

1 **§18B-1B-2. Composition of commission; terms and qualifications of**
2 **members; vacancies; eligibility for reappointment;**
3 **oath of office; removal from office.**

4 (a) The commission is comprised of ten members, all of whom
5 are entitled to vote. The membership of the commission is as
6 follows:

7 (1) The Secretary of Education and the Arts, ex officio;

8 (2) The State Superintendent of Schools, ex officio;

9 (3) The chair of the West Virginia Council for Community and
10 Technical College Education, ex officio; and

11 (4) Seven at-large members who are citizens of the state,
12 appointed by the Governor, by and with the advice and consent of
13 the Senate: *Provided*, That prior to appointment, the Governor
14 shall interview each candidate to assure that the person selected
15 understands and is committed to achieving the goals and objectives
16 as set forth in the institutional compacts and in section one-a,
17 article one of this chapter. The Governor shall invite the
18 President of the Senate, the Speaker of the House of Delegates, the
19 chairs of the Senate and House of Delegates committees on finance
20 and education and such other legislative leaders as the Governor
21 may determine to participate in interviewing potential candidates.

22 (b) Each of the at-large members appointed by the Governor
23 shall represent the public interest and shall be committed to the

1 legislative intent and goals set forth in state law and policy.

2 (c) The Governor may not appoint any person to be a member of
3 the commission who is an officer, employee or member of the council
4 or an advisory board of any state college or university; an officer
5 or member of any political party executive committee; the holder of
6 any other public office or public employment under the government
7 of this state or any of its political subdivisions; an appointee or
8 employee of any governing board; or an immediate family member of
9 any employee under the jurisdiction of the commission, the council
10 or any governing board.

11 (d) Of the seven at-large members appointed by the Governor:

12 (1) No more than four may belong to the same political party;

13 (2) At least two shall be appointed from each congressional
14 district; and

15 (3) Effective July 1, 2008, no more than one member may serve
16 from the same county.

17 (e) The at-large members appointed by the Governor serve
18 overlapping terms of four years.

19 (f) The Governor shall appoint a member to fill any vacancy
20 among the seven at-large members, by and with the advice and
21 consent of the Senate. Any member appointed to fill a vacancy
22 serves for the unexpired term of the vacating member. The Governor
23 shall fill the vacancy within thirty days of the occurrence of the

1 vacancy.

2 (g) An at-large member appointed by the Governor may not serve
3 more than two consecutive terms. If the Governor intends to
4 reappoint an at-large member for a second term, the Governor shall
5 do so within thirty days of the expiration of that member's term.
6 If reappointment does not occur within thirty days, the at-large
7 member's term shall be deemed expired, effective upon the date of
8 the expiration of the member's term.

9 (h) Upon the expiration of an at-large member's term, the
10 Governor shall appoint a successor within thirty days of the end of
11 the member's term. The at-large member whose term has expired
12 shall not serve more than sixty days after the expiration of his or
13 her term.

14 ~~(h)~~ (I) Before exercising any authority or performing any
15 duties as a member of the commission, each member shall qualify as
16 such by taking and subscribing to the oath of office prescribed by
17 section five, article IV of the Constitution of West Virginia and
18 the certificate thereof shall be filed with the Secretary of State.

19 ~~(I)~~ (j) A member of the commission appointed by the Governor
20 may not be removed from office by the Governor except for official
21 misconduct, incompetence, neglect of duty or gross immorality and
22 then only in the manner prescribed by law for the removal of the
23 state elective officers by the Governor.

1 **ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

2 **§18B-2A-1. Findings; composition of boards; terms and**
3 **qualifications of members; vacancies; eligibility**
4 **for reappointment.**

5 (a) *Findings.* -- The Legislature finds that the State of West
6 Virginia is served best when the membership of each governing board
7 includes the following:

8 (1) The academic expertise and institutional experience of
9 faculty members and a student of the institution governed by the
10 board;

11 (2) The technical or professional expertise and institutional
12 experience of a classified employee of the institution governed by
13 the board;

14 (3) An awareness and understanding of the issues facing the
15 institution governed by the board; and

16 (4) The diverse perspectives that arise from a membership that
17 is balanced in terms of gender and varied in terms of race and
18 ethnic heritage.

