of Osteopathic Medicine and its board of Governors from a state institution to a not-for-  
21 profit corporation and its governing board of trustees.

**§18B-2D-2. Definitions.**

1 (a) “Board of Governors” means the state-established governing body of the West Virginia  
2 School of Osteopathic Medicine prior to the enactment of this article.

3 (b) “Board of trustees” means the governing body of the private not-for-profit corporation  
4 created in accordance with this article.

5 (c) "WVSOM" means the West Virginia School of Osteopathic Medicine.

**§18B-2D-3. Transfer of the West Virginia School of Osteopathic Medicine from a state institution to a private not-for-profit corporation; creation of a private governing board of trustees.**

1 (a) Effective July 1, 2018, "West Virginia School of Osteopathic Medicine" located in  
2 Lewisburg, Greenbrier County, may be transferred by the board of Governors from a state owned  
3 and operated public institution to a private not-for-profit corporation. Upon such transfer to a not-  
4 for-profit corporation, WVSOM shall cease being a state owned and operated public institution.

5 (b) Prior to July 1, 2018, the board of Governors of WVSOM shall take such actions as  
6 are necessary to establish a private not-for-profit corporation in accordance with chapter thirty-  
7 one-e of this code. The corporation created pursuant to this section shall be governed by the  
8 board of trustees.

9 (c) Effective July 1, 2018, the board of Governors may transfer and assign all right, title,  
10 and interest in and to all assets of WVSOM and its board of Governors to a private not-for-profit  
11 corporation formed in accordance with subsection (b). Assets of WVSOM and its board of  
12 Governors which shall be transferred include, but are not limited to, all real property, facilities,  
13 buildings, equipment, records (electronic and hard copy), intellectual property, and all contracts  
14 obtained on behalf of the institution and the rights and obligations thereunder.

15 (d) All right, title, and interest in and to all real property owned by the board of Governors  
16 shall be transferred and deeded to the not-for-profit corporation: *Provided*, That the deed transfer  
17 shall be in fee simple subject to condition subsequent and shall prohibit the not-for-profit  
18 corporation from ever becoming a for-profit corporation or selling the property to a for-profit  
19 corporation. All real property shall be transferred to the not-for-profit corporation, but if the not-  
20 for-profit corporation becomes a for-profit corporation or takes affirmative steps to effectuate the  
21 sale or transfer of the real property to a for-profit corporation, then the state shall have a right of

22 reentry.

23 (e) On the date of transfer, the board of Governors shall disburse to the corporation all  
24 moneys controlled and administered by the board of Governors held in any State Treasury fund  
25 or account. All other moneys held for the benefit of WVSOM, as a state entity, its board of  
26 Governors, or its current and former employees shall also be transferred on that date to the  
27 corporation by any agency holding such moneys. The State Auditor and the State Treasurer shall  
28 assist in the transfer of all moneys controlled and administered by the board of Governors or held  
29 for the benefit of WVSOM, as a state entity, its board of Governors, and its current and former  
30 employees.

31 (f) For the duration of its existence, the not-for-profit corporation established pursuant to  
32 this section is not and shall not be considered a department, unit, agency, or instrumentality of  
33 the state for any purpose. All debts, claims, obligations, and liabilities of the corporation, whenever  
34 incurred, shall be the debts, claims, obligations, and liabilities of the corporation only and not of  
35 the state or any department, unit, agency, instrumentality, officer or employee of the state.

36 (g) The moneys of the corporation established pursuant to this section or the governing  
37 board of trustees shall not be considered part of the General Revenue Fund of the state.

38 (h) All debts, claims, obligations, and liabilities of WVSOM, its board of Governors, and its  
39 employees as employees of the state incurred prior to the date of transfer or incurred after the  
40 date of such transfer, if relating to an occurrence that took place prior to the transfer, shall continue  
41 to be considered debts, claims, obligations, and liabilities of the state until satisfied or resolved.

42 (i) Effective upon the transfer of WVSOM to a not-for-profit corporation, any reference to  
43 the "West Virginia School of Osteopathic Medicine" in this code shall be a reference to the not-  
44 for-profit corporation established pursuant to this section.

**§18B-2D-4. Certain personnel provisions concerning the transfer of employees.**

1 (a) Immediately upon the transfer of WVSOM and all of its assets to the not-for-profit

2 corporation in accordance with section three, all WVSOM employees shall become at-will  
3 employees of the not-for-profit corporation.

4 (b) Any person who:

5 (1) Was an employee of the board of Governors on July 1, 2018;

6 (2) Was an employee of the board of Governors who became an employee of the  
7 corporation created in accordance with this article upon the transfer date; and

8 (3) Is laid off by the corporation created in accordance with this article on or before July 1,  
9 2019, is entitled to be placed on an appropriate reemployment list maintained by the Division of  
10 Personnel and to be allowed a preference on that list. The Division of Personnel shall maintain  
11 such an employee on the reemployment list indefinitely, or until the employee has declined three  
12 offers of employment at a paygrade substantially similar to that of his or her position at the  
13 corporation upon the termination of employment, or until he or she is employed by the executive  
14 branch of state government or a state institution of higher education, whichever occurs earlier.

