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
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Senate Bill No. 524

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

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

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

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

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

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

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

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

(e) The governor may not appoint any person to be a member of the council who is an officer, employee or member of an advisory board of any state college or university, the holder of any other public office or public employment under the government of this state or any of
its political subdivisions, an appointee or employee of any
governing board or an immediate family member of any
employee under the jurisdiction of the commission or any
governing board. No individual may serve on the council
who is engaged in providing, or employed by a person or
company whose primary function is to provide, workforce
development services and activities. Of the members
appointed by the governor, no more than four thereof may
belong to the same political party and no more than three
may be appointed from any congressional district.

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

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

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

(1) The chairperson of the higher education policy
commission or a designee who is a member of the commis-
sion;
(2) The chancellor of the higher education policy com-
mission or his or her designee;

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

(4) The secretary of education and the arts;

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

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

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

(b) Appointed members shall serve a term of four years
and may be reappointed at the expiration of their terms.
In the event of a vacancy among appointed members, the
governor shall appoint a person representing the same
interests to fill the unexpired term. A person appointed to
fill a vacancy shall be appointed only for the remainder of
that term and is eligible for reappointment. Unless a
vacancy occurs due to death, resignation or removal
pursuant to subsection (e) of this section, an appointed
member of the board shall continue to serve until a
successor has been appointed and qualified as provided in
subsection (a) of this section. Of the initial appointments,
the governor shall appoint three members to a one-year
term, two members to a two-year term, three members to
a three-year term and two members to a four-year term.
Thereafter, all terms shall be for four years.
(c) Members of the board shall serve without compensation, but shall be reimbursed by the office of the secretary of education and the arts for expenses, including travel expenses, actually incurred by a member in the official conduct of the business of the board at the same rate as is paid the employees of the state.

(d) The secretary of education and the arts is the chairperson and presiding officer of the board. A majority of the members of the board constitute a quorum for the transaction of business.

(e) The members appointed by the governor may be removed by the governor 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 in accordance with section five, article six, chapter six of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved... this the...

Day of...

,..., 2004.

Governor