

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4310

(BY DELEGATES O'NEAL, ANDERSON, ESPINOSA,

E. NELSON, ARVON, BATES, FLEISCHAUER, FRICH,

STATLER, KURCABA AND MILEY)

[Passed March 11, 2016; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to repeal §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West
2 Virginia, 1931, as amended; and to amend and reenact §18B-1C-1 and §18B-1C-2 of said
3 code, all relating to the West Virginia University Institute of Technology; finding that there
4 is a need to maintain the valuable educational services provided by the West Virginia
5 University Institute of Technology; finding that there are continued enrollment and facilities
6 issues facing the West Virginia University Institute of Technology in Montgomery, West
7 Virginia; finding that the West Virginia University Institute of Technology, West Virginia
8 University, Marshall University, Concord University, Bluefield State College, and other
9 public and private partners should collaborate; requiring collaboration and encouraging
10 agreements with local governments near Montgomery; clarifying provisions relating to the
11 West Virginia University Institute of Technology Board of Visitors; eliminating the
12 requirement that the headquarters of the West Virginia Institute of Technology remain in
13 Montgomery, West Virginia; providing for a program review and approval process;
14 requiring meetings between West Virginia University, West Virginia Institute of
15 Technology, Concord University, and Bluefield State College; eliminating outdated
16 provisions; and repealing provisions relating to the West Virginia University Institute of
17 Technology Revitalization Project.

Be it enacted by the Legislature of West Virginia:

1 That §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West Virginia,
2 1931, as amended, be repealed; and that §18B-1C-1 and §18B-1C-2 of said code be amended
3 and reenacted, to read as follows:

ARTICLE 1C. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY.

§18B-1C-1. Legislative findings and intent.

1 (a) The Legislature recognizes that:
2 (1) West Virginia University Institute of Technology is a vital part of higher education in
3 West Virginia and has a rich and distinguished history of more than one hundred and twenty years
4 of providing important educational opportunities that needs to continue;

5 (2) The engineering program at West Virginia University Institute of Technology plays a
6 significant role in the continued success of the students at the Institution and of the state as a
7 whole;

8 (3) Facilities at West Virginia University Institute of Technology in Montgomery are in
9 greater disrepair and in greater need of overall capital investment than are facilities at West
10 Virginia University;

11 (4) In 2009, the Legislative Auditor completed a report stating that the facilities in
12 Montgomery included a number of aging buildings with significant structural, heating, and cooling
13 problems, and that the location of the West Virginia University Institute of Technology offered few
14 enhancements to the quality of student life;

15 (5) In 2011, the Legislature commissioned a study and report seeking to revitalize the
16 West Virginia University Institute of Technology, and the report concluded that the West Virginia
17 Institute of Technology needed to increase its enrollment from 1,100 to 1,800 and concluded that
18 unless the State of West Virginia, West Virginia University, or other sources could commit to "a
19 \$5 million to \$7 million investment for each of the next five years, the revitalization legislation of
20 2011 will be seen merely as an exercise in futility;"

21 (6) West Virginia University has for many years deployed revenues generated from its
22 campus in Morgantown to subsidize the operations and capital improvements needed for its
23 campus in Montgomery;

24 (7) Although the state, the Higher Education Policy Commission, and West Virginia
25 University have made investments in the operations and facilities of the West Virginia University
26 Institute of Technology in Montgomery, the facilities in Montgomery need significant additional
27 capital investment to be suitable to attract a sufficient number of students seeking a world-class,
28 four-year higher education;

29 (8) The state lacks sufficient resources to address the issues facing the facilities and
30 enrollment issues in Montgomery, and in recent years has reduced appropriations for all
31 institutions of higher education;

32 (9) In 2014, Mountain State University decided to sell its assets, including its campus in
33 Beckley, West Virginia and West Virginia University was offered the opportunity to negotiate for
34 and ultimately purchased the campus in Beckley, West Virginia in the summer of 2015;

35 (10) To help ensure the continued viability and vitality of West Virginia University Institute
36 of Technology, West Virginia University has proposed relocating the institution to the newly-
37 acquired campus in Beckley, West Virginia;

38 (11) The Higher Education Policy Commission has approved a proposal by West Virginia
39 University and the West Virginia University Institute of Technology to offer courses on the Beckley
40 Campus;

41 (12) West Virginia University, the West Virginia University Institute of Technology,
42 Bluefield State College, and Concord University have entered into an agreement to collaborate
43 as equal partners to maximize course offerings, reduce program duplication, and better serve the
44 students of southeastern West Virginia.

45 (13) West Virginia University has offered economic, community development, and related
46 assistance to the City of Montgomery, City of Smithers, the County Commission of Kanawha
47 County, and the County Commission of Fayette County.

48 (14) Collaboration between the engineering and engineering technology programs of West
49 Virginia University Institute of Technology, West Virginia University, Marshall University, Bluefield
50 State College and other private partners as appropriate would:

51 (A) Lead to a greater understanding and knowledge of engineering research;

52 (B) Lead to greater opportunities for students to engage in research; and

53 (C) Result in greater opportunities for participating students to find gainful employment in
54 future research or to continue graduate level research and study.

