

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 783

(By Mr. Gelpur and Mr. B. H. H.)



PASSED March 3, 1969

In Effect July 1, 1969 Passage



FILED IN THE OFFICE
JOHN D. ROCHFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

783

ENROLLED

House Bill No. 783

(By MR. GALPERIN and MR. BOBBITT)

[Passed March 3, 1969; in effect July 1, 1969.]

AN ACT to amend and reenact section two, article two-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section one, article seventeen of said chapter; and to further amend said chapter by adding thereto a new article, designated article twenty-four, all relating to the state board of vocational education and the director of the division of vocational education; the control, supervision and management of the West Virginia schools for the deaf and blind; and the establishment of a West Virginia board of regents; its membership, organization, staff, powers, duties and authorities; the transfer of powers,

duties and authorities, title to property, agreements, orders, resolutions, rules and regulations of the state commission on higher education, the board of governors of West Virginia university, and the West Virginia board of education with respect to state colleges and universities, to the West Virginia board of regents; the abolishment and repeal of the board of governors of West Virginia university; and the appointment of advisory boards for each state college and university.

Be it enacted by the Legislature of West Virginia:

That section two, article two-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section one, article seventeen, of said chapter be amended and reenacted; and that said chapter be further amended by adding thereto a new article, designated article twenty-four, all to read as follows:

ARTICLE 2B. AREA VOCATIONAL PROGRAM.

§18-2B-2. State board of vocational education; authority to establish programs, etc., rules and regulations; director of vocational education to administer.

1 For the purpose of this article, the state board of edu-
2 cation is designated as the state board of vocational

3 education serving and meeting as the sole agency respon-
4 sible for the administration of vocational education and
5 for supervision of the administration thereof by local
6 educational agencies and is hereby authorized and em-
7 powered to establish, operate and maintain area voca-
8 tional educational programs including the acquisition
9 by purchase, lease, gift or otherwise of necessary lands
10 and the construction, expansion, remodeling, alteration
11 and equipping of necessary buildings for the purpose of
12 operating and conducting educational training centers.
13 To this end, there is hereby expressly established in the
14 state board of education a division of vocational edu-
15 cation which shall establish the area or areas in which
16 the programs are to be conducted and shall have au-
17 thority to promulgate rules and regulations necessary
18 to carry out the provisions of this article. The admin-
19 istration and supervision of the area vocational edu-
20 cational programs shall be administered by the director
21 of the division of vocational education.

ARTICLE 17. WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND.

§18-17-1. Continuation; management.

1 The West Virginia schools for deaf pupils and blind
2 pupils heretofore established and located at Romney,
3 in Hampshire county, shall be continued and shall be
4 known as the "West Virginia schools for the deaf and
5 the blind." The schools shall be maintained for the care
6 and education of the deaf youth and blind youth of the
7 state. The educational or business affairs of the schools
8 shall be under the control, supervision and management
9 of the state board of education and the state board shall
10 employ the superintendent, principals, teachers and other
11 employees and shall fix the yearly or monthly salary to
12 be paid to each person so employed.

ARTICLE 24. WEST VIRGINIA BOARD OF REGENTS.

§18-24-1. Legislative purpose.

1 The purpose of the Legislature in the enactment of
2 this article is to establish a state agency to be known
3 as the West Virginia board of regents which will have
4 the general determination, control, supervision and man-
5 agement of the financial, business, and educational poli-

6 cies and affairs of all state colleges and universities.
7 The board's responsibilities shall include, without limi-
8 tation, the making of studies and recommendations re-
9 specting higher education in West Virginia; allocating
10 among the state colleges and universities specific func-
11 tions and responsibilities; and submitting budget re-
12 quests for the state colleges and universities.

13 Except as otherwise provided in this article, the presi-
14 dent of each state college and university shall exercise
15 all the duties and powers conferred upon him by law
16 in the government of the institution under his manage-
17 ment and control.

§18-24-2. Definitions.

1 Notwithstanding the provisions of section one, article
2 one of this chapter, the following words when used in
3 this article shall have the meaning hereafter ascribed
4 to them unless the context clearly indicates a different
5 meaning:

6 (a) The term "board" shall mean the West Virginia
7 board of regents.

8 (b) The term "state colleges" shall mean Bluefield
9 State College, Concord College, Fairmont State College,
10 Glenville State College, Shepherd College, West Liberty
11 State College, West Virginia Institute of Technology and
12 West Virginia State College.