19 (b) *Boards of Governors established.* -- A board of Governors
20 is continued at each of the following institutions: Bluefield
21 State College, Blue Ridge Community and Technical College,
22 Bridgemont Community and Technical College, Concord University,

1 Eastern West Virginia Community and Technical College, Fairmont
2 State University, Glenville State College, Kanawha Valley Community
3 and Technical College, Mountwest Community and Technical College,
4 Marshall University, New River Community and Technical College,
5 Pierpont Community and Technical College, Shepherd University,
6 Southern West Virginia Community and Technical College, West
7 Liberty University, West Virginia Northern Community and Technical
8 College, the West Virginia School of Osteopathic Medicine, West
9 Virginia State University, West Virginia University and West
10 Virginia University at Parkersburg.

11 (c) *Board membership.* --

12 (1) An appointment to fill a vacancy on the board or
13 reappointment of a member who is eligible to serve an additional
14 term is made in accordance with the provisions of this section.

15 (2) The Board of Governors for Marshall University consists of
16 sixteen persons. The Board of Governors for West Virginia
17 University consists of seventeen persons. The boards of governors
18 of the other state institutions of higher education consist of
19 twelve persons.

20 (3) Each board of governors includes the following members:

21 (A) A full-time member of the faculty with the rank of
22 instructor or above duly elected by the faculty of the respective
23 institution;

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

4 (C) A member from the institutional classified employees duly
5 elected by the classified employees of the respective institution;

6 (4) For the Board of Governors at Marshall University,
7 thirteen lay members appointed by the Governor, by and with the
8 advice and consent of the Senate, pursuant to this section;

9 (5) For the Board of Governors at West Virginia University,
10 twelve lay members appointed by the Governor, by and with the
11 advice and consent of the Senate, pursuant to this section, and
12 additionally:

13 (A) The Chairperson of the Board of Visitors of West Virginia
14 University Institute of Technology;

15 (B) A full-time faculty member representing the extension
16 service at the institution or a full-time faculty member
17 representing the health sciences, selected by the faculty senate.

18 (6) For each board of governors of the other state
19 institutions of higher education, nine lay members appointed by the
20 Governor, by and with the advice and consent of the Senate,
21 pursuant to this section.

22 (A) Of the nine members appointed by the Governor, no more
23 than five may be of the same political party. Of the thirteen

1 members appointed by the Governor to the governing board of
2 Marshall University, no more than eight may be of the same
3 political party. Of the twelve members appointed by the Governor
4 to the governing board of West Virginia University, no more than
5 seven may be of the same political party.

6 (B) Of the nine members appointed by the Governor, at least
7 five shall be residents of the state. Of the thirteen members
8 appointed by the Governor to the governing board of Marshall
9 University, at least eight shall be residents of the state. Of the
10 twelve members appointed by the Governor to the governing board of
11 West Virginia University, at least seven shall be residents of the
12 state.

13 (7) In making lay appointments, the Governor shall consider
14 the institutional mission and membership characteristics including
15 the following:

16 (A) The need for individual skills, knowledge and experience
17 relevant to governing the institution;

18 (B) The need for awareness and understanding of institutional
19 problems and priorities, including those related to research,
20 teaching and outreach;

21 (C) The value of gender, racial and ethnic diversity; and

22 (D) The value of achieving balance in gender and diversity in
23 the racial and ethnic characteristics of the lay membership of each

1 board.

2 (d) *Board member terms.* --

3 (1) The student member serves for a term of one year. Each
4 term begins on July 1.

5 (2) The faculty member serves for a term of two years. Each
6 term begins on July 1. Faculty members are eligible to succeed
7 themselves for three additional terms, not to exceed a total of
8 eight consecutive years.

