

SB 524 5

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2004



**ENROLLED**

SENATE BILL NO. 524

(By Senators Tomblin, Mr. President, and Dempsey)



PASSED February 24, 2004

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 524

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND DEMPSEY)

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[Passed February 24, 2004; in effect from passage.]

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AN ACT to amend and reenact §18B-2B-4 of the code of West Virginia, 1931, as amended; and to amend and reenact §18C-7-4 of said code, all relating to changing the appointment process for certain members of the council for community and technical college education and the PROMISE scholarship board of control.

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

That §18B-2B-4 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that §18C-7-4 of said code be amended and reenacted, all to read as follows:

### CHAPTER 18B. HIGHER EDUCATION.

#### ARTICLE 2B. WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION.

**§18B-2B-4. Appointment, composition and terms of council.**

1 (a) There is hereby continued the West Virginia council  
2 for community and technical college education. Any  
3 member appointed by the governor prior to the effective  
4 date of this section may continue to serve the term for  
5 which the member has been appointed.

6 (b) The council is comprised of eight members selected as  
7 follows:

8 (1) Seven members appointed by the governor, with the  
9 advice and consent of the Senate; and

10 (2) The assistant superintendent for technical and adult  
11 education of the state department of education who serves  
12 as an ex officio, nonvoting member of the council.

13 (c) The governor may, but is not required to, reappoint  
14 any person who was a member of the joint commission  
15 immediately prior to the effective date of this section:  
16 *Provided*, That the individual selected is otherwise eligible  
17 to serve.

18 (d) All appointed members shall be citizens of the state,  
19 shall represent the public interest and shall be persons  
20 who understand and are committed to achieving the goals  
21 and objectives set forth in section one-a, article one of this  
22 chapter, the essential conditions for community and  
23 technical college education programs and services set forth  
24 in article three-c of this chapter and the goals for second-  
25 ary and post-secondary vocational-technical-occupational  
26 and adult basic education in the state. The appointed  
27 members shall represent the interests of the business, labor  
28 and employer communities and demonstrate knowledge of  
29 the education needs of the various regions, attainment  
30 levels and age groups within the state.

31 (e) The governor may not appoint any person to be a  
32 member of the council who is an officer, employee or  
33 member of an advisory board of any state college or  
34 university, the holder of any other public office or public  
35 employment under the government of this state or any of

36 its political subdivisions, an appointee or employee of any  
37 governing board or an immediate family member of any  
38 employee under the jurisdiction of the commission or any  
39 governing board. No individual may serve on the council  
40 who is engaged in providing, or employed by a person or  
41 company whose primary function is to provide, workforce  
42 development services and activities. Of the members  
43 appointed by the governor, no more than four thereof may  
44 belong to the same political party and no more than three  
45 may be appointed from any congressional district.

46 (f) Members of the council shall serve for terms of four  
47 years, except that of the original appointments, one  
48 member shall be appointed for one year; two members  
49 shall be appointed for two years; two members shall be  
50 appointed for three years; and two members shall be  
51 appointed for four years. No member may serve more than  
52 two consecutive full terms nor may any member be  
53 appointed to a term which results in the member serving  
54 more than eight consecutive years.

#### **CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

#### **ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM.**

#### **§18C-7-4. Appointment of the PROMISE scholarship board of control; compensation; proceedings generally.**

1 (a) On the effective date of this section, the board of the  
2 PROMISE scholarship program is abolished.

3 As soon as practical after the effective date of this  
4 section, the governor shall appoint the West Virginia  
5 PROMISE scholarship board of control comprised of  
6 fifteen members as follows:

7 (1) The chairperson of the higher education policy  
8 commission or a designee who is a member of the commis-  
9 sion;

10 (2) The chancellor of the higher education policy com-  
11 mission or his or her designee;

12 (3) The state superintendent of schools or his or her  
13 designee;

14 (4) The secretary of education and the arts;

15 (5) The state treasurer or his or her designee;

16 (6) Ten at-large private sector members representative of  
17 the state's business and economic community who have  
18 knowledge, skill and experience in an academic, business  
19 or financial field. Any member appointed by the governor  
20 prior to the effective date of this section may continue to  
21 serve the term for which the member has been appointed.

22 The ten appointed members shall be residents of the  
23 state. The ten appointed members shall be appointed by  
24 the governor with the advice and consent of the Senate.  
25 No more than six of the ten appointed members may be  
26 from the same political party. No more than four of the  
27 ten appointed members may be from the same congressio-  
28 nal district.

29 (b) Appointed members shall serve a term of four years  
30 and may be reappointed at the expiration of their terms.  
31 In the event of a vacancy among appointed members, the  
32 governor shall appoint a person representing the same  
33 interests to fill the unexpired term. A person appointed to  
34 fill a vacancy shall be appointed only for the remainder of  
35 that term and is eligible for reappointment. Unless a  
36 vacancy occurs due to death, resignation or removal  
37 pursuant to subsection (e) of this section, an appointed  
38 member of the board shall continue to serve until a  
39 successor has been appointed and qualified as provided in  
40 subsection (a) of this section. Of the initial appointments,  
41 the governor shall appoint three members to a one-year  
42 term, two members to a two-year term, three members to  
43 a three-year term and two members to a four-year term.  
44 Thereafter, all terms shall be for four years.

45 (c) Members of the board shall serve without compensa-  
46 tion, but shall be reimbursed by the office of the secretary  
47 of education and the arts for expenses, including travel  
48 expenses, actually incurred by a member in the official  
49 conduct of the business of the board at the same rate as is  
50 paid the employees of the state.

51 (d) The secretary of education and the arts is the chair-  
52 person and presiding officer of the board. A majority of  
53 the members of the board constitute a quorum for the  
54 transaction of business.

55 (e) The members appointed by the governor may be  
56 removed by the governor for official misconduct, incompe-  
57 tence, neglect of duty or gross immorality and then only in  
58 the manner prescribed by law for the removal by the  
59 governor of the state elective officers in accordance with  
60 section five, article six, chapter six of this code.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

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

The within *[Handwritten Signature]* approved this the *[Handwritten Signature]*  
Day of *[Handwritten Signature]*, 2004.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

DATE 3/3/04

TIME 3:55pm