

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

Com. Sub. For

HOUSE BILL No. 282

(By *Mr. Com. on Education*)



PASSED March 12 1949

In Effect June 1, 1949 Passage



282

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 282

(Originating in the Committee on Education)

[Passed March 12, 1949; in effect June 1, 1949.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article nine-c, relating to state aid for the repair and construction of public school buildings and prescribing penalties for violations of the provisions hereof.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article nine-c, to read as follows:

Article 9-c. State Aid for Repair and Construction of Public School Buildings.

Section 1. *Allocation to County Boards of Education.*—

2 Any funds appropriated by the Legislature for state aid
3 for the repair, renovation or construction of public school
4 buildings, or for the purchase or preparation of building
5 sites, shall be allocated by the board of school finance to
6 the various county boards of education as follows:

7 (a) Within thirty days preceding the first day of the
8 biennium for which any such appropriation is made, the
9 board of school finance shall allocate to each county board
10 of education one-half of one per cent of the total amount
11 appropriated for the biennium, and the amount so deter-
12 mined shall be available for payment to the county board
13 of education during either year of the biennium.

14 (b) The board of school finance shall apportion the
15 remainder of such appropriation among the various county
16 boards of education on the basis of the ratio of the net
17 enrollment of each county for the fourth month of the
18 preceding school year to the total net enrollment in the
19 state for the same month. One-half of the amount so ap-
20 portioned to each county board shall be available for
21 payment to it during each year of the biennium, if the
22 board is otherwise eligible therefor as hereinafter pro-

23 vided. If any county board is ineligible to receive the
24 amount allocated to it for the first year of the biennium,
25 such amount shall be available for payment to it during
26 the second year of the biennium, if the board of school
27 finance is satisfied that the county board is and will
28 remain eligible therefor for a period of at least two years.

29 Upon application of a county board setting forth sound
30 reasons therefor, the board of school finance may, during
31 the first year of the biennium, authorize the release and
32 payment to the county board of the whole amount allo-
33 cated to it for the biennium, if satisfied that the county
34 board will be eligible therefor during each year of the
35 biennium.

Sec. 2. Eligibility for Such Aid; Payment to County

2 *Boards.*—A county board of education shall not be eligible
3 for the state aid that may under the provisions of sub-
4 section one-b be available for payment to it in either year
5 of the biennium, unless in that year it shall levy the
6 maximum rates provided by law for general current ex-
7 pense, for the permanent improvement fund, and for all
8 necessary debt service, and in addition thereto shall have

9 available for expenditure for school purposes during the
10 year, either from a special levy, or from private endow-
11 ments and gifts, or from the sale of bonds prior to the
12 effective date of this act, or from funds deposited with the
13 sinking fund commission to the credit of its permanent
14 improvement fund prior to the effective date of this act,
15 or from any combination of the four, an amount equal to
16 the amount that would be realized in that year from an
17 additional levy of not less than ten cents on class I prop-
18 erty, twenty cents on class II property, and forty cents
19 on classes III and IV property. *Provided, however,* That
20 if any county board of education has available from the
21 sources specified in this paragraph a sum less than would
22 be required to qualify it for the full amount allocated
23 to it under subsection (b) of section one, it shall be eligible
24 to receive a proportionate share of the amount so allocated
25 based upon the ratio of the sum in hand to the amount
26 which would be required for full participation: *Provided*
27 *further,* That notwithstanding any other requirement of
28 this paragraph, the county board of education of any
29 county in which the total assessed valuations fixed by

30 the county assessor shall, after the passage of this act,
31 be increased as much as twenty per cent above the total
32 of such assessed valuations for the year one thousand nine
33 hundred forty-eight, shall be eligible for the full amount
34 allocated to it under subsection (b) of section one: *And*
35 *provided further*, That notwithstanding any other re-
36 quirement of this paragraph, the county board of educa-
37 tion of any county in which the total assessed valuations
38 fixed by the county assessor shall have been increased
39 as much as fifty per cent between the years one thousand
40 nine hundred forty and one thousand nine hundred fifty-
41 one shall be eligible for the full amount allocated to it
42 under subsection (b) of section one of this article.

43 If the board of school finance is satisfied that a county
44 board of education is or will be eligible therefor under
45 the provisions of this section, the board of school finance,
46 as soon after the first day of July of each year as may be
47 practicable, shall issue its requisition, in the manner pre-
48 scribed by law, for payment to the county board of such
49 state aid as may be available for payment to it during
50 the year.

