ENROLLED
Committee Substitute for
HOUSE BILL No. 1221

(By Mr. Speaker, Mr. Key and Mr. Albright)

PASSED February 13, 1978
In Effect ninety days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1221
(By Mr. Speaker, Mr. Kopp, and Mr. Albright)

(Originating in the House Committee on Education)

[Passed February 13, 1978; in effect ninety days from passage.]

AN ACT to amend and reenact sections five, 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 the West Virginia board of regents; members; vacancies among and selection of the voting members of the board of regents; requiring the governor to fill vacancies among the appointed members within sixty days of a vacancy; and relating to the advisory council of faculty and the advisory council of the students; prohibiting proxy voting during elections of chairmen of the faculty and student advisory councils to the board of regents; providing a tie-breaking method at such elections; providing for the election of a council member to preside in the chairman’s absence; and requiring the councils to meet and elect new chairmen within thirty days of a vacancy in such chairmanships.

Be it enacted by the Legislature of West Virginia:

That sections five, nine-a and nine-b, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred
ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-5. Commencement of terms of members; vacancies; eligibility for reappointment; 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 enactment shall continue to serve until the end of their term as provided for above.

The governor shall appoint a member to fill any vacancy among the nine members of the board appointed by the governor, 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. The governor shall fill the vacancy within sixty days of the occurrence of the vacancy.

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
misconduct, incompetence, neglect of duty, or gross im-
morality and then only in the manner prescribed by law for the
removal by the governor of the state elective officers.

§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 adminis-
trative 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 Vir-
ginia board of regents. No member may vote by proxy at
such election. In the event of a tie in the last vote taken
for such election, a member authorized by the council shall
select the chairman by lot from the names of those persons
tied. Immediately following the election of a chairman, the
council shall elect, in the manner prescribed by this section
for the election of a chairman, a member of the council to
preside over meetings of the council in the chairman’s absence.
Should the chairman vacate the position, the council shall
meet and elect a new chairman to fill the unexpired term
within thirty days following such vacancy.

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 reimbursement 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.

1 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, consisting 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.

2 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. No member may vote by proxy at such election. In the event of a tie in the last vote taken for such election, a member authorized by the council shall select the chairman by lot from the names of those persons tied. Immediately following the election of a chairman, the council shall elect, in the manner prescribed by this section for the election of a chairman, a member of the council to preside over meetings of the council in the chairman's absence. Should the chairman vacate the position, the council shall meet and elect a new chairman to fill the unexpired term within thirty days following such vacancy.
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 succeed themselves. Members of the advisory council shall serve without compensation, but shall be entitled to reimbursement 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 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

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Glenn Jr.  
Clerk of the Senate

C. Banker, Jr.  
Clerk of the House of Delegates

W. T. Birdsong  
President of the Senate

Donald L. Hoopes  
Speaker House of Delegates

The within is approved this the 22
day of February, 1978.

John D. Rockefeller
Governor