

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977

— ● —

ENROLLED

HOUSE BILL No. 1156

(By Mr. Speaker, Mr. Kopp)

— ● —

PASSED March 14, 1977

In Effect ninety days from Passage

**ENROLLED**

**H. B. 1156**

(By MR. SPEAKER, MR. KOPP)

[Passed March 14, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact sections four, five, six, nine-a and nine-b, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to composition, terms, meetings, compensation, expenses and qualifications of members of the board of regents; providing for terms and selection of the members and chairmen of the advisory council of faculty and the advisory council of students; and providing for the chairmen of such councils to serve as voting members of the board.

*Be it enacted by the Legislature of West Virginia:*

That sections four, five, six, nine-a and nine-b, article twenty-six, 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 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 one  
2 shall be the state superintendent of schools, ex officio,  
3 who shall not be entitled to vote, one shall be the chairman  
4 of the advisory council of students, ex officio, who shall  
5 be entitled to vote, and one shall be the chairman of  
6 the advisory council of faculty, ex officio, who shall be  
7 entitled to vote. The other nine members shall be citizens  
8 of the state, appointed by the governor, by and with the advice

9 and consent of the Senate, for overlapping terms of six years,  
10 except that three of the original appointments shall be for  
11 terms of two years, three of the original appointments shall  
12 be for terms of four years and three of the original appoint-  
13 ments shall be for terms of six years.

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

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

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

**§18-26-5. Commencement of terms of members; vacancies; eligi-  
bility for reappointments; oath of office; removal from  
office.**

1 The governor shall appoint nine members of the board to  
2 be appointed by him as soon after the effective date of  
3 this article as is practicable, and the original terms of the  
4 nine members appointed by the governor and of the one  
5 member, who is such by virtue of being the state superintendent  
6 of schools, shall commence on July one, one thousand nine  
7 hundred sixty-nine. The chairman of the advisory council of  
8 students, ex officio, and the chairman of the advisory council  
9 of faculty, ex officio, shall serve the terms for which they were  
10 elected by their respective advisory councils; these members  
11 shall be eligible to succeed themselves. All members of the

*- was 1 yr term*

12 board of regents serving as of the effective date of this enact-  
13 ment shall continue to serve until the end of their term as pro-  
14 vided for above.

15 The governor shall appoint a member to fill any vacancy  
16 among the nine members of the board appointed by the gover-  
17 nor, by and with the advice and consent of the Senate, which  
18 member appointed to fill such vacancy shall serve for the  
19 unexpired term of the vacating member.

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

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

31 No member of the board appointed by the governor may be  
32 removed from office by the governor except for official mis-  
33 conduct, incompetence, neglect of duty, or gross immorality  
34 and then only in the manner prescribed by law for the removal  
35 by the governor of state elective officers.

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

1 The board shall hold at least six meetings in every fiscal  
2 year commencing July one and ending the following June  
3 thirty, one of which meetings, to be known as the annual  
4 meeting, shall be held in July, or as soon thereafter as  
5 practicable, in the year one thousand nine hundred sixty-nine  
6 and in June of each subsequent year. Annual meetings, as  
7 well as the five additional required meetings in each fiscal  
8 year, shall be held on such dates and at such places as the  
9 board may prescribe, subject only to the requirement that the  
10 annual meeting shall be held in June. In addition to the  
11 statutorily required meetings, the board may meet at such  
12 other times as may be necessary, such meetings to be held

13 upon its own resolution or at the call of the president of  
14 the board.

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

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

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

1 During the month of April, one thousand nine hundred  
2 seventy-seven, and annually thereafter, each state college, com-  
3 munity college, including Potomac State College of West  
4 Virginia University, and university president or other ad-  
5 ministrative head shall convene a meeting of all faculty  
6 members of his institution. At these meetings, the faculty  
7 members of each such college and university shall elect one  
8 faculty member to serve on the advisory council of faculty,  
9 which is hereby created, consisting of one faculty member,  
10 so elected, from each such college and university. Terms  
11 of the members of such council shall be for one year and  
12 shall begin on the first day of May of each year.

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

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

23 Members of the advisory council shall be eligible to  
24 succeed themselves. Members of the advisory council shall

25 serve without compensation, but shall be entitled to reim-  
26 bursement for actual and necessary expenses incurred in  
27 the performance of the duties of their office to be paid by  
28 the state college or university served.

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

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

1 The student government organization at each state college,  
2 community college, including Potomac State College of West  
3 Virginia University, and university shall elect a student, who  
4 shall be a resident of the state of West Virginia and who may be  
5 the elected head, or president, of such organization, to serve on  
6 the advisory council of students which is hereby created, con-  
7 sisting of the elected representatives of each such college or  
8 university. Terms of the members of such council shall be for  
9 one year and shall begin on the first day of May of each year.

10 The advisory council of students shall meet at least once  
11 each quarter, and shall meet during each month of June, at  
12 which meeting, the council shall elect a chairman, who shall be  
13 a resident of the state of West Virginia and who shall be, by  
14 virtue of his office, a voting member of the West Virginia  
15 board of regents.

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

21 Members of the advisory council shall be eligible to suc-  
22 ceed themselves. Members of the advisory council shall  
23 serve without compensation, but shall be entitled to reimburse-  
24 ment for actual and necessary expenses incurred in the per-  
25 formance of the duties of their office to be paid by the state  
26 college or university served.

27 The board of regents shall furnish a secretarial service

28 to the advisory council, and the advisory council shall cause  
29 to be prepared minutes of its meetings, which minutes shall  
30 be available, upon request, to any student in this state's  
31 colleges and universities.

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

*James L. Davis*  
Chairman Senate Committee

*Lawrence C. Chittenden*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. Galloupe*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*W. T. Brathwaite*  
President of the Senate

*Donald L. Hopp*  
Speaker House of Delegates

The within is approved this the 10  
day of March, 1977.

*John A. Ralston*  
Governor





APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

MAR 17 9 31 AM '77

OFFICE OF THE GOVERNOR

Date March 18 1977  
Time 9:45 AM

RECEIVED

77 MAR 21 P 3:22

OFFICE  
SECY. OF STATE