

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3008**

**FISCAL  
NOTE**

BY DELEGATE ROWAN

[Introduced March 09, 2021; Referred to the  
Committee on Government Organization then  
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated article §5A-3C-1, §5A-3C-2, §5A-3C-3, §5A-3C-4, and §5A-3C-5, all relating  
3 to establishing a procedure for the closure of state facilities in small communities;  
4 legislative intent; establishing procedure requirements; providing that a study be  
5 conducted to determine the impact of the proposed closure on the community; requiring  
6 that the study be provided to the county commission and any municipality in which the  
7 facility is located and for public availability; providing for a public hearing; providing for  
8 proposal of legislative rules; and prescribing the effective date.

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

### **ARTICLE 3C. CLOSURE OF STATE FACILITIES IN SMALL COMMUNITIES.**

#### **§5A-3C-1. Legislative findings and intent.**

1 The Legislature finds the closure of state agency facilities located in small communities in  
2 the state can have detrimental effects on the community; that in some instances, state agencies  
3 that close facilities in small communities are less than transparent about the facts and  
4 circumstances of the closure and do not provide adequate notice nor receive any input from the  
5 community before closing the facility. The Legislature further finds that the loss of a state facility  
6 in a small community can have significant detrimental effects upon the citizens of the community  
7 as well as having a negative economic impact upon the community. It is the intent of the  
8 Legislature to provide greater transparency of closures of these facilities and to also provide  
9 proper notice to community members of the closure and provide the public with information  
10 regarding the reasons and necessity or benefit, as well as the impact upon the community as a  
11 result of the closure and provide the public with a forum to question and voice their opinion to the  
12 agency regarding the closure.

#### **§5A-3C-2. Procedure for the closure of facilities of state agencies in small communities.**

1 (a) The secretary shall develop and implement a procedure for state agencies to follow  
2 when the agency intends to close a facility in a small community in accordance with the provisions

3 of this article. The secretary shall determine the criteria to determine the nature, demographics,  
4 geographical size, and population of a small community subject to the provisions of this article.

5 (b) A state agency may not close an agency facility located in a small community without  
6 first conducting a study to determine the impact of the closure on the community served by the  
7 facility. The study shall include, but not be limited to, the following:

8 (1) The necessity of the closure and the benefit to the agency and the state upon the  
9 closure of the facility;

10 (2) The impact upon the community as a result of the loss of services provided by the  
11 facility to the community and the availability of the services to be lost from alternative sources;

12 (3) The direct and indirect impact upon the community as a result of the closure of the  
13 facility;

14 (4) The impact on senior citizens and persons with disabilities or special needs that are  
15 served by the facility;

16 (5) A cost analysis of the costs to be saved by the closure and any new or additional costs  
17 to be incurred by the agency as a result of the closing, including the costs to relocate the facility  
18 or replace the services provided by the facility and the net increase or decrease of costs as a  
19 result of the closure;

20 (c) The state agency must provide the impact study to the county commission and to the  
21 governing body of any municipality in which the facility is located not less than 60 days before the  
22 date of the proposed closure, and shall make the study available for inspection by the public upon  
23 request during reasonable business hours.

24 (d) The state agency shall also publish notice of the proposed closure of the facility as a  
25 Class II legal advertisement in a publication of general circulation in the community where the  
26 facility is located not less than 60 days prior to the proposed closing date of the facility.

**§5A-3C-3. Public hearing upon the closure of a state agency facility.**

1 (a) A public hearing shall be held regarding the proposed closure of a state agency facility

2 located in a small community not less than 10 days prior to the proposed date of closure:

3 (1) Upon written request of the county commission or the governing body of a municipality  
4 in which a state facility is located that a state agency is proposing to close; or

5 (2) Upon the written petition of at least 25 citizens that reside in the community where the  
6 facility is located.

7 (b) A request or petition for a public hearing must be filed with the state agency not less  
8 than 30 days prior to the proposed closing date of the facility.

9 (c) Upon receipt of a request or petition for a public hearing, the agency shall provide  
10 notice of the date, time, and place of the public hearing by placing a Class II legal advertisement  
11 thereof in a newspaper with a general circulation in the community where the facility is located.

**§5A-3C-4. Rulemaking.**

1 The secretary shall propose rules for legislative approval in accordance with the provisions  
2 of §29A-3-1 et seq. of this code to administer the provisions of this article, including, but not limited  
3 to, provisions to identify, define and determine small communities that are subject to the  
4 provisions of this article.

**§5A-3C-5. Effective date.**

1 The provisions of this article become effective beginning January 1, 2022.

NOTE: The purpose of this bill is to establish a procedure for the closure of state facilities in small communities.

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