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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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ENROLLED

Committee Substitute for
SENATE BILL NO. 173

(By Mr. *Walter E. Jackson, original sponsor*)

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PASSED March 13, 1976

In Effect July 1, 1976 ~~Page~~

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/31/76

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 173

(MR. OATES and MR. NELSON, *original sponsors*)

[Passed March 13, 1976; in effect July 1, 1976.]

AN ACT to amend and reenact sections four, five, six, eight and nine, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections nine-a and nine-b, all relating to the West Virginia board of regents, its membership, terms, appointment of members, meetings, powers and duties in regard to budget submissions and advisory boards; creating the advisory council of faculty and the advisory council of students and specifying the elections of such councils and the meetings and procedures of such councils.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-4. Composition of board; terms of members; qualifications of members.

- 1 The board shall consist of twelve members, of whom
- 2 one shall be the state superintendent of schools, ex
- 3 officio, who shall not be entitled to vote, one shall be the

4 chairman of the advisory council of students, ex officio,
5 who shall not be entitled to vote, and one shall be the
6 chairman of the advisory council of faculty, ex officio,
7 who shall not be entitled to vote. The other nine members
8 shall be citizens of the state, appointed by the governor,
9 by and with the advice and consent of the Senate, for
10 overlapping terms of six years, except that three of the
11 original appointments shall be for terms of two years,
12 three of the original appointments shall be for terms of
13 four years, and three of the original appointments shall
14 be for terms of six years.

15 Each of the members appointed to the board by the
16 governor shall be especially qualified in the field of
17 higher education by virtue of his knowledge, learning,
18 experience or interest in the field.

19 Except for the ex officio members, no person shall be
20 eligible for appointment to membership on the board who
21 is an officer, employee or member of an advisory board
22 of any state college or university, or an officer or member
23 of any political party executive committee, or the holder
24 of any other public office or public employment under the
25 federal government or under the government of this state
26 or any of its political subdivisions, or an appointee or
27 employee of the board. Of the nine members appointed
28 by the governor from the public at large, not more than
29 five thereof shall belong to the same political party and
30 at least one member of the board shall be appointed from
31 each congressional district.

32 Except as provided in this section, no other person may
33 be appointed to the board.

**§18-26-5. Commencement of terms of members; vacancies;
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 on

7 July one, one thousand nine hundred sixty-nine. The
8 chairman of the advisory council of students, ex officio,
9 and the chairman of the advisory council of faculty, ex
10 officio, shall serve one-year terms, beginning on the first
11 day of September, one thousand nine hundred seventy-
12 six, and annually thereafter; these members shall be
13 eligible to succeed themselves. All members of the board
14 of regents serving as of the effective date of this enact-
15 ment shall continue to serve until the end of their term
16 as provided for above.

17 The governor shall appoint a member to fill any va-
18 cancy among the nine members of the board appointed by
19 the governor, by and with the advice and consent of the
20 Senate, which member appointed to fill such vacancy
21 shall serve for the unexpired term of the vacating mem-
22 ber.

23 All members of the board appointed by the governor
24 shall be eligible for reappointment. A person who has
25 served as a member during all or any part of the two
26 consecutive terms shall be ineligible to serve as a member
27 for a period of three years immediately following the
28 second of the two consecutive terms.

29 Before exercising any authority or performing any
30 duties as a member of the board, each member shall
31 qualify as such by taking and subscribing to the oath of
32 office prescribed by section five, article four of the state
33 constitution, the certificate whereof shall be filed with
34 the secretary of state.

35 No member of the board appointed by the governor
36 may be removed from office by the governor except for
37 official misconduct, incompetence, neglect of duty, or
38 gross immorality and then only in the manner prescribed
39 by law for the removal by the governor of state elective
40 officers.

**§18-26-6. Meetings; quorum; per diem and expenses of mem-
bers.**

1 The board shall hold at least six meetings in every
2 fiscal year commencing July one and ending the following
3 June thirty, one of which meetings, to be known as the

4 annual meeting, shall be held in July, or as soon thereafter
5 as practicable, in the year one thousand nine hundred
6 sixty-nine and in June of each subsequent year. Annual
7 meetings, as well as the five additional required meetings
8 in each fiscal year, shall be held on such dates and at
9 such places as the board may prescribe, subject only to
10 the requirement that the annual meeting shall be held in
11 June. In addition to the statutorily required meetings, the
12 board may meet at such other times as may be necessary,
13 such meetings to be held upon its own resolution or at the
14 call of the president of the board.

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

18 The members of the board shall be paid fifty dollars
19 per diem for actual time spent in the performance of
20 duties under this article, and shall be reimbursed for
21 actual and necessary expenses incident to the performance
22 of their duties, upon presentation of an itemized sworn
23 statement thereof. The foregoing per diem and reimburse-
24 ment for actual and necessary expenses shall be paid from
25 appropriations made by the Legislature to the board.

§18-26-8. Powers and duties.

1 On and after the effective date of this article, the gen-
2 eral determination, control, supervision and management
3 of the financial, business and educational policies and
4 affairs of all state colleges and universities shall be under
5 the control, supervision and management of the board.
6 In addition, the board is fully authorized and empowered
7 to make studies and recommendations relating to all
8 aspects of higher education in the state; it shall, upon
9 reasonable basis, prescribe and allocate among the state
10 colleges and universities specific functions and responsi-
11 bilities to meet the higher educational needs of the state
12 and avoid unnecessary duplication; and it shall consider,
13 revise, and submit to the appropriate agencies of the
14 executive and legislative branches of state government
15 separate budget requests on behalf of the state colleges
16 and universities or the board may, in its discretion, sub-
17 mit a single budget for the state colleges and universities

18 and allocate among them appropriations made for the
19 state colleges and universities, but, if a single budget is
20 submitted, it shall be accompanied by a tentative schedule
21 of proposed allocations of funds to the separate colleges
22 and universities.

