

No. 1097

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APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date 3-16-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1097...

(By Mr. S. Hartman.....)

— ● —

Passed March 4,..... 1983

In Effect From..... Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1097
(By MRS. HARTMAN)

[Passed March 4, 1983; in effect from passage.]

AN ACT to amend and reenact sections four, five, six and nine-c, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the advisory council of classified employees; providing that the chairman of such council be an ex officio, voting member of the West Virginia board of regents; amending sections relating to the board of regents to incorporate the new voting member; and providing for at least one separate meeting between the board and the advisory council of classified employees.

Be it enacted by the Legislature of West Virginia:

That sections four, five, six and nine-c, 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 thirteen members, of whom one
2 shall be the state superintendent of schools, ex officio, who

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

16 Each of the members appointed to the board by the gover-
17 nor shall be especially qualified in the field of higher educa-
18 tion by virtue of his knowledge, learning, experience or inter-
19 est in the field.

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

1 The governor shall appoint nine members of the board to be
2 appointed by him as soon after the effective date of this
3 article as is practicable, and the original terms of the nine
4 members appointed by the governor and of the one member,

5 who is such by virtue of being the state superintendent of
6 schools, shall commence on July one, one thousand nine hun-
7 dred sixty-nine. The chairman of the advisory council of
8 students, ex officio, the chairman of the advisory council of
9 faculty, ex officio, and the chairman of the advisory council
10 of classified employees, ex officio, shall serve the terms for
11 which they were elected by their respective advisory councils;
12 these members shall be eligible to succeed themselves. All
13 members of the board of regents serving as of the effective
14 date of this enactment shall continue to serve until the end of
15 their term as provided for above.

16 The governor shall appoint a member to fill any vacancy
17 among the nine members of the board appointed by the gov-
18 ernor, by and with the advice and consent of the Senate, which
19 member appointed to fill such vacancy shall serve for the
20 unexpired term of the vacating member. The governor shall
21 fill the vacancy within sixty days of the occurrence of the
22 vacancy.

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

29 Before exercising any authority or performing any duties as
30 a member of the board, each member shall qualify as such by
31 taking and subscribing to the oath of office prescribed by
32 section 5, article IV of the state constitution, the certificate
33 whereof shall be filed with the secretary of state.

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

§18-26-6. Meetings; compensation of members.

1 The board shall hold at least ten meetings in every fiscal
2 year commencing July one and ending the following June

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at

3 thirty, one of which meetings, to be known as the annual meet-
4 ing, shall be held in June. At least four meetings shall be held
5 on the campuses of different state colleges and universities
6 each year, ~~as~~ which meetings the board shall set aside time to
7 afford administrators, faculty, students and classified staff an
8 opportunity to discuss issues affecting those groups. At least
9 one meeting each year shall be held with the advisory council
10 of faculty, the advisory council of students, and the advisory
11 council of classified employees, each of these bodies to be
12 met with separately. Except as otherwise provided in this
13 section, meetings shall be held on such dates and at such places
14 as the board may prescribe. In addition to the statutorily re-
15 quired meetings, the board may meet at such other times as
16 may be necessary, such meetings to be held upon its own reso-
17 lution or at the request of at least five appointed members of
18 the board.

19 Of the thirteen members, seven members of the board shall
20 constitute a quorum, and a majority vote of the quorum shall
21 be necessary to pass upon matters before the board.

22 The members of the board shall be paid one hundred dol-
23 lars per diem for actual time spent in the performance of duties
24 under this article and shall be reimbursed for actual and
25 necessary expenses incident to the performance of their duties,
26 upon presentation of an itemized sworn statement thereof. The
27 foregoing per diem and reimbursement for actual and necessary
28 expenses shall be paid from appropriations made by the
29 Legislature to the board.

§18-26-9c. Advisory council of classified employees.

1 During the month of April, one thousand nine hundred
2 eighty-two, and annually thereafter, each state college, com-
3 munity college, including Potomac state college of West Vir-
4 ginia University, and university president or other administra-
5 tive head shall convene a meeting for all classified employees
6 of his institution. At these meetings, the classified employees
7 of each such college and university shall elect one classified
8 employee to serve on the advisory council of classified em-
9 ployees, which is hereby created, consisting of one classified
10 employee, so elected, from each such college and university:

11 *Provided*, That beginning with the month of April, one
12 thousand nine hundred eighty-three, and annually thereafter,
13 the president or administrative head, at the direction of the
14 council and in accordance with procedures and policies estab-
15 lished by them, shall convene a meeting or otherwise institute
16 a balloting process to elect one classified employee to serve
17 on the advisory council. Terms of the members of such
18 council shall be for one year and shall begin on the first
19 day of May of each year.

20 The advisory council of classified employees shall meet
21 at least once each quarter, and shall meet during the month
22 of June each year at which meeting the council shall elect a
23 chairman, who shall be by virtue of his office a voting member
24 of the West Virginia board of regents. No member may vote
25 by proxy at such election. In the event of a tie in the last
26 vote taken for such election, a member authorized by the
27 council shall select the chairman by lot from the names of
28 those persons tied. Immediately following the election of a
29 chairman, the council shall elect, in the manner prescribed by
30 this section for the election of a chairman, a member of the
31 council to preside over meetings of the council in the chair-
32 man's absence. Should the chairman vacate the position, the
33 council shall meet and elect a new chairman to fill the
34 unexpired term within thirty days following such vacancy.

35 The advisory council of classified employees, through its
36 chairman and in any other appropriate manner, shall consult
37 and advise the board of regents in matters of higher education
38 in which the classified employees of this state's colleges and
39 universities may have an interest.

40 Members of the advisory council shall be eligible to succeed
41 themselves. Members of the advisory council shall serve
42 without compensation, but shall be entitled to reimbursement
43 for actual and necessary expenses incurred in the performance
44 of the duties of their office to be paid by the state college or
45 university served.

46 The board of regents shall furnish a secretarial service to
47 the advisory council, and the advisory council shall cause to
48 be prepared minutes of its meetings, which minutes shall be

49 available, upon request, to any classified employee of the
50 state's colleges and universities.

51 As used in this section the term "classified employees"
52 means those employees designated by the board of regents as
53 classified and does not include faculty and executive personnel.

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

James L. Davis
Chairman Senate Committee

Arnold Quisenberry
Chairman House Committee

Originating in the House.

Takes effect from passage.

Jedd C. Mills
Clerk of the Senate

Donald L. Stopp
Clerk of the House of Delegates

Walter R. McHenry
President of the Senate

Wm. M. Seely Jr.
Speaker House of Delegates

The within *is approved* this the *16*
day of *March*, 1983.

John I. Belcher
Governor

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