

1 **H. B. 2435**

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3 (By Delegates C. Miller, Sobonya, Sumner,
4 Rowan, Duke, Crosier, Shaver and Stowers)

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6 [Introduced January 12, 2011; referred to the
7 Committee on Education then Finance.]

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10 A BILL to amend and reenact §18-9D-2 of the Code of West Virginia,
11 1931, as amended, relating to allowing the School Building
12 Authority to designate money for the building of playgrounds.

13 *Be it enacted by the Legislature of West Virginia:*

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

16 **ARTICLE 9D. SCHOOL BUILDING AUTHORITY.**

17 **§18-9D-2. Definitions.**

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

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

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

24 (3) "Construction project" means a project in the furtherance
25 of a facilities plan with a cost greater than \$1 million for the

1 new construction, expansion or major renovation of facilities,
2 buildings and structures for school purposes, including:

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

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

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

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

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

24 (5) "Facilities plan" means the ten-year countywide

1 comprehensive educational facilities plan established by a county
2 board in accordance with guidelines adopted by the authority to
3 meet the goals and objectives of this article that:

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

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

15 (C) Includes the school major improvement plan;

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

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

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

23 (6) "Project" means a construction project or a major
24 improvement project, which shall include, but not be limited to,

1 the construction, renovation and equipping of playgrounds and play
2 areas, if such playgrounds and play areas do not already exist;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (10) "School major improvement project" means a project with
22 a cost greater than \$50,000 and less than \$1 million for the
23 renovation, expansion, repair and safety upgrading of existing
24 school facilities, buildings and structures, including the

1 substantial repair or upgrading of equipment, machinery, building
2 systems, utilities and other similar items related to the
3 renovation, repair or upgrading in the furtherance of a school
4 major improvement plan. A major improvement project does not
5 include such items as books, computers or equipment used for
6 instructional purposes; fuel; supplies; routine utility services
7 fees; routine maintenance costs; ordinary course of business
8 improvements; or other items which are customarily considered to
9 result in a current or ordinary course of business operating
10 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.