

H. B. 2725

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(By Delegates Miller, Sobonya, Border, Rowan, Rohrbach,
Folk, Eldridge, Ferro and Hornbuckle)

[Introduced February 13, 2015; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-9D-2 of the Code of West Virginia, 1931, as amended, relating
to permitting playground facilities to be part of a school construction project.

Be it enacted by the Legislature of West Virginia:

That §18-9D-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted
to read as follows:

ARTICLE 9D. SCHOOL BUILDING AUTHORITY.

§18-9D-2. Definitions.

For the purposes of this article, unless a different meaning clearly appears from the context:

- (1) "Authority" means the School Building Authority of West Virginia;
- (2) "Bonds" means bonds issued by the authority pursuant to this article;
- (3) "Construction project" means a project in the furtherance of a facilities plan with a cost greater than \$1 million for the new construction, expansion or major renovation of facilities, buildings and structures for school purposes, including:
 - (A) The acquisition of land for current or future use in connection with the construction

1 project;

2 (B) New or substantial upgrading of existing equipment, machinery and furnishings;

3 (C) Installation of utilities and other similar items related to making the construction project
4 operational.

5 (D) Construction project does not include such items as books, computers or equipment used
6 for instructional purposes; fuel; supplies; routine utility services fees; routine maintenance costs;
7 ordinary course of business improvements; other items which are customarily considered to result
8 in a current or ordinary course of business operating charge or a major improvement project;

9 (4) "Cost of project" means the cost of construction, expansion, renovation, repair and safety
10 upgrading of facilities, buildings and structures for school purposes; the cost of land, equipment,
11 machinery, furnishings, installation of utilities and other similar items related to making the project
12 operational; and the cost of financing, interest during construction, professional service fees and all
13 other charges or expenses necessary, appurtenant or incidental to the foregoing, including the cost
14 of administration of this article;

15 (5) "Facilities plan" means the ten-year countywide comprehensive educational facilities plan
16 established by a county board in accordance with guidelines adopted by the authority to meet the
17 goals and objectives of this article that:

18 (A) Addresses the existing school facilities and facility needs of the county to provide a
19 thorough and efficient education in accordance with the provisions of this code and policies of the
20 state board;

21 (B) Best serves the needs of individual students, the general school population and the
22 communities served by the facilities, including, but not limited to, providing for a facility

1 infrastructure that avoids excessive school bus transportation times for students consistent with
2 sound educational policy and within the budgetary constraints for staffing and operating the schools
3 of the county;

4 (C) Includes the school major improvement plan;

5 (D) Includes the county board's school access safety plan required by section three, article
6 nine-f of this chapter;

7 (E) Is updated annually to reflect projects completed, current enrollment projections and new
8 or continuing needs; and

9 (F) Is approved by the state board and the authority prior to the distribution of state funds
10 pursuant to this article to any county board or other entity applying for funds;

11 (6) "Project" means a construction project or a major improvement project, that includes, but
12 not limited to, the construction, renovation and equipping of playgrounds and play areas, if
13 playgrounds and play areas do not already exist at a school facility;

14 (7) "Region" means the area encompassed within and serviced by a regional educational
15 service agency established pursuant to section twenty-six, article two of this chapter;

16 (8) "Revenue" or "revenues" means moneys:

17 (A) Deposited in the School Building Capital Improvements Fund pursuant to section ten,
18 article nine-a of this chapter;

19 (B) Deposited in the School Construction Fund pursuant to section thirty, article fifteen,
20 chapter eleven of this code and section eighteen, article twenty-two, chapter twenty-nine of this code;

21 (C) Deposited in the School Building Debt Service Fund pursuant to section eighteen, article
22 twenty-two, chapter twenty-nine of this code;

1 (D) Deposited in the School Major Improvement Fund pursuant to section thirty, article
2 fifteen, chapter eleven of this code;

3 (E) Received, directly or indirectly, from any source for use in any project completed
4 pursuant to this article;

5 (F) Received by the authority for the purposes of this article; and

6 (G) Deposited in the Excess Lottery School Building Debt Services Fund pursuant to section
7 eighteen-a, article twenty-two, chapter twenty-nine of this code.

8 (9) "School major improvement plan" means a ten-year school maintenance plan that:

9 (A) Is prepared by a county board in accordance with the guidelines established by the
10 authority and incorporated in its Countywide Comprehensive Educational Facilities Plan, or is
11 prepared by the state board or the administrative council of an area vocational educational center in
12 accordance with the guidelines if the entities seek funding from the authority for a major
13 improvement project;

14 (B) Addresses the regularly scheduled maintenance for all school facilities of the county or
15 under the jurisdiction of the entity seeking funding;

16 (C) Includes a projected repair and replacement schedule for all school facilities of the county
17 or of entity seeking funding;

18 (D) Addresses the major improvement needs of each school within the county or under the
19 jurisdiction of the entity seeking funding; and

20 (E) Is required prior to the distribution of state funds for a major improvement project
21 pursuant to this article to the county board, state board or administrative council; and

22 (10) "School major improvement project" means a project with a cost greater than \$50,000

1 and less than \$1 million for the renovation, expansion, repair and safety upgrading of existing school
2 facilities, buildings and structures, including the substantial repair or upgrading of equipment,
3 machinery, building systems, utilities and other similar items related to the renovation, repair or
4 upgrading in the furtherance of a school major improvement plan. A major improvement project
5 does not include such items as books, computers or equipment used for instructional purposes; fuel;
6 supplies; routine utility services fees; routine maintenance costs; ordinary course of business
7 improvements; or other items which are customarily considered to result in a current or ordinary
8 course of business operating charge.

NOTE: The purpose of this bill is to add language to allow playgrounds to be funded as part of projects considered by the School Building Authority.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.