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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 101

(By Mr. McCOURT, MR. PRESIDENT)
AND MR. PALUMBO

PASSED FEBRUARY 24 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-4-71

101

ENROLLED

Senate Bill No. 101

(By MR. McCOURT, MR. PRESIDENT, and MR. PALUMBO)

[Passed February 24, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and three, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to composition, terms of office, and compensation of state board of education.

Be it enacted by the Legislature of West Virginia:

That sections one and three, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-1. Creation; composition; appointment, qualifications, terms and removal of members; offices.

- 1 There shall be a state board of education, to be known
- 2 as the West Virginia board of education, which shall be

3 a 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. The state board shall consist of
6 eleven members, of whom one shall be the state superin-
7 tendent of schools, ex officio, and one of whom shall be the
8 chancellor of the board of regents, ex officio, neither of
9 whom shall be entitled to vote. The other nine members
10 shall be citizens of the state, appointed by the governor, by
11 and with the advice and consent of the Senate, for over-
12 lapping terms of nine years, except that the original ap-
13 pointments shall be for terms of one, two, three, four, five,
14 six, seven, eight and nine years respectively. Terms of of-
15 fice shall begin on the fifth day of November of the appro-
16 priate year and end on the fourth day of November of the ap-
17 propriate year. At least two but not more than three mem-
18 bers shall be appointed from each congressional district.
19 No more than five of the appointive members shall
20 belong to the same political party, and no person shall be
21 eligible for appointment to membership on the state
22 board who is a member of any political party executive
23 committee or holds any other public office or public em-

24 ployment under the federal government or under the gov-
25 ernment of this state or any of its political subdivisions,
26 or who is an appointee or employee of the board. Mem-
27 bers shall be eligible for reappointment. Any vacancy on
28 the board shall be filled by the governor by appointment
29 for the unexpired term.

30 Notwithstanding the provisions of section four, article
31 six, chapter six of this code, no member of the state
32 board may be removed from office by the governor except
33 for official misconduct, incompetence, neglect of duty, or
34 gross immorality and then only in the manner prescribed
35 by law for the removal by the governor of state elective
36 officers.

37 Before exercising any authority or performing any
38 duties as a member of the state board, each member shall
39 qualify as such by taking and subscribing to the oath
40 of office prescribed by section five, article four of the
41 constitution of West Virginia, the certificate whereof
42 shall be filed with the secretary of state. A suitable office
43 in the state department of education at the state capitol
44 shall be provided for the use of the state board.

§18-2-3. Meetings; compensation and expenses of members.

1 The state board shall hold at least six meetings in every
2 year at such times and places as it may prescribe. It may
3 meet at such other times as may be necessary, such
4 meetings to be held upon its own resolution or at the
5 call of the president of the state board. The members of
6 the state board, other than the ex officio members of the
7 board, shall be paid fifty dollars per diem each day or any
8 part thereof spent in the performance of their duties under
9 this article, and shall be reimbursed for all reasonable and
10 necessary expenses actually incurred incident to the per-
11 formance of their duties. The state superintendent of
12 schools and the chancellor of the board of regents shall be
13 reimbursed for such expenses, but shall not receive a per
14 diem allowance. Upon presentation of itemized sworn
15 statements, the per diem and reimbursement payments
16 shall be made from appropriations made by the Legis-
17 lature to the state board.

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

Samuel H. Bass
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Stewart Myers
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Edmund
President of the Senate

Lee F. Boiesky
Speaker House of Delegates

The within *approved* this the *3rd*
day of *March*, 1971.

Archie A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

RECEIVED

Date 2/26/71

Time 1:20 p.m. MAR 4 9 00 AM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA