

1 **H. B. 2018**

2
3 (By Delegates Fleischauer, Marshall, Fragale,
4 Frazier, Manypenny and Williams)
5 [Introduced January 12, 2011; referred to the
6 Committee on Education.]

7 **FISCAL**
8 **NOTE**

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §18B-2D-1, §18B-2D-2,
12 §18B-2D-3 and §18B-2D-4, all relating to the Higher Education
13 Merit Screening Advisory Committee, legislative findings;
14 creation of the Higher Education Merit Screening Advisory
15 Committee; purpose, composition and terms of the committee;
16 meetings and quorum; compensation and expenses; powers and
17 duties of the committee.

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

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto a new article, designated §18B-2D-1, §18B-2D-2,
21 §18B-2D-3 and §18B-2D-4, all to read as follows:

22 **ARTICLE 2D. HIGHER EDUCATION SCREENING ADVISORY COMMITTEE.**

23 **§18B-2D-1. Legislative findings.**

24 The Legislature finds and declares that:

1 (1) The aim of appointments to governing boards of state
2 universities, colleges and community colleges should be to place
3 the most able, experienced and deserving citizens on the public
4 boards of higher education;

5 (2) State universities, colleges and community colleges are
6 ultimately owned by the state's citizens, and these institutions
7 uniquely serve broad social, cultural and economic purposes that
8 have long-term effects on the citizenry's quality of life;

9 (3) It is vital that those responsible for university
10 governance be as independent of political ideologies or partisan
11 interests as possible;

12 (4) A mechanism for recruiting and screening candidates for
13 appointments to governing boards of state universities, colleges
14 and community colleges would help ensure that only the most
15 talented, energetic, committed individuals are appointed to the
16 boards of public higher education; and

17 (5) There is a need for a coordinated approach for finding
18 qualified applicants, given that there are twenty governing boards
19 for higher education institutions, each of which may have differing
20 needs, constituencies and geographical considerations.

21 **§18B-2D-2. Creation of committee; purpose; composition; terms;**
22 **meetings; quorum.**

23 (a) There is hereby created the Higher Education Merit
24 Screening Advisory Committee.

1 (b) The purpose of the committee is to review and evaluate
2 potential appointees for appointments to the governing boards of
3 state universities, colleges and community colleges, and to make
4 recommendations to the Governor.

5 (c) The committee shall have a total of nine members to be
6 appointed by the Governor and confirmed by the Senate. On making
7 appointments to the committee, the Governor shall assure broad
8 geographical and political representation, assure equal
9 representation of men and women, inasmuch as possible, assure no
10 less than proportional representation of the two leading political
11 parties of the state, assure that appointments reflect the minority
12 racial composition of the state, and assure that appointments
13 represent diversity in occupation, including business and labor.
14 Each member of the committee shall serve for a term of six years,
15 which is renewable once. One third of the members shall be
16 appointed each even-numbered year. The members of the committee
17 shall select a chairperson, who shall serve a three-year term.

18 (d) The committee meets at least once during each quarter. Of
19 the nine members of the committee, five members shall constitute a
20 quorum. Due to the private nature of discussion of candidate's
21 qualifications, the meetings of the committee shall be exempt from
22 the open meeting law, provided by section three, article nine-a,
23 chapter six of this code.

24 **§18B-2D-3. Compensation; expenses.**

1 Members of the committee shall serve without compensation.
2 All members shall be reimbursed for all actual and necessary
3 expenses incurred in the performance of his or her duties, upon
4 presentation of an itemized sworn statement thereof, including
5 travel.

6 **§18B-2D-4. Powers and duties of committee.**

7 The committee has the following powers and duties:

8 (1) Develop a statement of the selection criteria to be
9 applied, which shall include a criterion that members represent
10 diversity in geography, gender, race, occupation, and experience,
11 which shall be distributed to potential candidates;

12 (2) Develop a description of the responsibilities and duties
13 of a member of a governing board of a state university, college or
14 community college, which shall be distributed to potential
15 candidates;

16 (3) Develop and implement a process for evaluating potential
17 appointees to higher education governing boards, based on
18 substantive qualifications, including merit and experience;

19 (4) Interview all candidates for appointments to the higher
20 education governing boards; and

21 (5) Make recommendations to the Governor at least thirty days
22 prior to the expiration of terms for which recommendations have
23 been requested to fill vacancies on higher education governing
24 boards: *Provided*, That the committee shall recommend at least two

1 and not more than three candidates for each vacancy, including
2 those being asked to fill unfulfilled or partial terms: *Provided,*
3 *however,* That if the recommendations of the committee are
4 considered to be unacceptable by the Governor, the committee shall
5 provide the Governor with new recommendations.

NOTE: The purpose of this bill is to create the Higher Education Merit Screening Advisory Committee to make recommendations to the Governor for appointments to governing boards of state universities, colleges and community colleges. The bill provides for the composition of the board, as well as its powers and duties.

This article is new; therefore, it has been completely underscored.