

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Code § 6-9A-1 and 18B-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 47

TITLE OF RULE BEING AMENDED: Commission Organization and Meetings

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 17, 2011 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Higher Education Policy Commission

Attention: Dr. Brian Noland
Chancellor

1018 Kanawha Boulevard, East, Suite 700
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 47
COMMISSION ORGANIZATION AND MEETINGS**

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OFFICE OF THE VIRGINIA
SECRETARY OF STATE

§133-47-1. General.

- 1.1. Scope – This procedural rule establishes the organization of the West Virginia Higher Education Policy Commission and conduct of its meetings.
- 1.2. Authority – W. Va. Code § 6-9A-1, 18B-1-6
- 1.3. Filing Date – ~~January 4, 2008~~
- 1.4. Effective Date – ~~February 3, 2008~~

§133-47-2. Organization.

2.1. The officers of the Commission shall be a chair, vice chair and a secretary. Officers shall be elected in June of each year for a one year term commencing on July 1 and ending on June 30 of the following year. Officers may not serve more than ~~two~~ four consecutive terms in the same office.

2.2. There shall be ~~three~~ one standing committees: the Executive Committee, ~~the Finance Committee and the Academic Policy Committee.~~

2.2.a. The Executive Committee shall consist of the officers of the Commission, ~~the chairs of the Finance and Academic Policy Committees, and the Commission's immediate past chair.~~

2.2.b. ~~The Finance and Academic Policy Committees shall consist of Commission members and chairs appointed by the Chair of the Commission. Each Commission member shall be assigned to either the Finance or Academic Policy Committee.~~

2.3. Members may be appointed by the Chair of the Commission to special or ad hoc committees.

2.4. All committees shall review and make recommendations to the Commission on matters assigned by the Chair of the Commission or the Executive Committee.

§133-47-3. Meetings of the Commission.

3.1. Meetings of the Commission will be scheduled approximately ~~six (6)~~ four (4) times per year. Special meetings may be convened by the Chair, or upon the petition of a majority of the members.

3.2. Meetings will occur in or near Charleston, West Virginia, or in association with campus visits at a public institution of higher education.

3.3. Members may participate in Commission ~~and committee~~ meetings by telephonic or other electronic means which permit the voice or video identification of the member.

3.4. A quorum of a majority of the members actually serving is required to conduct business on matters requiring a vote of the Commission.

3.5. Meetings will be noticed in accordance with the provisions of the Open Governmental Meetings Act. This includes notice of regularly scheduled meetings being filed with the Secretary of State for filing in the State Register at least five days prior to the date of the meeting.

3.6. The agenda for each regularly scheduled meeting will be made available to the presidents of each institution and to the Chairs of the statewide advisory councils of faculty, students, and classified employees at least three working days before the meeting. Agendas shall also be posted on the Commission's web site.

3.7. The notice provisions of this section shall not apply in the event of an emergency requiring immediate official action. Notice of an emergency meeting may be filed at any time prior to the emergency meeting and shall include the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

3.8. All meetings of the Commission ~~and the committees~~ shall be open to the public, except the Commission ~~or a committee~~ may vote to hold an executive session during its meeting for any of the reasons authorized under W. Va. § 6-9A-4. A motion to hold an executive session must identify the authorization in W. Va. § 6-9A-4 for the executive session and be approved by a majority of the members present.

3.9. At the discretion of the Chair, members of the Commission's staff, institutional presidents and administrative staff, faculty members, classified employees and members of the public may be recognized to address the Commission ~~or a committee~~ during its meeting.

3.10. Meetings will be conducted according to Robert's Rules of Order subject to the suspension of any rule by a majority vote of the Commission or ~~committee~~.

3.11. The Commission may cause the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

3.12. At least once a year the chair will provide time on the agenda of the Commission to meet with the statewide advisory councils of faculty, students and classified employees to address the Commission on matters of concern to the respective advisory council.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Commission Organization and Meetings

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East, Suite 700, Charleston, WV 25301
Contact: Brian Noland, Chancellor

Phone Number: 304-558-0699 Email: noland@hepc.wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There is no impact on costs or revenue.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Commission Organization and Meetings

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

There will be no effect on cost or revenue.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: May 18, 2011

Signature of Agency Head or Authorized Representative



A handwritten signature in black ink, appearing to be 'D. N. O.', is written over a horizontal line.

**West Virginia Higher Education Policy Commission
Meeting of May 18, 2011**

ITEM: Approval of Revision to Series 47,
Commission Organization and Meetings

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves a revision to Series 47, Commission Organization and Meetings, for submission to the Secretary of State's Office for a thirty-day comment period and, if no substantive comments are received, the Commission extends its final approval.

STAFF MEMBER: Bruce Walker

BACKGROUND:

Series 47, Commission Organization and Meetings, outlines the organizational procedures of the West Virginia Higher Education Policy Commission. It is recommended that the attached revision be approved to reflect a change in West Virginia Code and current practices of the Commission and submitted to the Secretary of State's Office for a 30 day comment period and, if no substantive comments are received, the Commission extends its final approval.

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 47
COMMISSION ORGANIZATION AND MEETINGS**

SUMMARY OF PROPOSED CHANGES

Section 2.1

The proposed change increases the term limit of officers from two years to four years consistent with an amendment to West Virginia Code §18B-1B-3.

Sections 2.2

The proposed change removes the reference to the Finance Committee and the Academic Policy Committee.

Section 2.2.1

The proposed change clarifies the membership of the Executive Committee.

Section 2.2.2

The proposed change removes the reference to the appointment of Chairs of the Finance Committee and the Academic Policy Committee and the assignment of Commission members to these committees.

Section 3.1

The proposed change clarifies the number of regularly scheduled meetings to be held each year.

Sections 3.3, 3.8, 3.9, and 3.10

The proposed change removes the references to the committees.