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
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:


Section 1. Allocation to County Boards of Education.—
Any funds appropriated by the Legislature for state aid for the repair, renovation or construction of public school buildings, or for the purchase or preparation of building sites, shall be allocated by the board of school finance to the various county boards of education as follows:

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

(b) The board of school finance shall apportion the remainder of such appropriation among the various county boards of education on the basis of the ratio of the net enrollment of each county for the fourth month of the preceding school year to the total net enrollment in the state for the same month. One-half of the amount so apportioned to each county board shall be available for payment to it during each year of the biennium, if the board is otherwise eligible therefor as hereinafter pro-
vided. If any county board is ineligible to receive the amount allocated to it for the first year of the biennium, such amount shall be available for payment to it during the second year of the biennium, if the board of school finance is satisfied that the county board is and will remain eligible therefor for a period of at least two years.

Upon application of a county board setting forth sound reasons therefor, the board of school finance may, during the first year of the biennium, authorize the release and payment to the county board of the whole amount allocated to it for the biennium, if satisfied that the county board will be eligible therefor during each year of the biennium.

Sec. 2. Eligibility for Such Aid; Payment to County Boards.—A county board of education shall not be eligible for the state aid that may under the provisions of subsection one-b be available for payment to it in either year of the biennium, unless in that year it shall levy the maximum rates provided by law for general current expense, for the permanent improvement fund, and for all necessary debt service, and in addition thereto shall have
available for expenditure for school purposes during the year, either from a special levy, or from private endowments and gifts, or from the sale of bonds prior to the effective date of this act, or from funds deposited with the sinking fund commission to the credit of its permanent improvement fund prior to the effective date of this act, or from any combination of the four, an amount equal to the amount that would be realized in that year from an additional levy of not less than ten cents on class I property, twenty cents on class II property, and forty cents on classes III and IV property. Provided, however, That if any county board of education has available from the sources specified in this paragraph a sum less than would be required to qualify it for the full amount allocated to it under subsection (b) of section one, it shall be eligible to receive a proportionate share of the amount so allocated based upon the ratio of the sum in hand to the amount which would be required for full participation: Provided further, That notwithstanding any other requirement of this paragraph, the county board of education of any county in which the total assessed valuations fixed by
the county assessor shall, after the passage of this act, be increased as much as twenty per cent above the total of such assessed valuations for the year one thousand nine hundred forty-eight, shall be eligible for the full amount allocated to it under subsection (b) of section one: And provided further, That notwithstanding any other requirement of this paragraph, the county board of education of any county in which the total assessed valuations fixed by the county assessor shall have been increased as much as fifty per cent between the years one thousand nine hundred forty and one thousand nine hundred fifty-one shall be eligible for the full amount allocated to it under subsection (b) of section one of this article.

If the board of school finance is satisfied that a county board of education is or will be eligible therefor under the provisions of this section, the board of school finance, as soon after the first day of July of each year as may be practicable, shall issue its requisition, in the manner prescribed by law, for payment to the county board of such state aid as may be available for payment to it during the year.
Sec. 3. **Authority to Deposit with Sinking Fund Commission.**—A county board of education that deems it more advisable to apply a portion of the funds it receives under the provisions of this article toward the later financing of its school building program, rather than to spend all of it for current building and repairs, may with the approval of the board of school finance deposit such portion with the sinking fund commission, to the credit of its permanent improvement fund. The amount so deposited shall in no way be subject to the limitations otherwise provided by law with respect to the size of the permanent improvement fund, and shall be in addition to the amount the county board is otherwise authorized to accumulate in such fund. The subsequent expenditure of the amount so deposited shall in all respects be subject to the provisions hereof with regard to conditions governing the expenditure of funds received under the provisions of this article.

Sec. 4. **Conditions Concerning Expenditures; Separate Accounts and Reports; Approval of Plans and Specifications.**—The expenditure of all funds received by a county
board of education under the provisions of this article shall be subject to the following terms and conditions:

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

(2) If after the receipt of any such funds a county board should become ineligible because of a failure to levy the maximum rates provided by law for general current expense, for the permanent improvement fund, and for all necessary debt service, or because of a failure to impose the necessary additional levy, if the imposition of such additional levy was the basis on which it qualified, or because of a reduction in assessed valuations below the necessary level, if an increase in assessments was the basis on which it qualified, it shall not thereafter expend any of the remainder of such funds until the necessary levy or levies shall have been imposed, or the necessary increase in assessments shall again have been made, as the case may be.

(3) The county board shall keep separate accounts, setting forth accurately and in detail the purposes for
which the funds were expended and the amount spent
for each purpose, and at the close of each fiscal year shall
make a report thereof to the board of school finance. The
separate accounts and reports shall be in such form and
detail as may be required by the board of school finance.
(4) The county board shall not expend any part of such
funds for the purchase of a building site without prior
approval by the board of school finance.
(5) The county board shall not expend any part of such
defunds for the construction of a new building or an addi-
tion to an existing building, if such construction shall
involve the expenditure of more than ten thousand dol-
lars, without prior approval by the board of school finance
of the plans and specifications for such building or addi-
tion. The board of finance shall give its approval to the
plans and specifications as submitted, if it is satisfied that
they are in conformity with the standard plans and speci-
fications prescribed by the state board of education, as
provided by law.

Sec. 5. *Penalties for Failure to Comply with Such Con-
ditions.—* Any county superintendent of schools, or any
member of a county board of education, who shall au-

uthorize or permit the expenditure of any funds in viola-
tion of any of the provisions of the preceding section, shall

be guilty of a misdemeanor, and upon conviction thereof

shall be punished by a fine of not less than one hundred
dollars nor more than five hundred dollars, or by im-

prisonment in the county jail for not less than one month

nor more than six months, or by both such fine and im-

prisonment.

Whenever a county board of education shall expend any

amount in violation of any of the provisions of the pre-
ceeding section, the board of school finance shall withhold

a like amount from any future state aid to which such

county board would otherwise be entitled under the pro-
visions of this article, and may in its discretion withhold

such amount from any future state aid to which the county

board would otherwise be entitled under any provision of

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

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect June 1, 1949

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 18th day of March, 1949.

Governor

Filed in the Office of the Secretary of State of West Virginia

D. Pitt O'Brien,
SECRETARY OF STATE