15 (c) (1) Any employee of the board of Governors as of the transfer date who possesses  
16 certain conversion rights for his or her accrued and unused sick and annual leave under section  
17 thirteen, article sixteen, chapter five of this code in existence as of the transfer date had the  
18 employee retired on the transfer date shall select in writing within thirty days of employment with  
19 the not-for-profit corporation created in accordance with this article whether to:

20 (i) Request that the corporation freeze all or a portion of the balance of the employee's  
21 accrued and unused leave in existence as of the effective date of employment with the corporation  
22 or

23 (ii) Request the transfer to the corporation of all or such portion of the balance of the  
24 employee's accrued and unused leave not selected to be frozen.

25 (2) An employee's balance of accrued and unused sick and annual leave for purposes of  
26 this section shall mean that balance which existed as of the effective date of the employee's

27 employment with the corporation. Any leave selected to be frozen shall be held by the corporation  
28 until such time as the employee may exercise his or her conversion rights upon retirement. Any  
29 leave transferred to the corporation forfeits its ability to be converted under law upon the  
30 employee's retirement from the corporation. Any annual leave surrendered by an employee  
31 through the state for a taxable cash benefit may not be transferred to the corporation.

32 (d) Any employee of the board of Governors as of the transfer date who does not possess  
33 any conversion rights as set forth in subsection (c) of this section shall have his or her entire  
34 accrued and unused leave balance transferred to the not-for-profit corporation created in  
35 accordance with this article upon employment with the corporation. Any annual leave surrendered  
36 by an employee through the state for a taxable cash benefit may not be transferred to the  
37 corporation.

38 (e) All employees of the board of Governors at the date of transfer shall cease to be eligible  
39 for insurance benefits through the Public Employee Insurance Agency.

40 (f) The Higher Education Policy Commission, the Division of Personnel, the State Auditor,  
41 and the State Treasurer shall cooperate fully by assisting in all activities necessary to expedite all  
42 changes for the board of Governors and employees as set forth in this article.

**§18B-2D-5. Exemptions from certain requirements.**

1 (a) In order to transfer WVSOM from a state institution to a not-for-profit corporation as  
2 expeditiously as possible, the transactions provided by this article shall be exempt from the  
3 bidding and public sale requirements, from the approval of contractual agreements by the  
4 Department of Administration, the State Auditor, the State Treasurer, the Higher Education Policy  
5 Commission or the Attorney General, from the requirements of article five of this chapter, and  
6 from any other requirements limiting such transactions.

7 (b) WVSOM, as a not-for-profit corporation created in accordance with this article, shall  
8 not be subject to laws governing state entities, including, but not limited to, the following provisions

9 of state code and any regulations promulgated thereunder:

10 (1) Article three, chapter five-a of this code;

11 (2) Article nine-a, chapter six of this code;

12 (3) Article two, chapter six-b of this code;

13 (4) Chapter six-c of this code;

14 (5) Chapter twelve of this code;

15 (6) Article six, chapter twenty-nine of this code; and

16 (7) Chapter twenty-nine-b of this code.

17 (c) The corporation created in accordance with this article, its board of trustees, and all  
18 real property belonging to it shall not be subject to the jurisdiction of any municipal or county  
19 historic landmark commission established pursuant to article twenty-six-a, chapter eight of this  
20 code, or any municipal or county ordinance enacted which imposes any type of tax or fee, or any  
21 municipal or county ordinance enacted which regulates building construction for the purposes of  
22 historic preservation.

**§18B-2D-6. Preservation of certain rights and access to state programs.**

1 (a) Students enrolled at WVSOM, as a not-for-profit corporation, shall continue to be  
2 eligible for the Health Professionals Education Loan Program established pursuant to article  
3 three, chapter eighteen-c of this code and the Higher Education Grant program established  
4 pursuant to article five, chapter eighteen-c of this code.

5 (b) WVSOM, as a not-for-profit corporation, shall continue to be eligible for state or agency  
6 grant opportunities, including, but not limited to, rural health initiative grants administered by the  
7 Higher Education Policy Commission or other entity authorized to approve or distribute such  
8 grants.

9 (c) WVSOM, as a not-for-profit corporation, is hereby specifically authorized to contract  
10 with the West Virginia anatomical board and the West Virginia anatomical board is hereby



11 specifically authorized to contract with the West Virginia School of Osteopathic Medicine for the  
12 requisition, use, disposition and control of any body as may come under the authority of the  
13 anatomical board: *Provided*, That such body be used exclusively for educational purposes of the  
14 West Virginia School of Osteopathic Medicine.

