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
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
a corporation and as such may contract and be contracted
with, plead and be impleaded, sue and be sued, and have
and use a common seal. The state board shall consist of
eleven members, of whom one shall be the state superin-
tendent of schools, ex officio, and one of whom shall be the
chancellor of the board of regents, ex officio, neither of
whom shall be entitled to vote. The other nine members
shall be citizens of the state, appointed by the governor, by
and with the advice and consent of the Senate, for over-
lapping terms of nine years, except that the original ap-
pointments shall be for terms of one, two, three, four, five,
six, seven, eight and nine years respectively. Terms of of-
office shall begin on the fifth day of November of the appro-
priate year and end on the fourth day of November of the ap-
propriate year. At least two but not more than three mem-
bers shall be appointed from each congressional district.
No more than five of the appointive members shall
belong to the same political party, and no person shall be
eligible for appointment to membership on the state
board who is a member of any political party executive
committee or holds any other public office or public em-
employment under the federal government or under the government of this state or any of its political subdivisions, or who is an appointee or employee of the board. Members shall be eligible for reappointment. Any vacancy on the board shall be filled by the governor by appointment for the unexpired term.

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

Before exercising any authority or performing any duties as a member of the state board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article four of the constitution of West Virginia, the certificate whereof shall be filed with the secretary of state. A suitable office in the state department of education at the state capitol 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 year at such times and places as it may prescribe. It may meet at such other times as may be necessary, such meetings to be held upon its own resolution or at the call of the president of the state board. The members of the state board, other than the ex officio members of the board, shall be paid fifty dollars per diem each day or any part thereof spent in the performance of their duties under this article, and shall be reimbursed for all reasonable and necessary expenses actually incurred incident to the performance of their duties. The state superintendent of schools and the chancellor of the board of regents shall be reimbursed for such expenses, but shall not receive a per diem allowance. Upon presentation of itemized sworn statements, the per diem and reimbursement payments shall be made from appropriations made by the Legislature to the state board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the _______ day of ________, 1971.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Date: 2/26/71
Time: 1:20 p.m.

RECEIVED

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

Mar. 4 9 00 AM '71