23 The power herein given to the board to prescribe and
24 allocate among the state colleges and universities specific
25 functions and responsibilities to meet the higher educa-
26 tional needs of the state and avoid unnecessary duplica-
27 tion shall not be restricted by any provision of law
28 assigning specified functions and responsibilities to desig-
29 nated state colleges and universities but such power shall
30 supersede any such provision of law: *Provided*, That
31 the board may delegate, with prescribed standards and
32 limitations, such part of its power and control over the
33 business affairs of a particular university or state college
34 to the president or other administrative head of such
35 university or college in any case where it deems such
36 delegation necessary and prudent in order to enable such
37 institution to function in a proper and expeditious manner.
38 Any such delegation or power and control may be re-
39 scinded by the board at any time, in whole or in part.

40 The board is authorized and empowered, from time to
41 time, to promulgate such rules and regulations as it may
42 deem necessary and convenient to insure the full imple-
43 mentation of its powers and duties.

§18-26-9. Advisory boards.

1 Each state college and university president or other
2 administrative head shall be authorized to appoint an ad-
3 visory board, consisting of seven members, to serve as
4 advisors and consultants to him.

5 The appointments shall be for terms of seven years,
6 except that the original appointments shall be for terms
7 of one, two, three, four, five, six and seven years. There-
8 after each member shall be appointed to serve for a term
9 of seven years or until his successor is appointed. An
10 appointment to fill a vacancy shall be for the unexpired
11 term of the vacating member.

12 Members of advisory boards shall be eligible to succeed
13 themselves. Members of advisory boards shall serve

14 without compensation, but shall be entitled to reimburse-
15 ment for actual and necessary expenses incurred in the
16 performance of the duties of their office to be paid by the
17 state college or university served.

18 The advisory boards created pursuant to this section as
19 it existed in chapter one hundred thirty, acts of the Legis-
20 lature, one thousand nine hundred sixty-nine, are hereby
21 abolished; members of those advisory boards shall be
22 eligible for appointment to the advisory boards created
23 by this section.

§18-26-9a. Advisory council of faculty.

1 During the month of September, one thousand nine
2 hundred seventy-six, and annually thereafter, each state
3 college, community college, including Potomac State
4 College of West Virginia University, and university presi-
5 dent or other administrative head shall convene a meeting
6 of all faculty members at his institution. At these meet-
7 ings, the faculty members of each such college and uni-
8 versity shall elect one faculty member to serve on the
9 advisory council of faculty, which is hereby created, con-
10 sisting of one faculty member, so elected, from each such
11 college and university. Terms of the members of such
12 council shall be for one year and shall begin on the first
13 day of October of each year.

14 The advisory council of faculty shall meet at least once
15 each quarter, and shall meet during each month of Octo-
16 ber, at which meeting, the council shall elect a chairman,
17 who shall be, by virtue of his office, a member of the
18 West Virginia board of regents.

19 The advisory council of faculty, through its chairman
20 and in any other appropriate manner, shall consult and
21 advise the board of regents in matters of higher education
22 in which the faculty members of this state's colleges and
23 universities may have an interest.

24 Members of the advisory council shall be eligible to
25 succeed themselves. Members of the advisory council
26 shall serve without compensation, but shall be entitled
27 to reimbursement for actual and necessary expenses in-
28 curred in the performance of the duties of their office
29 to be paid by the state college or university served.

30 The board of regents shall furnish a secretarial service
31 to the advisory council, and the advisory council shall
32 cause to be prepared minutes of its meetings, which
33 minutes shall be available, upon request, to any faculty
34 member of this state's colleges and universities.

§18-26-9b. Advisory council of students.

1 The elected head, or president, of the student govern-
2 ment organization at each state college, community col-
3 lege, including Potomac State College of West Virginia
4 University, and university shall serve on the advisory
5 council of students which is hereby created, consisting
6 of each student government head, or president, elected
7 from each such college or university. Terms of the
8 members of such council shall be for one year and shall
9 begin on the first day of August of each year.

10 The advisory council of students shall meet at least
11 once each quarter, and shall meet during each month of
12 October, at which meeting, the council shall elect a chair-
13 man, who shall be, by virtue of his office, a member of
14 the West Virginia board of regents.

15 The advisory council of students, through its chairman
16 and in any other appropriate manner, shall consult and
17 advise the board of regents in matters of higher education
18 in which the students of this state's colleges and univer-
19 sities may have an interest.

20 Members of the advisory council shall be eligible to
21 succeed themselves. Members of the advisory council
22 shall serve without compensation, but shall be entitled to
23 reimbursement for actual and necessary expenses in-
24 curred in the performance of the duties of their office
25 to be paid by the state college or university served.

26 The board of regents shall furnish a secretarial service
27 to the advisory council, and the advisory council shall
28 cause to be prepared minutes of its meetings, which
29 minutes shall be available, upon request, to any student
30 in this state's colleges and universities.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1976.

J. C. McIlwain, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. B. Whitlock, Jr.
President of the Senate

Levin N. W. Thomas
Speaker House of Delegates

The within approved this the 22th
day of March, 1976

Arch A. Thomas, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/24/76
Time 3:45 p.m.