15 (d) WVSOM, as a not-for-profit corporation, is further authorized to contract with any other  
16 person, corporation or entity for the purchase of cadavers for educational purposes at the West  
17 Virginia School of Osteopathic Medicine, notwithstanding any provision of law to the contrary.

18 (e) WVSOM, as a not-for-profit corporation, may continue to participate in any program or  
19 agreement with the West Virginia State Board of Risk and Insurance Management authorized  
20 under section five, article five of this chapter.

**§18B-2D-7. Establishment of the WVSOM West Virginia Student Tuition Transition Fund.**

1 (a) Upon the enactment of this article in 2017, there is hereby established in the State  
2 Treasury the “WVSOM West Virginia Student Tuition Transition Fund”, over which the State  
3 Treasurer is custodian and which is to be administered by the Higher Education Policy  
4 Commission. Moneys appropriated to the fund shall be utilized exclusively to ensure that every  
5 student enrolled at WVSOM on the date of transfer and who has qualified for an in-state tuition  
6 rate at the time of this article’s enactment is not subjected to an increase in tuition costs.

7 (b) The Higher Education Policy Commission shall make four disbursements from the  
8 “WVSOM West Virginia Student Tuition Transition Fund” to the West Virginia School of  
9 Osteopathic Medicine on the following schedule:

10 (1) On July 1, 2018, the Commission shall disburse \$2,500,000 to the West Virginia School  
11 of Osteopathic Medicine.

12 (2) On July 1, 2019, the Commission shall disburse \$2,500,000 to the West Virginia School  
13 of Osteopathic Medicine.

14 (3) On July 1, 2020, the Commission shall disburse \$2,200,000 to the West Virginia School

15 of Osteopathic Medicine.

16 (4) On July 1, 2021, the Commission shall disburse \$2,200,000 to the West Virginia School  
17 of Osteopathic Medicine.

#### **ARTICLE 14. MISCELLANEOUS.**

##### **§18B-14-10. Credit card solicitation on college campuses; regulation of credit card marketing.**

1 (a) *Definitions.* -- For the purposes of this section, the following terms have the following  
2 meanings:

3 (1) "College campus" includes the premises and grounds of an institution of higher  
4 education;

5 (2) "Credit card debt education brochure" means the information developed by a college  
6 or university, by a registered nonprofit corporation or by other sources as identified and approved  
7 by the institution of higher education, that details the appropriate use, benefits and risks of  
8 incurring debt through the use of credit cards;

9 (3) "Credit card marketer" includes a person, corporation, financial institution or business  
10 entity that promotes, offers or accepts applications for a credit card;

11 (4) "Institution of higher education" means any of the following:

12 (i) A community college or technical college as defined in subsection (e), section two,  
13 article one of this chapter; and

14 (ii) Bluefield State College, Concord College, Glenville State College, Fairmont State  
15 College, Marshall University, West Virginia Northern Community College, West Liberty State  
16 College, Potomac State College of West Virginia University, Shepherd College, West Virginia  
17 University Institute of Technology, Southern West Virginia Community Institute of Technology,  
18 West Virginia University at Parkersburg, ~~West Virginia school of osteopathic medicine~~ West

19 Virginia State College, West Virginia University and all branch campuses of these institutions of  
20 higher education; and

21 (5) "Student" means a person who is at least eighteen years of age and who attends an  
22 institution of higher education whether on a full-time or part-time basis.

23 (b) The governing boards of each institution shall propose rules in accordance with the  
24 rule adopted by the Higher Education Policy Commission pursuant to the provisions of section  
25 six, article one of this chapter no later than July 1, 2003, to regulate the marketing practices used  
26 on campuses by credit card companies. In proposing these rules, the governing boards shall  
27 consider the following requirements:

28 (1) Registering on-campus credit card marketers;

29 (2) Limiting credit card marketers to specific institutional campus sites designated by the  
30 president or administrative head of the institution or his or her designee;

31 (3) Prohibiting credit card marketers from offering tangible gifts to students in exchange  
32 for completing a credit card application;

33 (4) Requiring that no application for the extension of debt through a credit card may be  
34 made available to a student unless the application is accompanied by a credit card debt education  
35 brochure;

36 (5) Whether or not to use or the appropriate use of student lists for the purpose of soliciting  
37 applications for credit cards; and

38 (6) Developing a credit card debt education presentation to be incorporated into orientation  
39 programs offered to new students.

40 (c) Unless a student's parent or guardian has agreed in writing to be liable as a cosigner  
41 for credit card debts of the student, no person may initiate a debt collection action against the  
42 parent or guardian regarding any credit card debt incurred by the student.

NOTE: The purpose of this bill is to transition the West Virginia School of Osteopathic Medicine from a state owned and operated entity to a not-for-profit corporation.

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