

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3279

By Delegates Criss and Riley

[Introduced March 10, 2025; referred to the
Committee on Education]

1 A BILL to amend and reenact §18B-2A-1 and §18B-2A-2 of the Code of West Virginia, 1931, as
 2 amended, relating to requiring one person of the West Virginia University Board of
 3 Governors and of the West Virginia State University Board of Governors to have a
 4 background in agriculture or in an agricultural field.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

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

1 (a) Findings. {

2 The Legislature finds that the State of West Virginia is served best when the membership
 3 of each governing board ~~includes~~ is informed by the following:

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

6 (2) The technical or professional expertise and institutional experience of a classified
 7 employee or, as appropriate, nonclassified employee of the institution governed by the board;

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

10 (4) The diverse perspectives that arise from a membership that is balanced ~~in terms of~~
 11 ~~gender and varied in terms of race and ethnic heritage,~~ and representative of West Virginia and its
 12 citizens; and

13 (5) For West Virginia’s land grant institutions at West Virginia University and West Virginia
 14 State University, focused on serving the needs of West Virginia and its citizens.

15 (b) Boards of governors established. {

16 A board of governors is continued at each of the following institutions: Bluefield State
 17 College, Blue Ridge Community and Technical College, Bridgemont Community and Technical
 18 College, Concord University, Eastern West Virginia Community and Technical College, Fairmont

19 State University, Glenville State College, Kanawha Valley Community and Technical College,
20 Mountwest Community and Technical College, Marshall University, New River Community and
21 Technical College, Pierpont Community and Technical College, Shepherd University, Southern
22 West Virginia Community and Technical College, West Liberty University, West Virginia Northern
23 Community and Technical College, the West Virginia School of Osteopathic Medicine, West
24 Virginia State University, West Virginia University and West Virginia University at Parkersburg.

25 (c) Board membership. {

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

28 (2) The Board of Governors for Marshall University consists of 16 persons. The Board of
29 Governors for West Virginia University consists of ~~seventeen~~ 19 persons. The boards of governors
30 of the other state institutions of higher education consist of 12 persons.

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

32 (A) A full-time member of the faculty with the rank of instructor or above duly elected by the
33 faculty of the respective institution, who shall serve as a nonvoting, advisory member;

34 (B) A member of the student body in good academic standing, enrolled for college credit
35 work and duly elected by the student body of the respective institution, who shall serve as a
36 nonvoting, advisory member; and

37 (C) A member from the institutional classified employees duly elected by the classified
38 employees of the respective institution or, if the respective institution does not have classified
39 employees, a member from the institutional nonclassified employees duly elected by the
40 nonclassified employees of the respective institution, who shall serve as a nonvoting, advisory
41 member.

42 (4) For the Board of Governors at Marshall University, 13 lay members appointed by the
43 Governor, by and with the advice and consent of the Senate, pursuant to this section;

44 (5) For the Board of Governors at West Virginia University, ~~twelve~~ 15 lay members
45 appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this
46 section, and ~~additionally~~:

47 ~~(A) The Chairperson of the Board of Visitors of West Virginia University Institute of~~
48 ~~Technology;~~

49 ~~(B) A~~ a full-time faculty member representing the extension service at the institution or a
50 full-time faculty member representing the health sciences, selected by the faculty senate, who
51 shall serve as a nonvoting, advisory member.

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

55 (A) Of the nine members appointed by the Governor, no more than five may be of the same
56 political party. Of the 13 members appointed by the Governor to the governing board of Marshall
57 University, no more than eight may be of the same political party. Of the ~~12~~ 15 members appointed
58 by the Governor to the governing board of West Virginia University, no more than seven may be of
59 the same political party.

60 (B) Of the nine members appointed by the Governor, at least five shall be residents of the
61 state. Of the 13 members appointed by the Governor to the governing board of Marshall
62 University, at least eight shall be residents of the state. Of the ~~twelve~~ 15 members appointed by the
63 Governor to the governing board of West Virginia University, at least ~~seven~~ eight shall be residents
64 of the state.

65 (C) Of the 15 members appointed by the Governor to the governing board of West Virginia
66 University, one shall be specifically designated as a representative of agriculture, forestry, or the
67 agricultural or silvicultural sciences and shall have a background in one or more such fields.

68 (D) Of the nine members appointed by the Governor to the governing board of West
69 Virginia State University, one shall be specifically designated as a representative of agriculture,

70 forestry, or the agricultural or silvicultural sciences and shall have a background in one or more
71 such fields.

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

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

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

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

79 (D) The value of achieving balance in gender and diversity in the racial and ethnic
80 characteristics of the lay membership of each board; and

81 (E) The needs of the State of West Virginia and its citizens.

