

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4310**

BY DELEGATES O'NEAL, ANDERSON, ESPINOSA,  
E. NELSON, ARVON, BATES, FLEISCHAUER, FRICH,  
STATLER, KURCABA AND MILEY

[Introduced January 27, 2016; Referred  
to the Committee on Education]

1 A BILL to repeal §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West Virginia,  
 2 1931, as amended; and to amend and reenact §18B-1C-1 and §18B-1C-2 of said code,  
 3 all relating to the West Virginia University Institute of Technology; finding that there is a  
 4 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 private partners should collaborate; eliminating the requirement that the headquarters of  
 10 the West Virginia University Institute of Technology remain in Montgomery, West Virginia;  
 11 clarifying provisions relating to the West Virginia University Institute of Technology Board  
 12 of Visitors; eliminating outdated provisions; and repealing provisions relating to the West  
 13 Virginia University Institute of 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 2 1931, as amended, be repealed; and that §18B-1C-1 and §18B-1C-2 of said code be amended  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) The average salaries of faculty at West Virginia University Institute of Technology are~~  
9 ~~significantly lower than the average salaries of faculty at West Virginia University;~~

10 ~~(4) (3) Facilities at West Virginia University Institute of Technology in Montgomery are in~~  
11 ~~greater disrepair and in greater need of overall capital investment than are facilities at West~~  
12 ~~Virginia University; and~~

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

17 ~~(5) In 2011, the Legislature commissioned a study and report seeking to revitalize the~~  
18 ~~West Virginia University Institute of Technology, and the report concluded that the West Virginia~~  
19 ~~Institute of Technology needed to increase its enrollment from 1,100 to 1,800 and concluded that~~  
20 ~~unless the State of West Virginia, West Virginia University, or other sources could commit to “a~~  
21 ~~\$5 million to \$7 million investment for each of the next five years, the revitalization legislation of~~  
22 ~~2011 will be seen merely as an exercise in futility;”~~

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

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

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

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

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

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

43 (12) West Virginia University, the West Virginia University Institute of Technology,  
44 Bluefield State College, and Concord University have entered into an agreement to collaborate.

45 ~~(5) Collaboration between the engineering program of West Virginia University Institute~~  
46 ~~of Technology, West Virginia University, Marshall University, and other private partners as~~  
47 ~~appropriate would:~~

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

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

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

52 (b) It is the intent of the Legislature to encourage collaboration ~~between~~ among West  
53 Virginia University Institute of Technology, West Virginia University, Marshall University, Concord  
54 University, Bluefield State College, and appropriate private entities to provide significant  
55 education opportunities to students.

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

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

59 ~~(2) Collaboration in engineering and other appropriate programs occur between~~ occurs

60 among West Virginia University Institute of Technology, West Virginia University, Marshall  
 61 University, Concord University, and Bluefield State College and appropriate private entities;  
 62 ~~pursuant to section three of this article;~~ and

63 (3) The West Virginia University Board of Governors ~~develop a plan and take appropriate~~  
 64 ~~steps to~~ continue to monitor and take appropriate steps necessary to address faculty average  
 65 salary levels. ~~In developing the plan~~ In considering the issue of faculty salary levels, the board  
 66 may consider the unique mission of the division and the performance expectations for faculty in  
 67 meeting the goals of the institution. ~~The plan also shall include recommendations for addressing~~  
 68 ~~the capital improvement needs at West Virginia University Institute of Technology.~~

**§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 advisory board~~  
 4 ~~previously appointed for~~ campus president of the West Virginia University Institute of Technology  
 5 ~~is known as the~~ shall appoint a board of visitors and the board of visitors shall provide guidance  
 6 to the division in fulfilling its mission. The chairperson of the board of visitors serves as an ex-  
 7 officio, voting member of the West Virginia University Board of Governors.

8 (b) The fully integrated division is named West Virginia University Institute of Technology.  
 9 ~~The headquarters of West Virginia University Institute of Technology remains in Montgomery,~~  
 10 ~~West Virginia.~~

11 (c) The provisions of this section do not affect the independent accreditation or continued  
 12 operation of The BridgeValley Community and Technical College. ~~at West Virginia University~~  
 13 ~~Institute of Technology. Effective the first day of July, two thousand eight, the institution becomes~~  
 14 The BridgeValley Community and Technical College is an independent community and technical  
 15 college administered by its own governing board under the jurisdiction and authority of the council

16 and is subject to all applicable provisions of this chapter and chapter eighteen-c of this code.

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

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

24 ~~(f) By the first day of April, two thousand seven, the West Virginia University Board of~~  
25 ~~Governors shall develop and approve a plan to implement the provisions of this article. Beginning~~  
26 ~~the first day of July, two thousand six, the board of Governors may begin implementing~~  
27 ~~appropriate changes in the operations of West Virginia University Institute of Technology to further~~  
28 ~~the purposes of this article.~~

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

33 ~~(h)~~ (g) West Virginia University Institute of Technology shall develop or maintain  
34 baccalaureate degree programs as a permanent component of its curriculum.

NOTE: The purpose of this bill is to help ensure the continuing viability and vitality of West Virginia University Institute of Technology by providing flexibility to West Virginia University and the West Virginia University Institute of Technology to relocate the West Virginia University Institute of Technology, and to facilitate collaboration between four-year institutions serving southern West Virginia.

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