55 (b) It is the intent of the Legislature that collaboration: (1) occur among West Virginia
56 University Institute of Technology, West Virginia University, Marshall University, Concord
57 University, Bluefield State College, and appropriate public and private entities to provide

58 significant education opportunities to students in a manner that optimizes courses and program
59 offerings, reduces and minimizes program duplication, and creates efficiencies in program
60 delivery and expenses while at the same time respecting the value and independence and
61 accreditation requirements separately of Concord University, Bluefield State College, West
62 Virginia Institute of Technology, and West Virginia University; and (2) among West Virginia
63 University Institute of Technology, West Virginia University, the County Commission of Kanawha
64 County, the County Commission of Fayette County, the City of Smithers, and the City of
65 Montgomery, should it elect to do so.

66 (c) It is specifically the intent of the Legislature that:

67 (1) The baccalaureate engineering program offered at the West Virginia University
68 Institute of Technology be and remain a permanent component of its curriculum;

69 (2) Collaboration in engineering and other appropriate programs shall occur among West
70 Virginia University Institute of Technology, West Virginia University, Marshall University, Concord
71 University, Bluefield State College and the West Virginia School of Osteopathic Medicine and
72 appropriate private entities; and

73 (3) The West Virginia University Board of Governors continue to monitor and take
74 appropriate steps necessary to address faculty salary levels. In considering the issue of faculty
75 salary levels, the board may consider the unique mission of the division and the performance
76 expectations for faculty in meeting the goals of the institution.

**§18B-1C-2. West Virginia University Institute of Technology; division of West Virginia
University.**

1 (a) West Virginia University Institute of Technology is a fully integrated division of West
2 Virginia University. All administrative and academic units are consolidated with primary
3 responsibility for direction and support assigned to West Virginia University. The campus
4 president of the West Virginia University Institute of Technology shall appoint a board of visitors
5 and the board of visitors shall provide guidance to the division in fulfilling its mission. The

6 chairperson of the board of visitors serves as an ex-officio, voting member of the West Virginia
7 University Board of Governors.

8 (b) The fully integrated division is named West Virginia University Institute of Technology.

9 (c) The provisions of this section do not affect the independent accreditation or continued
10 operation of The BridgeValley Community and Technical College. The BridgeValley Community
11 and Technical College is an independent community and technical college administered by its
12 own governing board under the jurisdiction and authority of the council and is subject to all
13 applicable provisions of this chapter and chapter eighteen-c of this code.

14 (d) Auxiliary enterprises shall be incorporated into the West Virginia University auxiliary
15 enterprise system. The West Virginia University Board of Governors shall determine if operations
16 at West Virginia University Institute of Technology can be operated on a self-sufficient basis when
17 establishing rates for auxiliary services and products.

18 (e) West Virginia University Institute of Technology has a strong reputation in engineering
19 and other scientific disciplines. These programs shall be maintained, cultivated and emphasized
20 further as its sustaining mission over the next decade.

21 (f) By the November 1, 2006, and annually thereafter for a period of four years, the West
22 Virginia University Board of Governors shall prepare and submit a report to the commission and
23 Legislative Oversight Commission on Education Accountability on progress being made to
24 implement the provisions of this article.

25 (g) West Virginia University Institute of Technology shall develop or maintain
26 baccalaureate degree programs as a permanent component of its curriculum.

27 (h) Until such time as West Virginia University no longer owns assets, other than assets
28 of de minimis value, in Montgomery and the Upper Kanawha Valley, the university shall continue
29 to collaborate with the County Commission of Kanawha County, the County Commission of
30 Fayette County, the City of Smithers and the City of Montgomery, should it elect to do so, and
31 each entity is authorized and encouraged to enter into agreements designed to foster economic
32 and community redevelopment for Montgomery and the Upper Kanawha Valley.

33 **(i) Notwithstanding the provisions of paragraph a, subdivision four, subsection b, section**
34 **four, article one-b of this chapter, West Virginia University and West Virginia University Institute**
35 **of Technology, as it relates to providing academic programming at the Beckley campus, shall be**
36 **subject to academic program review and approval of the commission pursuant to subdivision four,**
37 **subsection b, section four, article one-b of this chapter, including complying with series eleven of**
38 **title one hundred thirty-three of the rules of the Higher Education Policy Commission, relating to**
39 **academic program review and approval, including, but not limited to, the provisions relating to**
40 **offering new programming in Beckley or offering existing programming in Beckley that is already**
41 **offered by West Virginia University at a location other than Beckley: *Provided*, That the provisions**
42 **of this subsection do not apply to the programs that the Higher Education Policy Commission**
43 **approved on or before December 31, 2015, for offerings by West Virginia University at the West**
44 **Virginia University Institute of Technology at the Beckley campus.**

45 **(j) Prior to seeking approval with the Chancellor or Commission as required by the**
46 **provisions of subsection (i) of this section, West Virginia University or the West Virginia University**
47 **Institute of Technology, as appropriate, shall offer to meet with representatives of Bluefield State**
48 **College and Concord University to determine whether collaborative opportunities exist relating to**
49 **the proposed offering requiring approval.**

50 **(k) The presidents of Concord University, Bluefield State College, and West Virginia**
51 **Institute of Technology shall meet at least quarterly to discuss the collaborative efforts**
52 **contemplated by this article and the collaborative agreement, including assessing and reviewing**
53 **the progress made on collaborative efforts, or at such other times as agreed to by all of the**
54 **presidents of the referenced institutions.**

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


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Chairman, House Committee

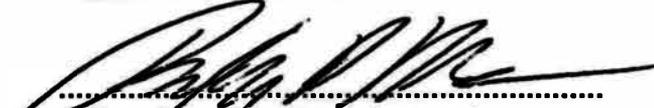

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.


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Clerk of the House of Delegates


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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

The within is approved this the 25th.....
day of March....., 2016.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 22 2015

Time 3:26 pm