

HB 102

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 2008

ENROLLED

House Bill No. 102

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]

Passed March 16, 2008

In Effect June 30, 2008

ENROLLED

H. B. 102

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed March 16, 2008; in effect June 30, 2008.]

AN ACT to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-3C-13 of said code, relating to higher education generally; establishing boards of governors for independent community and technical colleges; providing for the initial appointment to and the terms of office of members of the boards of governors for independent community and technical colleges; relating to the appointment and membership of institutional boards of governors of state institutions of higher education; and providing for the election of a chairperson of an institutional board of governors during the fiscal year beginning on the first day of July, two thousand eight.

Be it enacted by the Legislature of West Virginia:

That §18B-2A-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §18B-3C-13 of said code be amended and reenacted, all to read as follows:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-1. Composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment; establishment of boards for independent community and technical colleges.

1 (a) A board of governors is continued at each of the
2 following institutions: Bluefield State College, Blue Ridge
3 Community and Technical College, Concord University,
4 Eastern West Virginia Community and Technical College,
5 Fairmont State University, Glenville State College, Marshall
6 University, New River Community and Technical College,
7 Shepherd University, Southern West Virginia Community
8 and Technical College, West Liberty State College, West
9 Virginia Northern Community and Technical College, the
10 West Virginia School of Osteopathic Medicine, West
11 Virginia State University and West Virginia University.

12 (b) *Independent community and technical colleges*
13 *established --*

14 Effective the first day of July, two thousand eight, the
15 board of advisors is abolished and a board of governors is
16 established for Marshall Community and Technical College;
17 Pierpont Community and Technical College, formerly a
18 division of Fairmont State University; The Community and
19 Technical College at West Virginia University Institute of
20 Technology; West Virginia State Community and Technical
21 College; and West Virginia University at Parkersburg.

22 (A) In making the initial appointments to these boards of
23 governors, the Governor may appoint those persons who are
24 lay members of the boards of advisors by the thirtieth day of
25 June, two thousand eight.

26 (B) At the end of the initial term, and thereafter, an
27 appointment to fill a vacancy on the board or reappointment

28 of a member who is eligible to serve an additional term is
29 made in accordance with the provisions of this section.

30 (c) The institutional boards of governors for Marshall
31 University and West Virginia University consist of sixteen
32 persons. The boards of governors of the other state
33 institutions of higher education consist of twelve persons.

34 (d) Each board of governors includes the following
35 members:

36 (1) A full-time member of the faculty with the rank of
37 instructor or above duly elected by the faculty of the
38 respective institution;

39 (2) A member of the student body in good academic
40 standing, enrolled for college credit work and duly elected by
41 the student body of the respective institution;

42 (3) A member from the institutional classified employees
43 duly elected by the classified employees of the respective
44 institution; and

45 (4) For the institutional Board of Governors at Marshall
46 University, thirteen lay members appointed by the Governor,
47 by and with the advice and consent of the Senate, pursuant to
48 this section.

49 (5) For the institutional Board of Governors at West
50 Virginia University, twelve lay members appointed by the
51 Governor, by and with the advice and consent of the Senate,
52 pursuant to this section and, additionally, the chairperson of
53 the Board of Visitors of West Virginia University Institute of
54 Technology.

55 (6) For each institutional board of governors of the other
56 state institutions of higher education, nine lay members

57 appointed by the Governor, by and with the advice and
58 consent of the Senate, pursuant to this section.

59 (e) Of the nine members appointed by the Governor, no
60 more than five may be of the same political party. Of the
61 thirteen members appointed by the Governor to the governing
62 board of Marshall University, no more than eight may be of
63 the same political party. Of the twelve members appointed
64 by the Governor to the governing board of West Virginia
65 University, no more than seven may be of the same political
66 party. Of the nine members appointed by the Governor, at
67 least six shall be residents of the state. Of the thirteen
68 members appointed by the Governor to the governing board
69 of Marshall University, at least eight shall be residents of the
70 state. Of the twelve members appointed by the Governor to
71 the governing board of West Virginia University, at least
72 eight shall be residents of the state.

73 (f) The student member serves for a term of one year.
74 Each term begins on the first day of July.

75 (g) The faculty member serves for a term of two years.
76 Each term begins on the first day of July. Faculty members
77 are eligible to succeed themselves for three additional terms,
78 not to exceed a total of eight consecutive years.