9 (3) The member representing classified employees serves for a
10 term of two years. Each term begins on July 1. Members
11 representing classified employees are eligible to succeed
12 themselves for three additional terms, not to exceed a total of
13 eight consecutive years.

14 (4) The appointed lay citizen members serve terms of four
15 years each and are eligible to succeed themselves for no more than
16 one additional term, except that citizen members who are appointed
17 to fill unexpired terms are eligible to succeed themselves for two
18 full terms after completing an unexpired term. If the Governor
19 intends to reappoint a lay citizen member for a second term, the
20 Governor shall do so within thirty days of the expiration of that
21 member's term. If reappointment does not occur within thirty days,
22 the lay citizen member's term shall be deemed expired, effective
23 upon the date of the expiration of the member's term.

1 (5) A vacancy in an unexpired term of a member shall be filled
2 for the unexpired term within thirty days of the occurrence of the
3 vacancy in the same manner as the original appointment or election.
4 Except in the case of a vacancy, all elections are held and all
5 appointments are made no later than June 30 preceding the
6 commencement of the term. A member whose term has expired shall
7 not serve more than sixty days after the expiration of his or her
8 term. Each board of governors shall elect one of its appointed lay
9 members to be chairperson in June of each year. A member may not
10 serve as chairperson for more than four consecutive years.

11 (6) The appointed members of the boards of governors serve
12 staggered terms of up to four years except that four of the initial
13 appointments to the governing boards of community and technical
14 colleges that became independent July 1, 2008, are for terms of two
15 years and five of the initial appointments are for terms of four
16 years.

17 (e) *Board member eligibility, expenses.* --

18 (1) A person is ineligible for appointment to membership on a
19 board of governors of a state institution of higher education under
20 the following conditions:

21 (A) For a baccalaureate institution or university, a person is
22 ineligible for appointment who is an officer, employee or member of
23 any other board of governors; an employee of any institution of

1 higher education; an officer or member of any political party
2 executive committee; the holder of any other public office or
3 public employment under the government of this state or any of its
4 political subdivisions; an employee of any affiliated research
5 corporation created pursuant to article twelve of this chapter; an
6 employee of any affiliated foundation organized and operated in
7 support of one or more state institutions of higher education; or
8 a member of the council or commission. This subsection does not
9 prevent the representative from the faculty, classified employees,
10 students or the superintendent of a county board of education from
11 being members of the governing boards.

12 (B) For a community and technical college, a person is
13 ineligible for appointment who is an officer, employee or member of
14 any other board of governors; a member of a board of visitors of
15 any public institution of higher education; an employee of any
16 institution of higher education; an officer or member of any
17 political party executive committee; the holder of any other public
18 office, other than an elected county office, or public employment,
19 other than employment by the county board of education, under the
20 government of this state or any of its political subdivisions; an
21 employee of any affiliated research corporation created pursuant to
22 article twelve of this chapter; an employee of any affiliated
23 foundation organized and operated in support of one or more state

1 institutions of higher education; or a member of the council or
2 commission. This subsection does not prevent the representative
3 from the faculty, classified employees or students from being
4 members of the governing boards.

5 (2) Before exercising any authority or performing any duties
6 as a member of a governing board, each member shall qualify as such
7 by taking and subscribing to the oath of office prescribed by
8 section five, article IV of the Constitution of West Virginia and
9 the certificate thereof shall be filed with the Secretary of State.

10 (3) A member of a governing board appointed by the Governor
11 may not be removed from office by the Governor except for official
12 misconduct, incompetence, neglect of duty or gross immorality and
13 then only in the manner prescribed by law for the removal of the
14 state elective officers by the Governor.

15 (4) The members of the board of governors serve without
16 compensation, but are reimbursed for all reasonable and necessary
17 expenses actually incurred in the performance of official duties
18 under this article upon presentation of an itemized sworn statement
19 of expenses.