13 (c) The term "state college" shall mean one of the
14 state colleges.

15 (d) The terms "state universities" and "universities"
16 shall mean Marshall University and West Virginia Uni-
17 versity, including Potomac State College thereof.

18 (e) The terms "state university" and "university"
19 shall mean one of the state universities.

20 (f) The term "institutions of higher education" shall
21 have the meaning ascribed to it by the federal higher
22 education facilities act of one thousand nine hundred
23 sixty-three, as amended.

§18-24-3. West Virginia board of regents created.

1 There is hereby created a state agency to be known
2 as the West Virginia board of regents, which shall be a
3 corporation and as such may contract and be contracted

4 with, plead and be impleaded, sue and be sued, and have
5 and use a common seal.

§18-24-4. Composition of board; terms of members; qualifications of members.

1 The board shall consist of ten members, of whom one
2 shall be the state superintendent of schools, ex officio,
3 who shall not be entitled to vote. The other nine members
4 shall be citizens of the state, appointed by the governor,
5 by and with the advice and consent of the Senate, for
6 overlapping terms of six years, except that three of
7 the original appointments shall be for terms of two
8 years, three of the original appointments shall be for
9 terms of four years, and three of the original appoint-
10 ments shall be for terms of six years.

11 Each of the members appointed to the board shall be
12 especially qualified in the field of higher education by
13 virtue of his knowledge, learning, experience or interest
14 in the field.

15 No person shall be eligible for appointment to mem-
16 bership on the board who is an officer, employee or mem-
17 ber of an advisory board of any state college or uni-
18 versity, or an officer or member of any political party

19 executive committee, or the holder of any other public
20 office or public employment under the federal govern-
21 ment or under the government of this state or any of
22 its political subdivisions, or an appointee or employee
23 of the board. Of the nine members appointed by the
24 governor from the public at large, not more than five
25 thereof shall belong to the same political party. At least
26 one member of the board shall be appointed from each
27 congressional district.”

**§18-24-5. Commencement of original term of members; vacan-
cies; eligibility for reappointment; oath of office;
removal from office.**

1 The governor shall appoint the nine members of the
2 board to be appointed by him as soon after the effective
3 date of this article as is practicable, and the original
4 terms of the nine members appointed by the governor
5 and of the one member, who is such by virtue of being
6 the state superintendent of schools, shall commence
7 on July one, one thousand nine hundred sixty-nine.

8 The governor shall appoint a member to fill any
9 vacancy among the nine members of the board appointed
10 by the governor, by and with the advice and consent of the

11 Senate, which member appointed to fill such vacancy shall
12 serve for the unexpired term of the vacating member.

13 All members of the board appointed by the governor
14 shall be eligible for reappointment. A person who has
15 served as a member during all or any part of two con-
16 secutive terms shall be ineligible to serve as a member
17 for a period of three years immediately following the
18 second of the two consecutive terms.

19 Before exercising any authority or performing any
20 duties as a member of the board, each member shall
21 qualify as such by taking and subscribing to the oath
22 of office prescribed by section five, article four of the
23 state constitution, the certificate whereof shall be filed
24 with the secretary of state.

25 No member of the board appointed by the governor
26 may be removed from office by the governor except for
27 official misconduct, incompetence, neglect of duty, or
28 gross immorality and then only in the manner prescribed
29 by law for the removal by the governor of state elective
30 officers.

§18-24-6. Meetings; quorum; expenses of members.

1 The board shall hold at least six meetings in every
2 fiscal year commencing July one and ending the follow-
3 ing June thirty, one of which meetings, to be known as
4 the annual meeting, shall be held in July, or as soon
5 thereafter as practicable, in the year one thousand nine
6 hundred sixty-nine and in June of each subsequent year.
7 The first annual meeting of the board to be held in
8 July, or as soon thereafter as practicable, in the year
9 one thousand nine hundred sixty-nine, shall be called by
10 the governor on such date and at such place as he may
11 prescribe. Subsequent annual meetings, as well as the
12 five additional required meetings in each fiscal year,
13 shall be held on such dates and at such places as the
14 board may prescribe, subject only to the requirement
15 that the annual meeting shall be held in June. In addi-
16 tion to the statutorily required meetings, the board may
17 meet at such other times as may be necessary, such
18 meetings to be held upon its own resolution or at the
19 call of the president of the board.

20 Of the nine appointed, five members of the board shall
21 constitute a quorum, and a majority vote of the quorum
22 shall be necessary to pass upon matters before the board.

