

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2725

FISCAL
NOTE

2015 Carryover

(BY DELEGATES MILLER, SOBONYA, BORDER, ROWAN,
ROHRBACH, FOLK, ELDRIDGE, FERRO AND HORNBUCKLE)

[Introduced January 13, 2016; referred to the
Committee on Education then Finance.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 9D. SCHOOL BUILDING AUTHORITY.

§18-9D-2. Definitions.

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

3 (1) "Authority" means the School Building Authority of West Virginia;

4 (2) "Bonds" means bonds issued by the authority pursuant to this article;

5 (3) "Construction project" means a project in the furtherance of a facilities plan with a cost
6 greater than \$1 million for the new construction, expansion or major renovation of facilities,
7 buildings and structures for school purposes, including:

8 (A) The acquisition of land for current or future use in connection with the construction
9 project;

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

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

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

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

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

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

30 (B) Best serves the needs of individual students, the general school population and the
31 communities served by the facilities, including, but not limited to, providing for a facility
32 infrastructure that avoids excessive school bus transportation times for students consistent with
33 sound educational policy and within the budgetary constraints for staffing and operating the
34 schools of the county;

35 (C) Includes the school major improvement plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63 (A) Is prepared by a county board in accordance with the guidelines established by the
64 authority and incorporated in its Countywide Comprehensive Educational Facilities Plan, or is
65 prepared by the state board or the administrative council of an area vocational educational center

66 in accordance with the guidelines if the entities seek funding from the authority for a major
67 improvement project;

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

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

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

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

76 (10) "School major improvement project" means a project with a cost greater than \$50,000
77 and less than \$1 million for the renovation, expansion, repair and safety upgrading of existing
78 school facilities, buildings and structures, including the substantial repair or upgrading of
79 equipment, machinery, building systems, utilities and other similar items related to the renovation,
80 repair or upgrading in the furtherance of a school major improvement plan. A major improvement
81 project does not include such items as books, computers or equipment used for instructional
82 purposes; fuel; supplies; routine utility services fees; routine maintenance costs; ordinary course
83 of business improvements; or other items which are customarily considered to result in a current
84 or ordinary 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.