

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4581

BY DELEGATE PERRY

[Introduced February 17, 2016; Referred
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18B-1F-3 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §18B-1F-10, all relating to
3 ownership of real property housing BridgeValley Community and Technical College at the
4 West Virginia Education, Research, and Technology Park and membership on the
5 Technology Park corporation's board of directors.

Be it enacted by the Legislature of West Virginia:

1 That §18B-1F-3 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; and that said code be amended by adding thereto a new section, designated §18B-
3 1F-10, all to read as follows:

**ARTICLE 1F. MANAGEMENT AGREEMENTS FOR THE HIGHER EDUCATION
POLICY COMMISSION.**

**§18B-1F-3. Commission authorized to contract with corporation; corporation to meet
essential criteria; corporation membership and organization; financial
requirements.**

1 (a) The commission is authorized to enter into agreements and any other contractual
2 relationships with an affiliated corporation formed as set forth in this article.

3 (b) The affiliated corporation shall meet the following essential criteria:

4 (1) *Corporation status.* -- The corporation is organized as a nonprofit, nonstock corporation
5 under the general corporation laws of the state exclusively for charitable, educational or scientific
6 purposes within the meaning of section 501(c) of the Internal Revenue Code of 1986, as
7 amended.

8 (2) *Corporation membership, meetings, officers.* --

9 (A) Effective July 1, 2016, the President and the Chairperson of the Board of Governors
10 of BridgeValley Community and Technical College or their respective designees shall serve as
11 members of the board of directors of the affiliated corporation.

12 ~~(A)~~ (B) All other members of the board of directors of the affiliated corporation serve terms
13 as prescribed in the bylaws of the corporation and are selected by the commission in consultation
14 with the chancellor. The commission shall make all appointments to the board of directors by
15 majority vote of its members and shall include the individual votes as a part of the minute record.

16 ~~(B)~~ (C) Private sector members shall constitute a majority of the potential membership of
17 the board of directors. Vacancies shall be filled in such a way that the majority status of private
18 sector membership is maintained.

19 ~~(C)~~ (D) By July 1, 2011, and at least biennially thereafter, the board of directors shall elect
20 a chair from among its members.

§18B-1F-10. Assessments to BridgeValley Community and Technical College.

1 Effective July 1, 2016, the commission's interest in the south and west wings of Building
2 2000 shall be transferred to BridgeValley Community and Technical College subject to any
3 covenants or conditions currently restricting use of the property and subject to BridgeValley
4 Community and Technical College's agreement to assume responsibility for its share of costs to
5 maintain shared infrastructure within the Technology Park consistent with the service facility fee
6 rate charged by the Technology Park corporation to the Advanced Technology Center.

NOTE: The purpose of this bill is to transfer ownership of the south and west wings of Building 2000 at the West Virginia Education, Research and Technology Park to BridgeValley Community and Technical College and to provide for the President and Chairperson of the Board of Governors of BridgeValley Community and Technical College to serve on the Technology Park corporation's board of directors.

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