

# **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.]



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15 Technology, Concord University, and Bluefield State College; eliminating outdated  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2 1931, as amended, be repealed; and that §18B-1C-1 and §18B-1C-2 of said code be amended  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*

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*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*

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The within ..... this the.....  
day of ....., 2016.

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*Governor*