

Senate Bill No. 411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(By Senators Edgell, Unger, Plymale, Tucker, Boley, Foster,
Browning, Jenkins, Kessler (Acting President), Klempa, Miller and
McCabe)

[Introduced February 3, 2011; referred to the Committee on
Education; and then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §4-1-24, relating to
providing that faculty and staff at state institutions of
higher education are eligible to a seat in the Legislature.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §4-1-24, to read as
follows:

**ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS;
INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF
CAPITOL BUILDING; PREFILING OF BILLS AND
RESOLUTIONS; STANDING COMMITTEES; INTERIM
MEETINGS; NEXT MEETING OF THE SENATE.**

1 **§4-1-24. State institution of higher education; faculty and staff**
2 **eligibility to a seat in the Legislature.**

3 (a) The Legislature finds that:

4 (1) Section four, article two-a, chapter eighteen-b of this
5 code provides that faculty and staff at state institutions of
6 higher education are employees of the institutional boards of
7 governors at their institution; and

8 (2) Faculty and staff at state institutions of higher
9 education operate under the supervision of a president who is
10 appointed by and serves at the will and pleasure of the
11 institutional board of governors.

12 (b) For the reasons set forth in subsection (a) of this
13 section:

14 (1) Solely for the purposes of Section thirteen, Article VI of
15 the Constitution of West Virginia which provides that no person
16 holding lucrative employment under this state shall be eligible to
17 a seat in the Legislature, faculty and staff at state institutions
18 of higher education are not employees of the state; and

19 (2) Faculty and staff at state institutions of higher
20 education are eligible for a seat in the Legislature.

21 (c) Since this section provides that faculty and staff are not
22 employees of the state for the purposes of section thirteen,
23 article VI of the Constitution of West Virginia only, nothing in
24 this section gives or takes away any rights of faculty and staff at
25 state institutions of higher education other than giving those

1 persons the right to a seat in the Legislature.

NOTE: The purpose of this bill is to provide that faculty and staff at state institutions of higher education are eligible for a seat in the Legislature.

This section is new; therefore, strike-throughs and underscoring have been omitted.