82 (d) Board member terms. {

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

84 (2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty
85 members are eligible to succeed themselves for ~~three~~ one additional ~~terms~~ term, not to exceed a
86 total of ~~eight~~ four consecutive years.

87 (3) The member representing classified employees or, as appropriate, nonclassified
88 employees serves for a term of two years. Each term begins on July 1. Members representing
89 classified employees or, as appropriate, nonclassified employees are eligible to succeed
90 themselves for ~~three~~ one additional ~~terms~~ term, not to exceed a total of ~~eight~~ four consecutive
91 years.

92 (4) The appointed lay citizen members serve terms of four years each and are eligible to
93 succeed themselves for no more than one additional term, except that citizen members who are
94 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after
95 completing an unexpired term.

96 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within
97 thirty days of the occurrence of the vacancy in the same manner as the original appointment or
98 election. Except in the case of a vacancy, all elections are held and all appointments are made no
99 later than June 30 preceding the commencement of the term. Each board of governors shall elect
100 one of its appointed lay members to be chairperson in June of each year. A member may not serve
101 as chairperson for more than four consecutive years.

102 (6) The chairperson of the governing boards of West Virginia University and West Virginia
103 State University shall be residents of the State of West Virginia and shall have maintained
104 residence in the State of West Virginia for not less than thirty-six consecutive months immediately
105 prior to being elected to serve as chairperson of the governing board or otherwise assuming the
106 position of chairperson.

107 ~~(6)~~(7) The appointed members of the boards of governors serve staggered terms of up to
108 four years except that four of the initial appointments to the governing boards of community and
109 technical colleges that became independent July 1, 2008, are for terms of two years and five of the
110 initial appointments are for terms of four years.

111 (e) Board member eligibility, expenses. {

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

114 (A) For a baccalaureate institution or university, a person is ineligible for appointment who
115 is an officer, employee or member of any other board of governors within this state; an employee of
116 any institution of higher education within this state; an officer or member of any political party
117 executive committee; the holder of any other public office or public employment under the
118 government of this state or any of its political subdivisions; an employee of any affiliated research
119 corporation created pursuant to article twelve of this chapter; an employee of any affiliated
120 foundation organized and operated in support of one or more state institutions of higher education;
121 or a member of the council or commission: *Provided*, That if an appointee is an employee or board

122 member of an out-of-state higher education institution, there is no apparent conflict of interest
123 caused by the individual serving in both capacities. This subsection does not prevent the
124 representative from the faculty, classified employees or, as appropriate, nonclassified employees,
125 students or the superintendent of a county board of education from being members of the
126 governing boards.

127 (B) For a community and technical college, a person is ineligible for appointment who is an
128 officer, employee or member of any other board of governors within this state; a member of a
129 board of visitors of any public institution of higher education; an employee of any institution of
130 higher education within this state; an officer or member of any political party executive committee;
131 the holder of any other public office, other than an elected county office, or public employment,
132 other than employment by the county board of education, under the government of this state or
133 any of its political subdivisions; an employee of any affiliated research corporation created
134 pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized and
135 operated in support of one or more state institutions of higher education; or a member of the
136 council or commission: *Provided*, That if an appointee is an employee or board member of an out-
137 of-state higher education institution, there is no apparent conflict of interest caused by the
138 individual serving in both capacities. This subsection does not prevent the representative from the
139 faculty, classified employees or, as appropriate, nonclassified employees or students from being
140 members of the governing boards.

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

145 (3) A member of a governing board appointed by the Governor may not be removed from
146 office by the Governor except for official misconduct, incompetence, neglect of duty or gross

147 immorality and then only in the manner prescribed by law for the removal of the state elective
 148 officers by the Governor.

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

152 (5) The president of the institution shall make available resources of the institution for
 153 conducting the business of its board of governors. All expenses incurred by the board of governors
 154 and the institution under this section are paid from funds allocated to the institution for that
 155 purpose.

§18B-2A-2. Meetings.

1 (a) The boards of Governors shall hold at least six meetings in every fiscal year, including
 2 an annual meeting each June for the purpose of electing officers.

3 Of the ~~sixteen~~ voting members of the boards of Governors of Marshall University and West
 4 Virginia University, nine shall constitute a quorum. Of the ~~twelve~~-voting members of the boards of
 5 Governors of the other state institutions of higher education, seven shall constitute a quorum. A
 6 majority vote of the ~~quorum~~ shall be necessary to pass upon matters before the institutional board
 7 of Governors.

8 (b) The boards of Governors may set aside time as they consider appropriate to afford
 9 administrators, faculty, students and classified staff an opportunity to discuss issues affecting
 10 these groups.

NOTE: The purpose of this bill is to require one person of the West Virginia University Board of Governors and of the West Virginia State University Board of Governors with a background in agriculture or in an agricultural field.

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