

RECEIVED

MAY 3 11 45 PM '73

OFFICE OF
THE CLERK OF THE HOUSE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

Committee Substitute

For
HOUSE BILL No. 960

(By Mr. *Colombo & McLaughlin*)

PASSED April 11 1973

In Effect July 1, 1973 Passage



C 641

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

Veto 960

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 960
(By MR. COLOMBO and MR. GOODWIN)

(Originating in the House Committee on Education)

[Passed April 11, 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; for distribution 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 for acquisition and preparation of sites therefor; purposes and construction of article; defining the powers and duties of the West Virginia board of education with regard to management and administration of funds derived from issuance and sale of bonds; determination of anticipated funds; establishment of state school building fund; contents and use of fund; entitlement of counties; incentive provisions; supplemental powers conferred; conflicting laws superseded.

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 Amend-
2 ment" has provided the potential source of funds for county
3 boards of education to use for the construction, renovation,
4 remodeling and equipping of elementary or secondary public
5 school buildings or facilities and for the acquisition and prepa-
6 ration of sites for elementary or secondary public school
7 buildings or facilities. Because of the importance of these
8 activities to the whole state of West Virginia, it is necessary
9 that the various county boards of education receive guidance
10 from a state board with regard to overall planning responsi-
11 bilities. With this in mind, this article is enacted to provide
12 the framework whereby the management and administration
13 of funds can be effectively coordinated so that said funds
14 derived from the sale of bonds pursuant to the "better school
15 buildings amendment" can be used to the best advantage of
16 all our school children wherever they might live in the state.

§18-9C-2. Definitions.

1 For the purpose of this article:
2 "County board" means a county board of education.
3 "Existing bonded indebtedness" means outstanding obliga-
4 tions of principal and interest payments that a county board
5 of education owes as of the first day of July, one thousand
6 nine hundred seventy-two.
7 "Net enrollment" means the number of children enrolled
8 in grades one to twelve, inclusive, and in special education
9 programs of the public schools of the state as of the end of
10 the third school month of the school year one thousand nine
11 hundred seventy-two—seventy-three.
12 "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.**

1 The state board of education is hereby authorized and

2 empowered to accept, administer, manage and expend for
3 the purposes designated all funds derived from the sale of
4 bonds under authority of the better school buildings amend-
5 ment, pursuant to the allocation formula set forth in this
6 article. The state board shall require comprehensive school
7 facilities plans from each county board of education and
8 shall release funds only for projects which are an approved
9 part of such comprehensive plans. The state board of educa-
10 tion shall make an annual report of their expenditures to the
11 governor and the Legislature at the end of each fiscal year.

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

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

1 There is hereby established a state school building fund into
2 which there shall be paid all the moneys derived from the
3 sale of the bonds authorized by the "Better School Buildings
4 Amendment." The proceeds of the fund shall be distributed by
5 the state board to such county boards of education as qualify
6 therefor by meeting such conditions, qualifications and re-
7 quirements as are prescribed in this article. The proceeds
8 of the fund shall be used by the county boards of education
9 solely for the construction, renovation or remodeling of ele-
10 mentary or secondary public school buildings or facilities,
11 the equipping of the same in connection with any such
12 construction, renovation or remodeling and the acquisition
13 and preparation of sites for elementary or secondary public
14 school buildings or facilities.

15 Except for such sums necessary for current operating bal-
16 ances, the proceeds of the funds shall be invested and rein-
17 vested in short-term obligations of the United States treasury.
18 However, no such investment or reinvestment shall adversely
19 affect the current operating balances of such fund. Any sums
20 accruing as a result of such investment shall be allocated to
21 the counties on a per pupil basis without regard to any in-
22 centive provision as provided in section six of this article.

§18-9C-5. Entitlement to counties.

1 Each county board of education shall be entitled to re-
 2 ceive, subject to the provisions of this article and further sub-
 3 ject to the availability of money in the school building fund,
 4 the amounts as set forth in the following schedule:

- 5 1. \$200,000 flat grant
 6 2. \$239.2722 per net enrolled pupil
 7 3. Assistance ratio \times 239.2722 per net enrolled
 8 pupil

9			\$239.2722 Per Pupil In Net Enrollment	\$239.2722 \times Net Enrollment \times Assistance Ratio*	Total (1) + (2) + (3)
	\$200,000. Flat Grant				
	(1)	(2)	(3)	(4)	
10	Barbour --- \$	200,000	\$ 768,398	\$ 863,602	\$ 1,832,000
11	Berkeley ---	200,000	2,081,277	1,911,352	4,192,629
12	Boone -----	200,000	1,499,237	1,589,491	3,288,728
13	Braxton ---	200,000	759,307	898,483	1,857,790
14	Brooke -----	200,000	1,501,868	1,190,067	2,891,935
15	Cabell -----	200,000	4,883,584	3,144,576	8,228,160
16	Calhoun ---	200,000	422,236	527,522	1,149,758
17	Clay -----	200,000	620,555	1,010,893	1,831,448
18	Doddridge	200,000	366,496	294,387	860,883
19	Fayette ---	200,000	3,028,855	3,916,366	7,145,221
20	Gilmer ---	200,000	367,931	258,536	826,467
21	Grant -----	200,000	490,176	231,279	921,455
22	Greenbrier	200,000	1,805,687	1,878,263	3,883,950
23	Hampshire	200,000	629,646	480,793	1,310,439
24	Hancock --	200,000	2,097,066	1,246,084	3,543,150
25	Hardy -----	200,000	494,961	407,968	1,102,929
26	Harrison --	200,000	3,620,943	3,099,207	6,920,150
27	Jackson ---	200,000	1,392,302	958,346	2,550,648
28	Jefferson ---	200,000	1,237,044	1,120,397	2,557,441
29	Kanawha ---	200,000	11,874,042	7,801,321	19,875,363
30	Lewis -----	200,000	860,979	577,179	1,638,158
31	Lincoln ---	200,000	1,254,029	2,389,696	3,843,725
32	Logan -----	200,000	2,930,772	4,686,180	7,816,952

