WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

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ENROLLED

HOUSE BILL No. 1156

(By Mr. Speaker, Mr. Kopf)

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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 shall be the state superintendent of schools, ex officio, who shall not be entitled to vote, one shall be the chairman of the advisory council of students, ex officio, who shall be entitled to vote, and one shall be the chairman of the advisory council of faculty, ex officio, who 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 overlapping terms of six years, except that three of the original appointments shall be for terms of two years, three of the original appointments shall be for terms of four years and three of the original appointments shall be for terms of six years.

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

Except for the ex officio members no person shall be eligible for appointment to membership on the board who is an officer, employee or member of an advisory board of any state college or university, or any officer or member of any political party executive committee, or the holder of any other public office or public employment under the federal government or under the government of this state or any of its political subdivisions, or any appointee or employee of the board. On the nine members appointed by the governor from the public at large, not more than five thereof shall belong to the same political party and at least two members of the board shall be appointed from each congressional district.

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

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

The governor shall appoint nine members of the board to be appointed by him as soon after the effective date of this article as is practicable, and the original terms of the nine members appointed by the governor and of the one member, who is such by virtue of being the state superintendent of schools, shall commence on July one, one thousand nine hundred sixty-nine. The chairman of the advisory council of students, ex officio, and the chairman of the advisory council of faculty, ex officio, shall serve the terms for which they were elected by their respective advisory councils; these members shall be eligible to succeed themselves. All members of the
board of regents serving as of the effective date of this enact-
ment shall continue to serve until the end of their term as pro-
vided for above.

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

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

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

No member of the board appointed by the governor may be
removed from office by the governor except for official mis-
conduct, 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.

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

The board shall hold at least six meetings in every fiscal
year commencing July one and ending the following June
thirty, one of which meetings, to be known as the annual
meeting, shall be held in July, or as soon thereafter as
practicable, in the year one thousand nine hundred sixty-nine
and in June of each subsequent year. Annual meetings, as
well as the five additional required meetings in each fiscal
year, shall be held on such dates and at such places as the
board may prescribe, subject only to the requirement that the
annual meeting shall be held in June. In addition to the
statutorily required meetings, the board 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 board.

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

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

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

During the month of April, one thousand nine hundred seventy-seven, and annually thereafter, each state college, community college, including Potomac State College of West Virginia University, and university president or other administrative head shall convene a meeting of all faculty members of his institution. At these meetings, the faculty members of each such college and university shall elect one faculty member to serve on the advisory council of faculty, which is hereby created, consisting of one faculty member, so elected, from each such college and university. Terms of the members of such council shall be for one year and shall begin on the first day of May of each year.

The advisory council of faculty shall meet at least once each quarter, and shall meet during each month of June, at which meeting the council shall elect a chairman, who shall be by virtue of his office a voting member of the West Virginia board of regents.

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

Members of the advisory council shall be eligible to succeed themselves. Members of the advisory council shall
serve without compensation, but shall be entitled to reim-
bursement for actual and necessary expenses incurred in
the performance of the duties of their office to be paid by
the state college or university served.

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

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

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

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

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

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

The board of regents shall furnish a secretarial service
to the advisory council, and the advisory council shall cause
to be prepared minutes of its meetings, which minutes shall
be available, upon request, to any student 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

[Signature]

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. Dillon  
Clerk of the Senate

[Signature]

Clerk of the House of Delegates

W. S. Broyles  
President of the Senate

[Signature]

Donald L. Hay  
Speaker House of Delegates

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

[Signature]

Governor