WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

Com. Sub. for
HOUSE BILL No. 1097

(By Mr. 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
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, one shall be the chairman of the advisory council of faculty, ex officio, who shall be entitled to vote, and one shall be the chairman of the advisory council of classified employees, 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. Of 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 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, the chairman of the advisory council of faculty, ex officio, and the chairman of the advisory council of classified employees, 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 5, article IV 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 immorality and then only in the manner prescribed by law for the removal by the governor of the state elective officers.

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

The board shall hold at least ten 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 June. At least four meetings shall be held on the campuses of different state colleges and universities each year, at which meetings the board shall set aside time to afford administrators, faculty, students and classified staff an opportunity to discuss issues affecting those groups. At least one meeting each year shall be held with the advisory council of faculty, the advisory council of students, and the advisory council of classified employees, each of these bodies to be met with separately. Except as otherwise provided in this section, meetings shall be held on such dates and at such places as the board may prescribe. 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 request of at least five appointed members of the board.

Of the thirteen members, seven 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 one hundred 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.

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

During the month of April, one thousand nine hundred eighty-two, 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 for all classified employees of his institution. At these meetings, the classified employees of each such college and university shall elect one classified employee to serve on the advisory council of classified employees, which is hereby created, consisting of one classified employee, so elected, from each such college and university:
Provided, That beginning with the month of April, one thousand nine hundred eighty-three, and annually thereafter, the president or administrative head, at the direction of the council and in accordance with procedures and policies established by them, shall convene a meeting or otherwise institute a balloting process to elect one classified employee to serve on the advisory council. 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 classified employees shall meet at least once each quarter, and shall meet during the month of June each year 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. 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 classified employees, 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 classified employees 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 classified employee of the state's colleges and universities.

As used in this section the term "classified employees" means those employees designated by the board of regents as 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 R. House  
Chairman House Committee

Originating in the House.

Takes effect from passage.

Jesse C. Weil  
Clerk of the Senate

Donald L. Hopp  
Clerk of the House of Delegates

Maurice R. Matthews  
President of the Senate

W. L. S. See  
Speaker House of Delegates

The within ___________ is approved this the 16th day of ___________, 1983.

John J. Deaver  
Governor