

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4431**

BY DELEGATE FAST

[Introduced February 8, 2016; Referred  
to the Committee on Education then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18B-1B-11, relating to relocation or closure of state higher education  
 3 institutions; establishing legislative findings; requiring an economic and educational  
 4 accessibility impact study and plan be provided by a state institution of higher education  
 5 to the Higher Education Policy Commission prior to closure or transfer of the physical  
 6 presence in an existing location; requiring the commission to review, provide feedback  
 7 and suggested changes to the institution desiring to close or transfer a physical presence;  
 8 requiring the commission to make a recommendation to the Legislative Oversight  
 9 Commission on education accountability (LOCEA); requiring the LOCEA to consider and  
 10 take action within six months of submission; authorizing amendment of the recommended  
 11 plan; authorizing transfer or closure pursuant to an approved LOCEA plan.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §18B-1B-11, to read as follows:

**ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

**§18B-1B-11. LOCEA approval of any closure or transfer of physical presence.**

1 (a) Legislative findings- (1) The Legislature recognizes the significant economic impact an  
 2 institution of higher education has upon the community in which it is located. These institutions  
 3 become centers of community development with numerous businesses and families becoming  
 4 dependent on the presence of these institutions.

5 (2) In determining the physical location of an institution of higher education, consideration  
 6 must be given to the historical presence of an institution in a community as well as the  
 7 geographical location to other similar institutions.

8 (3) Existing institutions of higher education that expand or constrict their physical presence  
 9 in other areas of this state must be mindful of the economic, social, and accessibility impact upon  
 10 such a decision.

11 (4) A decision to relocate or close an existing institution's physical presence may have  
12 broader implications to the state and other economic interests than those singularly impacting the  
13 institution.

14 (b) Prior to closing or transferring a physical presence in an existing location, a state  
15 institution of higher education shall provide an economic and educational accessibility impact  
16 study and plan to the Higher Education Policy Commission. The commission shall review the  
17 plan and provide feedback and suggested changes to the institution desiring to close or transfer  
18 a physical presence of an existing location. If a final plan is ultimately approved by the  
19 commission, the commission shall make a recommendation to the Legislative Oversight  
20 Commission on Education Accountability (LOCEA) established pursuant to section eleven, article  
21 three-a, chapter twenty-nine-a of this code.

22 (c) Upon receipt of a recommended plan from the Higher Education Policy Commission,  
23 the LOCEA shall consider the proposed plan and approve or disapprove it within six months of  
24 submission to the LOCEA. In approving the plan, the LOCEA may make amendment to the  
25 proposed plan and impose additional conditions and requirements as it deems appropriate. A  
26 state institution of higher education may only close or transfer a physical presence in an existing  
27 location in accordance with a plan approved by the LOCEA.

NOTE: The purpose of this bill is to insure that closure or transfer of any publicly-funded higher education institution be preapproved by the Legislative Oversight Commission on Education Accountability (LOCEA); to require both an economic and educational study to be presented to the LOCEA before it may be closed or transferred; and to keep WVU-Tech in its current location in Montgomery. The bill makes clear that WVU-Tech may not be closed or transferred without LOCEA approval.

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