

SB 139

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SENATE CHAMBERS

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

*Committee Substitute for*

SENATE BILL NO. 139

(By Senators *Janklin, Mr. President and Sprause, By Request of the Executive*)



PASSED February 24, 1999

In Effect ninety days from Passage

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STATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 139

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,  
BY REQUEST OF THE EXECUTIVE, *original sponsors*)

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[Passed February 24, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section one, article six, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to institutional boards of advisors; expanding the number of members; and allowing persons who are not citizens of the state to serve as members.

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

That section one, article six, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. ADVISORY COUNCILS OF FACULTY.**

**§18B-6-1. Institutional boards of advisors.**

1 (a) There is established at each state institution of higher  
2 education, hereinafter referred to as the "institution",  
3 excluding centers and branches thereof, an institutional  
4 board of advisors. The board of advisors consists of fifteen  
5 members, including an administrative officer of the  
6 institution appointed by the president of the institution; a  
7 full-time member of the faculty with the rank of instructor  
8 or above duly elected by the faculty; a member of the  
9 student body in good academic standing, enrolled for  
10 college credit work and duly elected by the student body;  
11 a member of the institutional classified staff duly elected  
12 by the classified staff; and appointed by the appropriate  
13 governing board, eleven lay persons who have demon-  
14 strated a sincere interest in and concern for the welfare of  
15 that institution and who are representative of its popula-  
16 tion and fields of study. At least seven of the eleven lay  
17 persons appointed shall be residents of the state. Of the  
18 lay members who are residents of the state, at least two  
19 shall be alumni of the institution, and no more than a  
20 simple majority may be of the same political party.

21 The administrative officer and student member shall  
22 serve for a term of one year; the faculty member and the  
23 classified staff member shall serve for a term of two years  
24 and the eleven lay members shall serve terms of four years  
25 each. All members, except the administrative officer, are  
26 eligible to succeed themselves for no more than one  
27 additional term. A vacancy in an unexpired term of a  
28 member shall be filled within sixty days of the occurrence  
29 thereof in the same manner as the original appointment or  
30 election. Except in the case of a vacancy, all elections  
31 shall be held and all appointments shall be made no later  
32 than the thirtieth day of April preceding the commence-  
33 ment of the term.

34 Each board of advisors shall hold a regular meeting at  
35 least quarterly, commencing in July of each year. Addi-  
36 tional meetings may be held upon the call of the chairman,  
37 president of the institution or upon the written request of  
38 at least four members. A majority of the members consti-

39 tutes a quorum for conducting the business of the board of  
40 advisors.

41 (b) One of the eleven lay members shall be elected as  
42 chairman by the board of advisors in July of each year:  
43 *Provided*, That no member may serve as chairman for  
44 more than two consecutive years at a time.

45 The president of the institution shall make available  
46 resources of the institution for conducting the business of  
47 the board of advisors. The members of the board of  
48 advisors shall be reimbursed for all reasonable and  
49 necessary expenses actually incurred in the performance  
50 of their official duties under this section upon presentation  
51 of an itemized sworn statement thereof. All expenses  
52 incurred by the board of advisors and the institution under  
53 this section shall be paid from funds allocated to the  
54 institution for that purpose.

55 (c) The board of advisors shall review, prior to the  
56 submission by the president to its governing board, all  
57 proposals of the institution in the areas of mission, aca-  
58 demic programs, budget, capital facilities and such other  
59 matters as requested by the president of the institution or  
60 its governing board or otherwise assigned to it by law. The  
61 board of advisors shall comment on each such proposal in  
62 writing, with such recommendations for concurrence  
63 therein or revision or rejection thereof as it considers  
64 proper. The written comments and recommendations shall  
65 accompany the proposal to the governing board and the  
66 governing board shall include the comments and recom-  
67 mendations in its consideration of and action on the  
68 proposal. The governing board shall promptly acknowl-  
69 edge receipt of the comments and recommendations and  
70 shall notify the board of advisors in writing of any action  
71 taken thereon.

72 (d) The board of advisors shall review, prior to their  
73 implementation by the president, all proposals regarding  
74 institution-wide personnel policies. The board of advisors  
75 may comment on the proposals in writing.

76 (e) The board of advisors shall provide advice and  
77 assistance to the president in establishing closer connec-

78 tions between higher education and business, labor,  
79 government, community and economic development  
80 organizations to give students greater opportunities to  
81 experience the world of work, such as business and  
82 community service internships, apprenticeships and  
83 cooperative programs; to communicate better and serve  
84 the current work force and work force development needs  
85 of their service area, including the needs of nontraditional  
86 students for college-level skills upgrading and retraining  
87 and the needs of employers for specific programs of  
88 limited duration; and to assess the performance of the  
89 institution's graduates and assist in job placement. The  
90 administrative officer of the institution serving on the  
91 advisory council may be assigned the responsibility for  
92 coordinating the institution's activities related to eco-  
93 nomic development.

94 (f) Upon the occurrence of a vacancy in the office of  
95 president of the institution, the board of advisors shall  
96 serve as a search and screening committee for candidates  
97 to fill the vacancy under guidelines established by its  
98 governing board. When serving as a search and screening  
99 committee, the board of advisors and its governing board  
100 are each authorized to appoint up to three additional  
101 persons to serve on the committee as long as the search  
102 and screening process is in effect. The three additional  
103 appointees of the board of advisors shall be faculty  
104 members of the institution. Only for the purposes of the  
105 search and screening process, the additional members shall  
106 possess the same powers and rights as the regular members  
107 of the board of advisors, including reimbursement for all  
108 reasonable and necessary expenses actually incurred.  
109 Following the search and screening process, the committee  
110 shall submit the names of at least three candidates to the  
111 governing board for consideration and appointment. If the  
112 governing board rejects all candidates submitted, the  
113 committee shall submit the names of at least three addi-  
114 tional candidates, and this process shall be repeated until  
115 the governing board appoints one of the candidates  
116 submitted. The governing board shall provide all neces-  
117 sary staff assistance to the board of advisors in its role as  
118 a search and screening committee.

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

*Paul Adenore*  
.....  
Chairman Senate Committee

*Jeff. Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage

*David White*  
.....  
Clerk of the Senate

*Gregg M. Boy*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *affirmed* this the *9th*  
*March*  
Day of ....., 1999

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

*3/4/09*

Time

*5:02 pm*