

# 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)

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[Passed March 12, 1948; in effect June 1, 1949.]

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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 Com-*

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

W. Franklyn Hunter  
President of the Senate

W. C. Hammer  
Speaker House of Delegates

The within APPROVED this the 18<sup>th</sup>

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