

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4927

BY DELEGATE LINVILLE

[Introduced February 11, 2020; Referred to the
Committee on Technology and Infrastructure then
Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18B-2A-9; and to amend and reenact §18B-4-2 of said code, all relating to
 3 transferring the West Virginia Network for Educational Telecomputing and all its property
 4 and personnel to the Board of Governors for Marshall University; and requiring it to be
 5 administered jointly by the board of governors and the state’s Chief Technology Officer.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-9. Transfer of West Virginia Network for Educational Telecomputing.

1 Effective July 1, 2020, jurisdiction over the West Virginia Network for Educational
 2 Telecomputing and all its property and personnel is transferred to the Board of Governors for
 3 Marshall University. It shall be administered jointly by the board of governors and the state’s Chief
 4 Technology Officer, created under §5A-6-1 et seq. of this code. Notwithstanding §18B-2B-6(c)(16)
 5 of this code, employees of the West Virginia Network for Educational Telecomputing may be
 6 moved from Monongalia County without legislative approval.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-2. Employment of Vice Chancellor for Administration; office; powers and duties generally.

1 (a) By and with the advice and consent of the council, the commission shall employ a Vice
 2 Chancellor for Administration who may not be dismissed without the consent of the council. ~~(1)~~
 3 ~~The individual serving as Vice Chancellor for Administration on the effective date of this section~~
 4 ~~may continue to serve on an interim basis until the commission and the council have agreed,~~
 5 ~~jointly, on a candidate to fill the position; (2) The Interim Vice Chancellor for Administration may~~
 6 ~~be considered as a candidate for the position; (3) The position shall be filled on a permanent basis~~
 7 ~~no later than October 1, 2004; and (4) Any vacancy occurring in this position shall be filled~~
 8 pursuant to the requirements of this section.

9 (b) Any reference in this chapter or Chapter 18C of this code to the senior administrator
10 means the Vice Chancellor for Administration.

11 (c) The Vice Chancellor for Administration has a ministerial duty, in consultation with and
12 under direction of the chancellors, to perform such functions, tasks and duties as may be
13 necessary to carry out the policy directives of the council and commission and such other duties
14 as may be prescribed by law.

15 (d) The Vice Chancellor for Administration shall supervise such professional,
16 administrative, clerical and other employees as may be necessary to these duties and shall
17 delineate staff responsibilities as considered desirable and appropriate. It is the responsibility of
18 the Vice Chancellor for Administration, within the parameters of the total resources available, to
19 supervise and direct the staff in such a way that the staff and resource needs of the council, the
20 commission and the offices of the chancellors are met.

21 (e) Any employee of the commission or the council whose job duties meet criteria listed in
22 the system of job classifications as stated in §18B-9-1 *et seq.* of this code is accorded the job title,
23 compensation and rights established in the article as well as all other rights and privileges
24 accorded classified employees by the provisions of this code.

25 (f) The Office of the Vice Chancellor for Administration and all personnel, except for the
26 chancellor for community and technical college education and staff transferred to the jurisdiction
27 of the council pursuant to §18B-2B-7(a) of this code, who are employed on January 1, 2004, within
28 the higher education central office and the West Virginia Network For Educational Telecomputing
29 remain under the jurisdiction of the commission: ~~Prior to October 1, 2004, any such employee~~
30 ~~may not be terminated or have his or her salary and benefit levels reduced as the result of the~~
31 ~~higher education reorganization that occurs on the effective date of this section~~ Provided, That
32 effective July 1, 2020, pursuant to §18B-2A-9 of this code, the West Virginia Network for
33 Educational Telecomputing and all its all personnel are transferred to the jurisdiction of the Board
34 of Governors for Marshall University.

35 (g) The Vice Chancellor for Administration shall follow state and national education trends
36 and gather data on higher education needs.

37 (h) The Vice Chancellor for Administration, in accordance with established guidelines and
38 in consultation with and under the direction of the chancellors, shall administer, oversee or monitor
39 all state and federal student assistance and support programs administered on the state level,
40 including those provided for in chapter 18C of this code.

41 (i) The Vice Chancellor for Administration has a fiduciary responsibility to administer the
42 tuition and registration fee capital improvement revenue bond accounts of the governing boards.

43 (j) The Vice Vice Chancellor for Administration shall administer the purchasing system or
44 systems of the council and commission, the offices of the chancellors and the governing boards.
45 By mutual agreement, the commission and the council may delegate authority for the purchasing
46 systems or portions thereof to the institution presidents.

47 ~~(k) The Vice Chancellor for Administration is responsible for the management of the West~~
48 ~~Virginia network for educational telecomputing (WVNET). The Vice Chancellor for Administration~~
49 ~~shall establish a computer advisory board, which shall be representative of higher education and~~
50 ~~other users of the West Virginia network for educational telecomputing as the commission and~~
51 ~~council determine appropriate. It is the responsibility of the computer advisory board to~~
52 ~~recommend to the commission and the council policies for a statewide shared computer system~~

53 ~~(k)~~ (k) The central office, under the direction of the Vice Chancellor for Administration, shall
54 provide necessary staff support to the commission, the council and offices of the chancellors.

55 ~~(m)~~ (l) The Vice Chancellor for Administration may administer any program or service
56 authorized or required to be performed by the board of trustees or the board of directors on June
57 30, 2000, and not specifically assigned to another agency. In addition, the Vice Chancellor for
58 Administration may administer any program or service authorized or required to be performed by
59 the commission, council or chancellors, but not assigned specifically to the commission, council
60 or chancellors. Any such program or service may include, but is not limited to, telecommunications

61 activities and other programs and services provided for under grants and contracts from federal
62 and other external funding sources.

NOTE: The purpose of this bill is to transfer the West Virginia Network for Educational Telecomputing and all its property and personnel to the Board of Governors for Marshall University. The bill also requires it to be administered jointly by the board of governors and the state's Chief Technology Officer.

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