20 (5) The president of the institution shall make available
21 resources of the institution for conducting the business of its
22 board of governors. All expenses incurred by the board of
23 governors and the institution under this section are paid from

1 funds allocated to the institution for that purpose.

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

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

5 (a) The council is comprised of thirteen members selected as
6 follows:

7 (1) Eight members appointed by the Governor, with the advice
8 and consent of the Senate:

9 (A) One member shall be appointed from each community and
10 technical college consortia district as established in this
11 section.

12 (B) Prior to appointment, the Governor shall interview each
13 candidate to assure that the person selected understands and is
14 committed to achieving the goals and objectives as set forth in the
15 institutional compacts and in section one-a, article one of this
16 chapter. The Governor shall invite the President of the Senate,
17 the Speaker of the House of Delegates, the chairs of the Senate and
18 House of Delegates committees on finance and education and such
19 other legislative leaders as the Governor may determine to
20 participate in interviewing potential candidates. Each member
21 appointed to the council by the Governor shall represent the public
22 interest and shall be committed to the legislative intent and goals
23 set forth in section one-a, article one of this chapter.

1 (2) The Chairperson of the West Virginia Workforce Investment
2 Council;

3 (3) The Executive Director of the West Virginia Development
4 Office, or designee;

5 (4) The President of the West Virginia AFL-CIO, or a designee;

6 (5) The Chair of the Higher Education Policy Commission who
7 serves as an ex officio, nonvoting member of the council; and

8 (6) The Assistant Superintendent for Technical and Adult
9 Education of the State Department of Education who serves as an ex
10 officio, nonvoting member of the council;

11 (b) Any appointed member shall be a citizen of the state,
12 shall represent the public interest and shall understand and be
13 committed to achieving the goals and objectives set forth in
14 section one-a, article one of this chapter, the essential
15 conditions set forth in article three-c of this chapter, and the
16 goals for secondary and post-secondary vocational-technical-
17 occupational and adult basic education in the state. Any appointed
18 member shall represent the interests of the business, labor and
19 employer communities and demonstrate knowledge of the education
20 needs of the various regions, attainment levels and age groups
21 within the state.

22 (c) The Governor may not appoint any person to be a member of
23 the council who is an officer, employee or member of an advisory

1 board of any state college or university, the holder of any other
2 public office or public employment under the government of this
3 state or any of its political subdivisions, an appointee or
4 employee of any governing board or an immediate family member of
5 any employee under the jurisdiction of the commission or any
6 governing board. An individual may not serve on the council who is
7 engaged in providing, or employed by a person or company whose
8 primary function is to provide, workforce development services and
9 activities.

10 (d) Members of the council serve for staggered terms of four
11 years. Notwithstanding the provisions of subdivision (1),
12 subsection (a) of this section, on the effective date of this
13 section any current member of the council maintains his or her
14 appointment to the council and continues to serve for the remainder
15 of the term for which originally appointed. Any additional
16 appointment required by the provisions of said subdivision shall
17 represent a consortia district not otherwise represented on the
18 council.

19 (e) A member appointed by the Governor may not serve more than
20 two consecutive terms. If the Governor intends to reappoint a
21 member for a second term, the Governor shall do so within thirty
22 days of the expiration of that member's term. If reappointment
23 does not occur within thirty days, that member's term shall be

1 deemed expired, effective upon the date of the expiration of the
2 member's term.

3 (f) Upon the expiration of an appointed member's term, the
4 Governor shall appoint a successor within thirty days of the end of
5 the member's term. The appointed member whose term has expired
6 shall not serve more than sixty days after the expiration of his or
7 her term.

8 (g) The Governor shall appoint a member to fill any vacancy
9 among the eight appointed members, by and with the advice and
10 consent of the Senate. Any member appointed to fill a vacancy
11 serves for the unexpired term of the vacating member. The Governor
12 shall fill the vacancy within thirty days of the occurrence of the
13 vacancy.

(NOTE: The purpose of this bill is to alleviate any lapse in filling vacancies and to ensure that members are not forced to serve beyond their appointment time.)

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)