5 [Enr. Com. Sub. for H. B. No. 960

33	Marion	----	200,000	2,818,814	2,286,459	5,305,273
34	Marshall	----	200,000	1,860,948	903,926	2,964,874
35	Mason	-----	200,000	1,420,770	1,321,981	2,942,751
36	Mercer	----	200,000	3,340,808	3,806,587	7,347,395
37	Mineral	----	200,000	1,289,195	1,709,402	3,198,597
38	Mingo	-----	200,000	2,246,343	3,468,466	5,914,809
39	Monongalia		200,000	2,484,135	1,632,315	4,316,450
40	Monroe	----	200,000	554,768	676,362	1,431,130
41	Morgan	----	200,000	506,683	491,681	1,198,364
42	McDowell	--	200,000	3,155,167	4,446,839	7,802,006
43	Nicholas	--	200,000	1,424,598	2,003,458	3,628,056
44	Ohio	-----	200,000	2,257,826	1,219,055	3,676,881
45	Pendleton	---	200,000	374,869	344,061	918,930
46	Pleasants	----	200,000	410,992	315,563	926,555
47	Pocahontas		200,000	482,760	490,036	1,172,796
48	Preston	----	200,000	1,532,011	1,686,915	3,418,926
49	Putnam	-----	200,000	1,732,962	1,828,580	3,761,542
50	Raleigh	-----	200,000	4,027,151	5,297,508	9,524,659
51	Randolph		200,000	1,401,393	1,571,002	3,172,395
52	Ritchie	----	200,000	537,543	541,642	1,279,185
53	Roane	-----	200,000	747,106	656,013	1,603,119
54	Summers	----	200,000	722,944	881,788	1,804,732
55	Taylor	-----	200,000	767,202	862,534	1,829,736
56	Tucker	-----	200,000	399,988	504,273	1,104,261
57	Tyler	-----	200,000	571,992	606,272	1,378,264
58	Upshur	----	200,000	1,021,500	991,530	2,213,030
59	Wayne	-----	200,000	2,401,602	3,312,596	5,914,198
60	Webster	----	200,000	648,306	904,986	1,753,292
61	Wetzel	-----	200,000	1,182,500	1,156,294	2,538,794
62	Wirt	-----	200,000	280,613	427,868	908,481
63	Wood	-----	200,000	4,875,689	5,152,582	10,228,271
64	Wyoming	----	200,000	2,033,431	2,519,438	4,752,869
65			\$ 11,000,000	\$ 94,500,000	\$ 94,500,000	\$200,000,000

66 *Assistance Ratio = State Bond Potential Per Pupil X .897,819 High
County Bond Potential Per Pupil Mean 506
Low

67 Certified Enrollment

68 Grades 1-12, 3rd Month, 1972-73

69 Classified Assessed Valuation — 1972 Tax Year

§18-9C-6. Submission of plans; approval; incentive provisions.

1 Each county shall be entitled to receive the sum of
2 two hundred thousand dollars as hereinafter set forth. Each
3 county board shall be required to submit unto the state board a
4 comprehensive plan or plans encompassing, but not necessarily
5 limited to its proposed use of the grant funds and those remain-
6 ing funds set forth for each county in the distribution schedule
7 of section five of this article. The county board shall be required
8 to resubmit said plan or plans as, in the determination of the
9 state board, said action is necessary to meet the rules and
10 regulations authorized under this article. The state board
11 shall approve or disapprove said submitted plan or plans
12 within ninety days of the date of submission of said plans.
13 Once said plan or plans are approved and, in the determina-
14 tion of the state board, the project or projects are ready to
15 be undertaken, the state board shall distribute the amount
16 to the respective counties equal to that amount due under the
17 distribution schedule contained in section five of this article.

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

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

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

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

§18-9C-8. Severability.

1 If any part of this article is declared unconstitutional by a
2 court of competent jurisdiction, such decision shall not affect
3 the validity of the remaining provisions of this article, or the
4 article in its entirety.

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

N. Daniel Darty
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1973.

Harward W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brotherton Jr.
President of the Senate

Lewis R. Thomas
Speaker House of Delegates

The within disapproved this the 27th
day of April, 1973.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/27/73

Time 2:05 p.m.