23 The members of the board shall be paid fifty dollars
24 per diem for actual time spent in the performance of
25 duties under this article, and shall be reimbursed for
26 actual and necessary expenses incident to the perform-
27 ance of their duties, upon presentation of an itemized
28 sworn statement thereof. The foregoing per diem and
29 reimbursement for actual and necessary expenses shall be
30 paid from appropriations made by the Legislature to the
31 board.

§18-24-7. Organization of board; staff.

1 At its first annual meeting in July, or as soon there-
2 after as practicable, in the year one thousand nine hun-
3 dred sixty-nine, the board shall elect a president and
4 such other officers as the board may deem necessary or
5 desirable from the members of the board appointed by
6 the governor, to serve for a term ending June thirty,
7 one thousand nine hundred seventy. At its annual meet-
8 ing in June, one thousand nine hundred seventy, and at

9 each annual meeting held in each June thereafter, the
10 board shall elect a president and such other officers as
11 the board may deem necessary or desirable from the
12 members of the board appointed by the governor for a
13 one year term commencing on July one following the
14 annual meeting and ending June thirty the following
15 year. The president of the board shall not be eligible to
16 succeed himself.

17 The board shall employ a chancellor, and such other
18 professional, administrative, clerical and other employees
19 as may be necessary to assist the board in the perform-
20 ance of its duties and responsibilities. The board shall
21 prescribe the duties and fix the compensation and emolu-
22 ments of all such employees, and they shall serve at the
23 will and pleasure and under the direction and control of
24 the board or its designated representative. The board
25 shall provide suitable offices for the chancellor and his
26 staff in Charleston.

§18-24-8. Powers and duties.

1 On and after the effective date of this article, the
2 general determination, control, supervision and manage-
3 ment of the financial, business and educational policies

4 and affairs of all state colleges and universities shall be
5 under the control, supervision and management of the
6 board. In addition, the board is fully authorized and
7 empowered to make studies and recommendations re-
8 lating to all aspects of higher education in the state; it
9 shall, upon reasonable basis, prescribe and allocate
10 among the state colleges and universities specific func-
11 tions and responsibilities to meet the higher educational
12 needs of the state and avoid unnecessary duplication;
13 and it shall consider, revise, and submit to the appro-
14 priate agencies of the executive and legislative branches
15 of state government separate budget requests on behalf
16 of the state colleges and universities or the board may,
17 in its discretion, submit a single budget for the state
18 colleges and universities and allocate among them appro-
19 priations made for the state colleges and universities.

20 The power herein given to the board to prescribe and
21 allocate among the state colleges and universities spe-
22 cific functions and responsibilities to meet the higher
23 educational needs of the state and avoid unnecessary
24 duplication shall not be restricted by any provision of
25 law assigning specified functions and responsibilities to

26 designated state colleges and universities but such power
27 shall supersede any such provision of law: *Provided*,
28 That the board may delegate, with prescribed standards
29 and limitations, such part of its power and control over
30 the business affairs of a particular university or state
31 college to the president or other administrative head of
32 such university or college in any case where it deems
33 such delegation necessary and prudent in order to enable
34 such institution to function in a proper and expeditious
35 manner. Any such delegation or power and control may
36 be rescinded by the board at any time, in whole or in
37 part.

38 The board is authorized and empowered, from time
39 to time, to promulgate such rules and regulations as it
40 may deem necessary and convenient to insure the full
41 implementation of its powers and duties.

§18-24-9. Advisory boards.

1 Each state college and university president or other
2 administrative head shall be authorized to nominate per-
3 sons for appointment to an advisory board, consisting of
4 seven members, to serve as advisors and consultants to
5 him.

6 The board of regents shall appoint members of the
7 advisory board from the persons so nominated for terms
8 of seven years, except that the original appointments
9 shall be for terms of one, two, three, four, five, six and
10 seven years. Thereafter each member shall be appointed
11 to serve for a term of seven years or until his successor
12 is appointed. An appointment to fill a vacancy shall be
13 for the unexpired term of the vacating member.

14 Members of advisory boards shall be eligible to suc-
15 ceed themselves. Members of advisory boards shall
16 serve without compensation, but shall be entitled to
17 reimbursement for actual and necessary expenses in-
18 curred in the performance of the duties of their office
19 to be paid by the state college or university served.