79 (h) The member representing classified employees serves
80 for a term of two years. Each term begins on the first day of
81 July. Members representing classified employees are eligible
82 to succeed themselves for three additional terms, not to
83 exceed a total of eight consecutive years.

84 (i) The appointed lay citizen members serve terms of up
85 to four years each and are eligible to succeed themselves for
86 no more than one additional term.

87 (j) A vacancy in an unexpired term of a member shall be
88 filled for the unexpired term within thirty days of the
89 occurrence of the vacancy in the same manner as the original
90 appointment or election. Except in the case of a vacancy, all
91 elections shall be held and all appointments shall be made no
92 later than the thirtieth day of June preceding the
93 commencement of the term. Each board of governors shall
94 elect one of its appointed lay members to be chairperson in
95 June of each year except for the fiscal year beginning on the
96 first day of July, two thousand eight only, when the board
97 shall elect the chairperson in July. A member may not serve
98 as chairperson for more than four consecutive years.

99 (k) The appointed members of the institutional boards of
100 governors serve staggered terms of up to four years except
101 that four of the initial appointments to the governing boards
102 of community and technical colleges which become
103 independent on the first day of July, two thousand eight are
104 for terms of two years and five of the initial appointments are
105 for terms of four years.

106 (l) A person is ineligible for appointment to membership
107 on a board of governors of a state institution of higher
108 education under the following conditions:

109 (1) For a baccalaureate institution or university, a person
110 is ineligible for appointment who is an officer, employee or
111 member of any other board of governors, an employee of any
112 institution of higher education; an officer or member of any
113 political party executive committee; the holder of any other
114 public office or public employment under the government of
115 this state or any of its political subdivisions; an employee of
116 any affiliated research corporation created pursuant to article
117 twelve of this chapter; an employee of any affiliated
118 foundation organized and operated in support of one or more
119 state institutions of higher education; or a member of the

120 Council or Commission. This subsection does not prevent
121 the representative from the faculty, classified employees,
122 students, or the superintendent of a county board of education
123 from being members of the governing boards.

124 (2) For a community and technical college, a person is
125 ineligible for appointment who is an officer, employee or
126 member of any other board of governors; a member of a
127 board of visitors of any public institution of higher education;
128 an employee of any institution of higher education; an officer
129 or member of any political party executive committee; the
130 holder of any other public office, other than an elected county
131 office, or public employment, other than employment by the
132 county board of education, under the government of this state
133 or any of its political subdivisions; an employee of any
134 affiliated research corporation created pursuant to article
135 twelve of this chapter; an employee of any affiliated
136 foundation organized and operated in support of one or more
137 state institutions of higher education; or a member of the
138 Council or Commission. This subsection does not prevent
139 the representative from the faculty, classified employees,
140 students, or chairpersons of the boards of advisors from being
141 members of the governing boards.

142 (m) Before exercising any authority or performing any
143 duties as a member of a governing board, each member shall
144 qualify as such by taking and subscribing to the oath of office
145 prescribed by section five, article IV of the Constitution of
146 West Virginia and the certificate thereof shall be filed with
147 the Secretary of State.

148 (n) A member of a governing board appointed by the
149 Governor may not be removed from office by the Governor
150 except for official misconduct, incompetence, neglect of duty
151 or gross immorality and then only in the manner prescribed by law
152 for the removal of the state elective officers by the Governor.

153 (o) The president of the institution shall make available
154 resources of the institution for conducting the business of its
155 board of governors. The members of the board of governors
156 serve without compensation, but are reimbursed for all
157 reasonable and necessary expenses actually incurred in the
158 performance of official duties under this article upon
159 presentation of an itemized sworn statement of expenses. All
160 expenses incurred by the board of governors and the
161 institution under this section are paid from funds allocated to
162 the institution for that purpose.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

**§18B-3C-13. Legislative intent; Pierpont Community and
Technical College established as independent
state institution of higher education;
governing board; institutional organization,
structure, accreditation status.**

1 (a) The intent of the Legislature in enacting this section
2 is to provide for the most effective education delivery system
3 for community and technical education programs to the entire
4 region to be served by Pierpont Community and Technical
5 College and to focus the institutional mission on achieving
6 state goals, objectives, priorities, and essential conditions as
7 established in articles one, one-d, and three-c of this chapter.

