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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

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## ENROLLED

SENATE BILL NO. 101

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

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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.

*Russell M. Bane*  
Chairman Senate Committee

*Phyllis J. Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Stewart Myers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Edmund G. Brown*  
President of the Senate

*Ivor F. Boiesky*  
Speaker House of Delegates

The within *approved* this the *3<sup>rd</sup>*  
day of *March*, 1971.

*Archie A. Shaver, 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