

# WEST VIRGINIA CODE: §18B-14-9

## **§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.**

(a) The Legislature finds that it is in the best interest of the state to have an effective and comprehensive system for the delivery of public higher education programs. West Virginia is one of the very few states in the nation which does not address higher education capital project and facilities maintenance needs through a statewide plan. State institutions of higher education vary widely in their ability to incur debt for capital projects and the conditions of their facilities infrastructure. Some institutions have incurred substantial amounts of debt to address capital needs, while other institutions have not.

The Legislature further finds that average tuition and fees for current and former administratively linked community and technical colleges rank well above the national average primarily because of the capital fees that students at those institutions have to pay. The large amount of capital fees that students must pay at the institution level contributes significantly to the poor grade the state receives each year in the category of "Affordability" on "Measuring Up: The National Report Card on Higher Education". Net college costs for state students who come from families in the lowest forty percent of the population in terms of income to attend community and technical colleges and four-year colleges and universities in West Virginia represent about forty-five percent of their family's annual income and there are few low-cost college opportunities.

The Legislature further finds that the high cost of capital fees contributes directly to the amount of debt incurred by students during their college years. The debt load, in turn, severely limits students' career choices and often dictates their place of residence after graduation.

(b) It is the responsibility of the Legislature to determine how to make the best use of available resources and how best to address the problems outlined in subsection (a) of this section. Therefore, the Joint Committee on Government and Finance shall create a committee for the purposes of making a specific and detailed analysis of higher education capital project and facilities maintenance needs and providing recommendations to the Legislature.

(c) The committee consists of the following members:

(1) The President of the Senate or designee;

(2) The Speaker of the House of Delegates or designee;

(3) The chairs of the Senate and House of Delegates Committees on Education, who shall cochair the committee;

- (4) The vice chairs of the Senate and House of Delegates Committees on Education;
  - (5) The chairs of the Senate and House of Delegates Committees on Finance or their designees;
  - (6) The cochairs of the Joint Commission on Economic Development or their designees;
  - (7) Two members each from the Senate Committees on Finance and Education appointed by the President of the Senate; and
  - (8) Two members each from the House Committees on Finance and Education appointed by the Speaker of the House.
- (d) The committee shall develop and recommend a state-level facilities plan which includes, but is not limited to, the following:
- (1) A review of capital project and facilities maintenance needs of all state institutions of higher education and recommendations for addressing those needs;
  - (2) Recommendations concerning the appropriate capital debt load that reasonably should be maintained by the commission, council and state institutions of higher education;
  - (3) Recommendations for a funding mechanism to reduce the obligation of students and parents to bear the cost of higher education capital projects and facilities maintenance;
  - (4) Recommendations for maximizing changes in bonding capacity that will occur in 2012;
  - (5) Development of a uniform definition of deferred maintenance;
  - (6) Recommendations for an appropriate mechanism to target a percentage of state capital contributions to address deferred maintenance needs; and
  - (7) Recommendations for a transparent methodology to set priorities for funding capital projects.
- (e) The committee shall commence its work on or before May 15, 2008, and shall deliver its recommendations, together with draft legislation to implement the recommendations, to the Legislative Oversight Commission on Education Accountability and the Joint Committee on Government and Finance by December 1, 2008.