

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 214

(By Mr. Seibert)



PASSED June 8, 1973

In Effect July 1, 1973 ~~Passage~~



C 641

FILED IN THE OFFICE  
EDGAR F. WOODALL, III  
SECRETARY OF STATE

THIS DATE 6-19-73

214

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House Bill No. 214

(By MR. SEIBERT)

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

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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education; providing incentive provisions; specifying that powers are supplemental; providing that conflicting laws are superseded; and providing a severability clause.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 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 "Assistance ratio" means the state bond potential per  
3 pupil divided by the county bond potential per pupil and the  
4 result multiplied by .8971819.  
5 "County board" means a county board of education.  
6 "Existing bonded indebtedness" means outstanding obliga-  
7 tions of principal and interest payments that a county board of  
8 education owes as of the first day of July, one thousand nine  
9 hundred seventy-two.  
10 "Net enrollment" means the number of children enrolled  
11 in grades one to twelve, inclusive, and in special education  
12 programs of the public schools of the state as of the end of the  
13 third school month of the school year one thousand nine  
14 hundred seventy-two—seventy-three.  
15 "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 is hereby authorized and empowered to  
2 accept, administer, manage and expend for the purposes  
3 designated all funds derived from the sale of bonds under  
4 authority of the "better school buildings amendment," pursuant  
5 to the allocation formula set forth in this article. The state  
6 board shall require comprehensive school facilities plans from  
7 each county board and shall release funds only for projects  
8 which are an approved part of such comprehensive plans. The  
9 state board shall make an annual report of their expenditures  
10 to the governor and the Legislature at the end of each fiscal  
11 year.

12 The state board is authorized and empowered, from time  
13 to time, to promulgate such rules and regulations as it may  
14 deem necessary and convenient to insure the full implementa-  
15 tion of its powers and duties authorized under this 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 pro-  
8 ceeds of the fund shall be used by the county boards  
9 of education solely for the construction, renovation or  
10 remodeling of elementary or secondary public school build-  
11 ings or facilities, the equipping of the same in con-  
12 nection with any such construction, renovation or re-  
13 modeling and the acquisition and preparation of sites  
14 for elementary or secondary public school buildings or  
15 facilities.

16 Except for such sums necessary for current operating bal-  
17 ances, the proceeds of the funds shall be invested and rein-  
18 vested in short-term obligations of the United States treasury.

19 However, no such investment or reinvestment shall adversely  
 20 affect the current operating balances of such fund. Any sums  
 21 accruing as a result of such investment shall be allocated to  
 22 the counties on a per pupil basis without regard to any in-  
 23 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 EN-
- 8 ROLLED PUPIL

9	\$200,000. Flat Grant		\$239.2722 Per Pupil In Net Enrollment		\$239.2722 $\times$ Net Enrollment $\times$ Assistance Ratio*		Total (1) + (2) + (3)
	(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
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

**§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. Once

13 said plan or plans are approved and, in the determination of  
14 the state board, the project or projects are ready to be under-  
15 taken, the state board shall distribute the amount to the respec-  
16 tive counties equal to that amount due under the distribution  
17 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 has  
21 sufficient resources, through grants, gifts, excess levies, county  
22 bond funds, or any other money available to county boards,  
23 with which to defray the cost of its plan or plans where said  
24 plan or plans call for total expenditures in excess of the  
25 amounts designated for that county under the distribution  
26 schedule in section five of this article: *Provided*, That this  
27 requirement shall, in no way, deter the distribution to a  
28 county, with an approved plan or plans, which county has  
29 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 super-  
seded.**

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 or in-  
2 valid by a court of competent jurisdiction, such decision shall  
3 not affect the validity of the remaining provisions of this article,  
4 or the article in its entirety.

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

N. Daniel Darby  
Chairman Senate Committee

Clarence C. Christia, Jr.  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1973.

Howard W. Carson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

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

Lewis N. M. Manna  
Speaker House of Delegates

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

Arch A. Shaver, Jr.  
Governor





PRESENTED TO THE  
GOVERNOR

Date 6/13/73

Time 2:15 p.m.