

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4310

(BY DELEGATES O'NEAL, ANDERSON, ESPINOSA,
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STATLER, KURCABA AND MILEY)

[Originating in the Committee on Education;

February 18, 2016.]

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12 of Visitors; eliminating outdated provisions; and repealing provisions relating to the West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2 1931, as amended, be repealed; and that §18B-1C-1 and §18B-1C-2 of said code be amended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;

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 as equal partners to maximize course offerings, reduce program duplication, and better serve the
46 students of southeastern West Virginia.

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

50 ~~(5)~~(14) Collaboration between the engineering program and engineering technology
51 programs of West Virginia University Institute of Technology, West Virginia University, Marshall
52 University, Bluefield State College and other private partners as appropriate would:

- 53 (A) Lead to a greater understanding and knowledge of engineering research;
54 (B) Lead to greater opportunities for students to engage in research; and
55 (C) Result in greater opportunities for participating students to find gainful employment in
56 future research or to continue graduate level research and study.

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

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

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

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

70 (2) ~~Collaboration in engineering and other appropriate programs occur between~~ shall
71 occur among West Virginia University Institute of Technology, West Virginia University, Marshall
72 University, Concord University, and Bluefield State College and appropriate private entities;
73 ~~pursuant to section three of this article; and~~

74 (3) The West Virginia University Board of Governors ~~develop a plan and take appropriate~~
75 ~~steps to~~ continue to monitor and take appropriate steps necessary to address faculty average
76 salary levels. ~~In developing the plan~~ In considering the issue of faculty salary levels, the board
77 may consider the unique mission of the division and the performance expectations for faculty in
78 meeting the goals of the institution. ~~The plan also shall include recommendations for addressing~~
79 ~~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.

35 (h) Until such time as West Virginia University no longer owns assets, other than assets
36 of de minimis value, in Montgomery and the Upper Kanawha Valley, the university shall continue
37 to collaborate with the County Commission of Kanawha County, the County Commission of
38 Fayette County, and the City of Smithers, and each entity is authorized and encouraged to enter
39 into agreements designed to foster economic and community redevelopment for Montgomery and
40 the Upper Kanawha Valley.

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

53 (i) Prior to seeking approval with the Chancellor or Commission as required by the
54 provisions of subsection (i) of this section, West Virginia University or the West Virginia University
55 Institute of Technology, as appropriate, shall offer to meet with representatives of Bluefield State

56 College and Concord University to determine whether collaborative opportunities exist relating to
57 the proposed offering requiring approval.

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

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.