8 (b) Pierpont Community and Technical College is
9 established as an independent state institution of higher
10 education. Any reference in this code to Fairmont State
11 Community and Technical College or to Pierpont
12 Community and Technical College, a division of Fairmont
13 State University, means the independent state institution of
14 higher education known as Pierpont Community and
15 Technical College.

16 (c) Effective the first day of July, two thousand eight, the
17 board of advisors for Pierpont Community and Technical
18 College is abolished and a governing board for that
19 institution is appointed subject to the provisions of article
20 two-a of this chapter. The administrative head of Pierpont
21 Community and Technical College on the thirtieth day of
22 June, two thousand eight, is the president of the independent
23 community and technical college subject to the provisions of
24 section five of this article.

25 (d) In the delivery of community and technical college
26 education and programs, Pierpont Community and Technical
27 College shall adhere to all provisions set forth in this code
28 and rules promulgated by the Council for the delivery of
29 education and programs, including, but not limited to,
30 Council review and approval of academic programs,
31 institutional compacts, master plans and tuition and fee rates,
32 including capital fees.

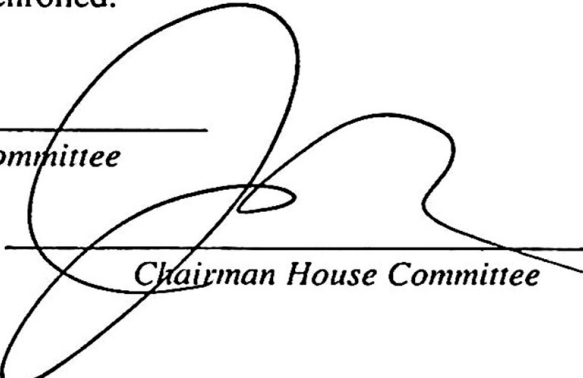
33 (e) Pierpont Community and Technical College shall
34 pursue independent accreditation status and the board of
35 governors of the community and technical college shall
36 provide through contractual arrangement for the
37 administration and operation of Pierpont Community and
38 Technical College by Fairmont State University while the
39 community and technical college seeks appropriate
40 independent accreditation. The contractual arrangement may
41 not be implemented until approved by the Council and shall
42 include provisions to ensure that the programs offered at
43 Pierpont Community and Technical College are accredited
44 while independent accreditation is being sought. Fairmont
45 State University shall continue to provide services to the
46 community and technical college which the community and
47 technical college or the Council considers necessary or
48 expedient in carrying out its mission under the terms of an
49 agreement between the two institutions pursuant to the
50 provisions of section twelve of this article.

51 (f) The Council has the authority and the duty to take all
52 steps necessary to assure that the institution acquires
53 independent accreditation status as quickly as possible. If the
54 community and technical college fails to achieve independent
55 accreditation by the first day of July, two thousand eleven,
56 the Council shall sever any contractual agreement between
57 Pierpont Community and Technical College and Fairmont
58 State University and assign the responsibility for achieving
59 independent accreditation to another state institution of
60 higher education.

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



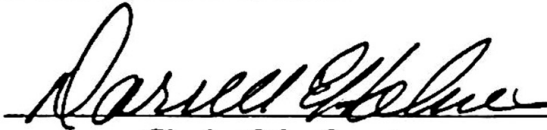
Chairman Senate Committee



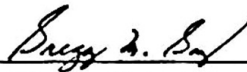
Chairman House Committee

Originating in the House.

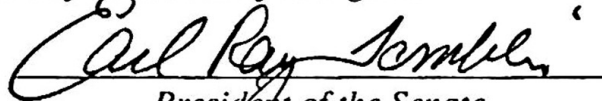
In effect June 30, 2008.



Clerk of the Senate



Clerk of the House of Delegates

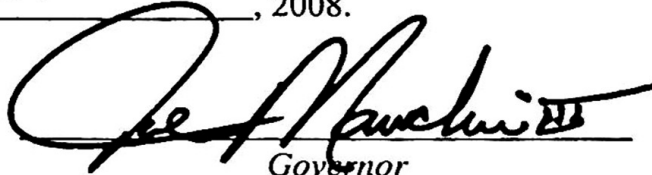


President of the Senate



Speaker of the House of Delegates

The within is appended this the 15th
day of April, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2008

Time 3:05 pm