ENROLLED

House Bill No. 214

(By MR. SEIBERT)

[Passed June 8, 1973; in effect July 1, 1973.]

AN ACT to amend and reenact article nine-c, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the management and administration by the West Virginia board of education of funds derived from the issuance and sale of bonds of the state of West Virginia under authority of the better school buildings amendment; providing for distribution of such funds to such county boards of education as qualify therefor, for use by such boards solely for the construction, renovation, remodeling and equipping of elementary and secondary school buildings and facilities and for acquisition and preparation of sites therefor; relating to the purposes and construction of article; defining terms used in article; defining the powers and duties of the West Virginia board of education with regard to management and administration of funds derived from the issuance and sale of such bonds; establishing the state school building fund; relating to the contents and use of such fund; relating to the determination of anticipated funds and the entitlement to such funds by county boards of education; requiring approval of plans of county boards of education by state board of education; providing incentive provisions; specifying that powers are supplemental; providing that conflicting laws are superseded; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That article nine-c, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
ARTICLE 9C. STATE AID FOR CONSTRUCTION, RENOVATION AND REMODELING OF SCHOOL BUILDINGS AND EQUIPPING OF THE SAME.

§18-9C-1. Purposes and construction of article.

1 The ratification of the "better school buildings amendment" has provided the potential source of funds for county boards of education to use for the construction, renovation, remodeling and equipping of elementary or secondary public school buildings or facilities and for the acquisition and preparation of sites for elementary or secondary public school buildings or facilities. Because of the importance of these activities to the whole state of West Virginia, it is necessary that the various county boards of education receive guidance from a state board with regard to overall planning responsibilities. With this in mind, this article is enacted to provide the framework whereby the management and administration of funds can be effectively coordinated so that said funds derived from the sale of bonds pursuant to the "better school buildings amendment" can be used to the best advantage of all our school children wherever they might live in the state.

§18-9C-2. Definitions.

1 For the purpose of this article:

2 "Assistance ratio" means the state bond potential per pupil divided by the county bond potential per pupil and the result multiplied by .8971819.

3 "County board" means a county board of education.

4 "Existing bonded indebtedness" means outstanding obligations of principal and interest payments that a county board of education owes as of the first day of July, one thousand nine hundred seventy-two.

5 "Net enrollment" means the number of children enrolled in grades one to twelve, inclusive, and in special education programs of the public schools of the state as of the end of the third school month of the school year one thousand nine hundred seventy-two—seventy-three.

6 "State board" means the West Virginia board of education.
§18-9C-3. Powers and duties of state board of education with regard to management and administration of funds derived from issuance and sale of bonds.

The state board is hereby authorized and empowered to accept, administer, manage and expend for the purposes designated all funds derived from the sale of bonds under authority of the “better school buildings amendment,” pursuant to the allocation formula set forth in this article. The state board shall require comprehensive school facilities plans from each county board and shall release funds only for projects which are an approved part of such comprehensive plans. The state board shall make an annual report of their expenditures to the governor and the Legislature at the end of each fiscal year.

The state board is authorized and empowered, from time to time, to promulgate such rules and regulations as it may deem necessary and convenient to insure the full implementation of its powers and duties authorized under this article.

§18-9C-4. Establishment of state school building fund; contents and use of fund.

There is hereby established a state school building fund into which there shall be paid all the moneys derived from the sale of the bonds authorized by the “better school buildings amendment.” The proceeds of the fund shall be distributed by the state board to such county boards of education as qualify therefor by meeting such conditions, qualifications and requirements as are prescribed in this article. The proceeds of the fund shall be used by the county boards of education solely for the construction, renovation or remodeling of elementary or secondary public school buildings or facilities, the equipping of the same in connection with any such construction, renovation or remodeling and the acquisition and preparation of sites for elementary or secondary public school buildings or facilities.

Except for such sums necessary for current operating balances, the proceeds of the funds shall be invested and re-invested in short-term obligations of the United States treasury.
However, no such investment or reinvestment shall adversely affect the current operating balances of such fund. Any sums accruing as a result of such investment shall be allocated to the counties on a per pupil basis without regard to any incentive provision as provided in section six of this article.

§18-9C-5. Entitlement to counties.

Each county board of education shall be entitled to receive, subject to the provisions of this article and further subject to the availability of money in the school building fund, the amounts as set forth in the following schedule:

<table>
<thead>
<tr>
<th>County</th>
<th>$200,000 Flat Grant</th>
<th>$239.2722 Per Net Enrolled Pupil</th>
<th>$239.2722 x Net Enrollment x Assistance Ratio</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour</td>
<td>$200,000</td>
<td>$768,398</td>
<td>$863,602</td>
<td>$1,832,000</td>
</tr>
<tr>
<td>Berkeley</td>
<td>200,000</td>
<td>2,081,277</td>
<td>1,911,352</td>
<td>4,192,629</td>
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<tr>
<td>Boone</td>
<td>200,000</td>
<td>1,499,237</td>
<td>1,589,491</td>
<td>3,288,728</td>
</tr>
<tr>
<td>Braxton</td>
<td>200,000</td>
<td>759,307</td>
<td>898,483</td>
<td>1,857,790</td>
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<tr>
<td>Brooke</td>
<td>200,000</td>
<td>1,501,868</td>
<td>1,190,067</td>
<td>2,891,935</td>
</tr>
<tr>
<td>Cabell</td>
<td>200,000</td>
<td>4,883,584</td>
<td>3,144,576</td>
<td>8,228,160</td>
</tr>
<tr>
<td>Calhoun</td>
<td>200,000</td>
<td>422,236</td>
<td>527,522</td>
<td>1,149,758</td>
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<tr>
<td>Clay</td>
<td>200,000</td>
<td>620,555</td>
<td>1,010,893</td>
<td>1,831,448</td>
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<tr>
<td>Doddridge</td>
<td>200,000</td>
<td>366,496</td>
<td>294,387</td>
<td>860,883</td>
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<tr>
<td>Fayette</td>
<td>200,000</td>
<td>3,028,855</td>
<td>3,916,366</td>
<td>7,945,221</td>
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<td>Gilmer</td>
<td>200,000</td>
<td>367,931</td>
<td>258,536</td>
<td>826,467</td>
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<tr>
<td>Grant</td>
<td>200,000</td>
<td>490,176</td>
<td>231,279</td>
<td>721,455</td>
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<tr>
<td>Greenbrier</td>
<td>200,000</td>
<td>1,805,687</td>
<td>1,878,263</td>
<td>3,683,950</td>
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<td>Hampshire</td>
<td>200,000</td>
<td>629,646</td>
<td>480,793</td>
<td>1,310,439</td>
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<tr>
<td>Hancock</td>
<td>200,000</td>
<td>2,097,066</td>
<td>1,246,084</td>
<td>3,543,150</td>
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<tr>
<td>Hardy</td>
<td>200,000</td>
<td>494,961</td>
<td>407,968</td>
<td>1,102,929</td>
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<tr>
<td>Harrison</td>
<td>200,000</td>
<td>3,620,943</td>
<td>3,099,207</td>
<td>6,920,150</td>
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<tr>
<td>Jackson</td>
<td>200,000</td>
<td>1,392,302</td>
<td>958,346</td>
<td>2,350,648</td>
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<td>Jefferson</td>
<td>200,000</td>
<td>1,237,044</td>
<td>1,120,397</td>
<td>2,357,441</td>
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<tr>
<td>Kanawha</td>
<td>200,000</td>
<td>11,874,042</td>
<td>7,801,321</td>
<td>19,875,363</td>
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<td>Lewis</td>
<td>200,000</td>
<td>860,979</td>
<td>577,179</td>
<td>1,438,158</td>
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<tr>
<td>Lincoln</td>
<td>200,000</td>
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<td>2,389,696</td>
<td>3,843,725</td>
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<td>Logan</td>
<td>200,000</td>
<td>2,930,772</td>
<td>4,686,180</td>
<td>7,816,952</td>
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<tr>
<td>Marion</td>
<td>200,000</td>
<td>2,818,814</td>
<td>2,286,459</td>
<td>5,305,273</td>
</tr>
</tbody>
</table>
§18-9C-6. Submission of plans; approval; incentive provisions.

1 Each county shall be entitled to receive the sum of
two hundred thousand dollars as hereinafter set forth. Each
county board shall be required to submit unto the state board a
comprehensive plan or plans encompassing, but not necessarily
limited to, its proposed use of the grant funds and those remain-
ing funds set forth for each county in the distribution schedule
of section five of this article. The county board shall be required
to resubmit said plan or plans as, in the determination of the
state board, said action is necessary to meet the rules and
regulations authorized under this article. The state board
shall approve or disapprove said submitted plan or plans.
within ninety days of the date of submission of said plans. Once
said plan or plans are approved and, in the determination of
the state board, the project or projects are ready to be under-
taken, the state board shall distribute the amount to the respec-
tive counties equal to that amount due under the distribution
schedule contained in section five of this article.

Notwithstanding any other provision of this article, priority
in the approval of submitted plan or plans shall be given to any
county which satisfactorily shows to the state board that it has
sufficient resources, through grants, gifts, excess levies, county
bond funds, or any other money available to county boards,
with which to defray the cost of its plan or plans where said
plan or plans call for total expenditures in excess of the
amounts designated for that county under the distribution
schedule in section five of this article: Provided, That this
requirement shall, in no way, deter the distribution to a
county, with an approved plan or plans, which county has
at least eighty percent of its bonding potential obligated.

In any event, at the end of two years from the effective
date of this legislation, all counties' eligibility to their entitle-
ment shall vest; however, said counties shall not receive said
moneys until their comprehensive plan or plans have been
approved by the state board.

§18-9C-7. Supplemental powers conferred; conflicting laws super-
seded.

The powers conferred by this article shall be in addition
and supplemental to the existing powers of the county
boards of education. The provisions of any other law or laws
conflicting with the provisions of this article shall be and
the same are hereby superseded to the extent of any such
conflict.

§18-9C-8. Severability.

If any part of this article is declared unconstitutional or in-
valid by a court of competent jurisdiction, such decision shall
not affect the validity of the remaining provisions of this article,
or the article in its entirety.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Daniel Darby
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Howard W. Barnum
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Battleson, Jr.
President of the Senate

Lewis M. Mann
Speaker House of Delegates

The within __________ approved this the 18th
day of __________, 1973.

Arch A. Shane, Jr.
Governor
PRESENTED TO THE GOVERNOR

Date 6/13/73
Time 2:15 p.m.