

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 513

BY SENATORS LAIRD AND KESSLER

[Introduced February 4, 2016;

Referred to the Committee on Education; and then to the
Committee on Government Organization.]

1 A BILL to amend and reenact §18-9D-1 of the Code of West Virginia, 1931, as amended, relating
2 to composition of the School Building Authority; setting certain limitations on the amount
3 of terms and years that a citizen member may serve on the authority; and requiring those
4 limits to apply to current members after a date certain.

Be it enacted by the Legislature of West Virginia:

1 That §18-9D-1 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 9D. SCHOOL BUILDING AUTHORITY.

§18-9D-1. School Building Authority; powers.

1 (a) The School Building Authority consists of eleven members, including the Governor or
2 designee; the State Superintendent of Schools, ex officio; three members of the State Board of
3 Education, elected by the state board; and six citizens of the state, appointed by the Governor,
4 by and with the advice and consent of the Senate, who are knowledgeable in matters relevant to
5 the issues addressed by the authority, one of whom is representative of the interests of the
6 construction trades.

7 (b) Citizen members are appointed for three-year terms, which are staggered in
8 accordance with the initial appointments under prior enactment of this section. After June 30,
9 2016, no citizen member may serve more than two terms (six years) on the authority and any
10 current citizen member who is serving in a second or subsequent term is not eligible for
11 reappointment at the conclusion of the term. State Board of Education members are elected for
12 three-year terms and may not be elected to serve additional consecutive terms or portions thereof.

13 (c) The Governor or designee serves as chair. The authority shall annually elect one of its
14 public members as vice chair and shall appoint a secretary, who need not be a member of the
15 authority and who shall keep records of its proceedings.

16 (d) The Governor appoints an executive director of the authority, with the advice and
17 consent of the Senate, who serves at the Governor's will and pleasure. The director is responsible

18 for managing and administering the daily functions of the authority and for performing all other
19 functions necessary to the effective operation of the authority.

20 (e) The Governor may remove any appointed member for incompetency, neglect of duty,
21 moral turpitude or malfeasance in office. If the Governor removes a member, the Governor shall
22 fill the vacancy for the remainder of the unexpired term in the same manner as the original
23 appointment.

24 (f) The School Building Authority shall meet at least quarterly and the citizen members
25 shall be reimbursed for reasonable and necessary expenses actually incurred in the performance
26 of their official duties in a manner consistent with guidelines of the travel management office of
27 the Department of Administration from funds appropriated or otherwise made available for such
28 purpose upon submission of an itemized statement.

29 (g) The acts performed by the members of the State Board of Education in their capacity
30 as members of the School Building Authority are solely the acts of the authority.

NOTE: The purpose of this bill is to provide for a limitation on how long a citizen member
can serve on the School Building Authority.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.