

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1990**

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— ● —  
**ENROLLED**

**SENATE BILL NO.** 302

(By Senator Brockenrich)

— ● —  
**PASSED** March 8, 1990

In Effect 90 days from Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

**ENROLLED**  
**Senate Bill No. 302**  
(BY SENATOR BRACKENRICH)

[Passed March 8, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and four, article six, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to higher education; providing for two-year terms for members of faculty and classified employee advisory councils; beginning such terms in July of even-numbered years; and changing required month of one quarterly meeting from May to July.

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

That sections two and four, article six, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. OTHER BOARDS AND ADVISORY COUNCILS.**

**§18B-6-2. Advisory councils of faculty.**

- 1 Effective the first day of July, one thousand nine
- 2 hundred eighty-nine, each governing board shall be
- 3 assisted by an advisory council of faculty.
  
- 4 During the month of April of each year, each
- 5 president or other administrative head of a state
- 6 institution of higher education, including Potomac
- 7 State College of West Virginia University and West

8 Virginia University at Parkersburg, at the direction of  
9 the councils and in accordance with procedures estab-  
10 lished by the councils, shall convene a meeting or  
11 otherwise institute a balloting process to elect one  
12 faculty to serve on the appropriate governing board's  
13 advisory council of faculty, which shall consist of one  
14 faculty, so elected, from each such institution under  
15 the appropriate governing board. Terms of the  
16 members of each council shall be for two years and  
17 shall begin on the first day of July of each even-  
18 numbered year, and members of each advisory council  
19 shall be eligible to succeed themselves.

20 The advisory councils of faculty shall meet at least  
21 once each quarter. One of the quarterly meetings shall  
22 be during the month of July, at which meeting each  
23 council shall elect a chairman, who shall be by virtue  
24 of the office a voting member of the appropriate  
25 governing board. No member may vote by proxy at  
26 such election. In the event of a tie in the last vote  
27 taken for such election, a member authorized by the  
28 council shall select the chairman by lot from the  
29 names of those persons tied. Immediately following  
30 the election of a chairman, each council shall elect, in  
31 the manner prescribed by this section for the election  
32 of a chairman, a member of that council to preside  
33 over meetings of the council in the chairman's  
34 absence. Should the chairman vacate the position, the  
35 council shall meet and elect a new chairman to fill the  
36 unexpired term within thirty days following such  
37 vacancy.

38 Each advisory council of faculty, through its chair-  
39 man and in any other appropriate manner, shall  
40 consult and advise its governing board in matters of  
41 higher education in which the faculty members may  
42 have an interest.

43 Members of each advisory council shall serve with-  
44 out compensation, but shall be entitled to reimburse-  
45 ment for actual and necessary expenses incurred in  
46 the performance of their official duties from funds  
47 allocated to the state institution of higher education  
48 served.

49 Each governing board shall furnish secretarial  
50 services to its advisory council of faculty, and each  
51 advisory council shall cause to be prepared minutes of  
52 its meetings, which minutes shall be available, upon  
53 request, to any faculty member of a state institution of  
54 higher education represented on the council. Such  
55 minutes shall be forwarded to the advisory council of  
56 faculty serving the other governing board.

**§18B-6-4. Advisory councils of classified employees.**

1 Effective the first day of July, one thousand nine  
2 hundred eighty-nine, each governing board shall be  
3 assisted by an advisory council of classified employees.

4 During the month of April of each year, each  
5 president or other administrative head of a state  
6 institution of higher education, including Potomac  
7 State College of West Virginia University and West  
8 Virginia University at Parkersburg, at the direction of  
9 the councils and in accordance with procedures estab-  
10 lished by the councils, shall convene a meeting or  
11 otherwise institute a balloting process to elect one  
12 classified employee to serve on the appropriate  
13 governing board's advisory council of classified  
14 employees, which shall consist of one classified  
15 employee, so elected, from each such institution under  
16 the appropriate governing board. Terms of the  
17 members of such councils shall be for two years and  
18 shall begin on the first day of July of each even-  
19 numbered year, and members of the advisory councils  
20 shall be eligible to succeed themselves. For the  
21 purpose of this section the term "institution of higher  
22 education" includes the facilities and staff supervised  
23 by the senior administrator employed by the govern-  
24 ing boards, who shall be deemed a part of the state  
25 college system, and the West Virginia network for  
26 telecomputing, who shall be deemed a part of the state  
27 university system.

28 Each advisory council of classified employees shall  
29 meet at least once each quarter. One of the quarterly  
30 meetings shall be during the month of July, at which  
31 meeting each council shall elect a chairman, who shall

32 be by virtue of the office a voting member of the  
33 appropriate governing board: *Provided*, That the board  
34 of directors' advisory council for classified employees'  
35 chairman shall not be a member of the staff super-  
36 vised by the central administrative official. No mem-  
37 ber may vote by proxy at such election. In the event  
38 of a tie in the last vote taken for such election, a  
39 member authorized by the council shall select the  
40 chairman by lot from the names of those persons tied.  
41 Immediately following the election of a chairman,  
42 each council shall elect, in the manner prescribed by  
43 this section for the election of a chairman, a member  
44 of the council to preside over meetings of the council  
45 in the chairman's absence. Should the chairman  
46 vacate the position, the council shall meet and elect a  
47 new chairman to fill the unexpired term within thirty  
48 days following such vacancy.

49 Each advisory council of classified employees,  
50 through its chairman and in any other appropriate  
51 manner, shall consult and advise its governing board  
52 in matters of higher education in which the classified  
53 employees may have an interest.

54 Members of each advisory council shall serve with-  
55 out compensation, but shall be entitled to reimburse-  
56 ment for actual and necessary expenses incurred in  
57 the performance of their official duties from funds  
58 allocated to the state institution of higher education  
59 served.

60 Each governing board shall furnish secretarial  
61 services to its advisory council of classified employees,  
62 and each advisory council shall cause to be prepared  
63 minutes of its meetings, which minutes shall be  
64 available, upon request, to any classified employee of  
65 a state institution of higher education represented on  
66 the council. Such minutes shall be forwarded to the  
67 advisory council of classified employees serving the  
68 other governing board.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederic L. Kerson*  
.....  
Chairman Senate Committee

*Benjamin V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Darrell E. Holmes*  
.....  
Clerk of the Senate

*Donald L. Hoop*  
.....  
Clerk of the House of Delegates

*Kelly Swattle*  
.....  
President of the Senate

*Robert C. Tuben*  
.....  
Speaker House of Delegates

The within *is approved* this the *5th* day of *March*, 1990.

*Walter Caputo*  
.....  
Governor

GOVERNOR

Date 3/14/90

Time 2:44 PM