**§18-24-10. State agency for participation in federal and private
grants to higher education.**

1 With the exception of Titles I, II and III of the Higher
2 Education Facilities Act of 1963 and Titles I and VI of the
3 Higher Education Act of 1965, the administration of
4 which are reserved to the commission on higher educa-
5 tion, the board of regents, on behalf of the state of West

6 Virginia, is authorized and empowered to apply for, to
7 accept and administer and expend for the purpose or
8 purposes designated, any funds which now are, or may
9 be, made available to the board or institutions under its
10 authority from federal or private grants, appropriations,
11 allocations and programs.

**§18-24-11. Transfer of powers, duties, and authorities, title to
property, agreements and orders, resolutions, etc.,
of board of governors of West Virginia University
to board.**

1 All powers, duties and authorities which the board of
2 governors of West Virginia University, established by
3 article eleven of this chapter or by any other provisions
4 of law, may have had immediately prior to the effective
5 date of this article, are hereby transferred from the
6 board of governors of West Virginia University to the
7 West Virginia board of regents; and on and after the
8 effective date of this article all of the policies and affairs
9 of West Virginia University shall be determined, con-
10 trolled, supervised and managed, and all such powers,
11 duties and authorities of the board of governors of
12 West Virginia University shall be exercised and per-

13 formed by the West Virginia board of regents, and the
14 board of governors of West Virginia University shall be
15 abolished and repealed.

16 The title to all property vested in the board of gov-
17 ernors of West Virginia University is hereby transferred
18 to and vested in the West Virginia board of regents.

19 Each valid agreement and obligation of the board of
20 governors of West Virginia University shall on or after
21 the effective date of this article become and be deemed
22 the agreement and obligation of the West Virginia board
23 of regents.

24 All orders, resolutions, rules and regulations adopted
25 or promulgated by the board of governors of West Vir-
26 ginia University, and in effect immediately prior to the
27 effective date of this article, shall continue in effect and
28 shall be deemed the orders, resolutions, rules and regu-
29 lations of the West Virginia board of regents until re-
30 scinded by the board; and all such orders, resolutions,
31 rules and regulations may be rescinded, revised, altered
32 or amended by the board in the manner and to the
33 extent authorized and permitted by law.

§18-24-12. Transfer of powers, duties and authorities, title to property, agreements and orders, resolutions, etc., of the West Virginia board of education with respect to state colleges and universities to board.

1 All powers, duties and authorities which the West
2 Virginia board of education may have had with respect
3 to state colleges and universities immediately prior to the
4 effective date of this article, are hereby transferred
5 from the West Virginia board of education to the West
6 Virginia board of regents; and on and after the effective
7 date of this article, all of the policies and affairs of the
8 state colleges and universities shall be determined, con-
9 trolled, supervised and managed, and all powers, duties
10 and authorities shall be exercised and performed by the
11 West Virginia board of regents: *Provided*, That the
12 standards for education of teachers and teacher prepara-
13 tion programs at the state colleges and universities shall
14 continue to be under the general direction and control of
15 the West Virginia board of education, and the West Vir-
16 ginia board of education shall have sole authority to
17 continue, as authorized by section six, article two of
18 this chapter, to enter into agreements with county boards
19 of education for the use of the public schools to give
20 prospective teachers teaching experience.

21 The title to all property heretofore acquired in the
22 name of the state board of control or the West Virginia
23 board of education and used by or for the state colleges
24 and universities, is hereby transferred to and vested in
25 the West Virginia board of regents.

26 Each valid agreement and obligation of the state board
27 of education with respect to the state colleges and uni-
28 versities shall on or after the effective date of this article
29 become and be deemed the agreement and obligation of
30 the West Virginia board of regents.

31 All orders, resolutions, rules and regulations respecting
32 the state colleges and universities adopted or promulgated
33 by the West Virginia board of education and in effect
34 immediately prior to the effective date of this article
35 shall continue in effect and shall be deemed the orders,
36 resolutions, rules and regulations of the West Virginia
37 board of regents until rescinded by the board; and all
38 such orders, resolutions, rules and regulations may be
39 rescinded, revised, altered or amended by the board in
40 the manner and to the extent authorized and permitted
41 by law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1969.

J. Norman Myers
Clerk of the Senate

A. A. Blankenship
Clerk of the House of Delegates

Ray DeLoach
President of the Senate

Sam F. Davis
Speaker House of Delegates

The within approved this the 12th
day of March, 1969.

Arch A. Shaare Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/8/69

Time 4:50 p.m.

RECEIVED

MAR 17 10 23 AM '69

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