Sec. 3. *Authority to Deposit with Sinking Fund Commission.*—A county board of education that deems it more
2 advisable to apply a portion of the funds it receives under
3 the provisions of this article toward the later financing
4 of its school building program, rather than to spend all
5 of it for current building and repairs, may with the ap-
6 proval of the board of school finance deposit such portion
7 with the sinking fund commission, to the credit of its
8 permanent improvement fund. The amount so deposited
9 shall in no way be subject to the limitations otherwise
10 provided by law with respect to the size of the permanent
11 improvement fund, and shall be in addition to the amount
12 the county board is otherwise authorized to accumulate
13 in such fund. The subsequent expenditure of the amount
14 so deposited shall in all respects be subject to the pro-
15 visions hereof with regard to conditions governing the
16 expenditure of funds received under the provisions of this
17 article.

Sec. 4. *Conditions Concerning Expenditures; Separate*
2 *Accounts and Reports; Approval of Plans and Specifica-*
3 *tions.*—The expenditure of all funds received by a county

4 board of education under the provisions of this article
5 shall be subject to the following terms and conditions:

6 (1) The funds shall be expended only for the purposes
7 specified in this article, and then only in conformity with
8 the provisions of the act appropriating such funds.

9 (2) If after the receipt of any such funds a county board
10 should become ineligible because of a failure to levy the
11 maximum rates provided by law for general current ex-
12 pense, for the permanent improvement fund, and for all
13 necessary debt service, or because of a failure to impose
14 the necessary additional levy, if the imposition of such
15 additional levy was the basis on which it qualified, or
16 because of a reduction in assessed valuations below the
17 necessary level, if an increase in assessments was the basis
18 on which it qualified, it shall not thereafter expend any
19 of the remainder of such funds until the necessary levy
20 or levies shall have been imposed, or the necessary in-
21 crease in assessments shall again have been made, as the
22 case may be.

23 (3) The county board shall keep separate accounts,
24 setting forth accurately and in detail the purposes for

25 which the funds were expended and the amount spent
26 for each purpose, and at the close of each fiscal year shall
27 make a report thereof to the board of school finance. The
28 separate accounts and reports shall be in such form and
29 detail as may be required by the board of school finance.

30 (4) The county board shall not expend any part of such
31 funds for the purchase of a building site without prior
32 approval by the board of school finance.

33 (5) The county board shall not expend any part of such
34 funds for the construction of a new building or an addi-
35 tion to an existing building, if such construction shall
36 involve the expenditure of more than ten thousand dol-
37 lars, without prior approval by the board of school finance
38 of the plans and specifications for such building or addi-
39 tion. The board of finance shall give its approval to the
40 plans and specifications as submitted, if it is satisfied that
41 they are in conformity with the standard plans and speci-
42 fications prescribed by the state board of education, as
43 provided by law.

Sec. 5. *Penalties for Failure to Comply with Such Con-*
2 *ditions.*—Any county superintendent of schools, or any

3 member of a county board of education, who shall au-
4 thorize or permit the expenditure of any funds in viola-
5 tion of any of the provisions of the preceding section, shall
6 be guilty of a misdemeanor, and upon conviction thereof
7 shall be punished by a fine of not less than one hundred
8 dollars nor more than five hundred dollars, or by im-
9 prisonment in the county jail for not less than one month
10 nor more than six months, or by both such fine and im-
11 prisonment.

12 Whenever a county board of education shall expend any
13 amount in violation of any of the provisions of the pre-
14 ceding section, the board of school finance shall withhold
15 a like amount from any future state aid to which such
16 county board would otherwise be entitled under the pro-
17 visions of this article, and may in its discretion withhold
18 such amount from any future state aid to which the county
19 board would otherwise be entitled under any provision of
20 law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Joseph L. Morgan
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect June 1, 1949 passage.

Howard Meyer
Clerk of the Senate

J. R. Ruff
Clerk of the House of Delegates

W. Douglas Hunter
President of the Senate

W. C. Hammer
Speaker House of Delegates

The within APPROVED this the 18th
day of MARCH, 1949.

Okuy L. Patton
Governor



Filed in the Office of the Secretary of State
of West Virginia MAR 18 1949

D. PITT O'BRIEN,
SECRETARY OF STATE