

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4026**

BY DELEGATES PERRY, MORGAN, KESSINGER,  
WAGNER, KURCABA, STATLER, ROMINE,  
CAMPBELL, FAST, ROWE AND MOYE

[Introduced January 15, 2016; Referred  
to the Committee on Education]

1 A BILL to amend and reenact §18-9D-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to limiting citizen members of the School Building Authority to serving no more than two  
 3 terms.

*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. Any current  
 10 citizen member who is serving a second or subsequent term is not be eligible for reappointment  
 11 at the conclusion of the term. State Board of Education members are elected for three-year terms  
 12 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 limit citizen members of the School Building Authority  
to serving no more than two terms.

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