

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4352

FISCAL
NOTE

BY DELEGATES STATLER, HAMBRICK, ESPINOSA,
HOWELL, FRICH, PETHTEL, FLEISCHAUER, HORNBUCKLE
AND ATKINSON

[Introduced January 30, 2018; Referred
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, relating to authorizing
2 the State Board of Education to provide up to \$225,000 per year, out of existing funds, for
3 five years, to assist county boards of education in converting their maintenance vehicles
4 to compressed natural gas or propane; and providing that a county board is responsible
5 for 30 percent of the cost, the state board 70 percent.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-7. Foundation allowance for transportation cost.

1 (a) The allowance in the foundation school program for each county for transportation is
2 the sum of the following computations:

3 (1) A percentage of the transportation costs incurred by the county for maintenance,
4 operation and related costs exclusive of all salaries, including the costs incurred for contracted
5 transportation services and public utility transportation, as follows:

6 (A) For each high-density county, 87.5 percent;

7 (B) For each medium-density county, 90 percent;

8 (C) For each low-density county, 92.5 percent;

9 (D) For each sparse-density county, 95 percent;

10 (E) For any county for the transportation cost for maintenance, operation and related
11 costs, exclusive of all salaries, for transporting students to and from classes at a multicounty
12 vocational center, the percentage provided in paragraphs (A) through (D) of this subdivision as
13 applicable for the county plus an additional 10 percent; and

14 (F) For any county for that portion of its school bus system that uses as an alternative fuel
15 compressed natural gas or propane, the percentage provided in paragraphs (A) through (D) of
16 this subdivision as applicable for the county plus an additional ten percent: *Provided*, That for any
17 county receiving an additional ten percent for that portion of their bus system using bio-diesel as
18 an alternative fuel during the school year 2012-2013, bio-diesel shall continue to qualify as an

19 alternative fuel under this paragraph to the extent that the additional percentage applicable to that
20 portion of the bus system using bio-diesel shall be decreased by two and one-half percent per
21 year for four consecutive school years beginning in school year 2014-2015: *Provided, however,*
22 That any county using an alternative fuel and qualifying for the additional allowance under this
23 subdivision shall submit a plan regarding the intended future use of alternatively fueled school
24 buses;

25 (2) The total cost, within each county, of insurance premiums on buses, buildings and
26 equipment used in transportation;

27 (3) An amount equal to eight and one-third percent of the current replacement value of the
28 bus fleet within each county as determined by the state board. The amount shall only be used for
29 the replacement of buses except as provided in subdivision (4) of this subsection. Buses
30 purchased after July 1, 1999 that are driven 180,000 miles, regardless of year model, are subject
31 to the replacement value of eight and one-third percent as determined by the state board. In
32 addition, in any school year in which its net enrollment increases when compared to the net
33 enrollment the year immediately preceding, a school district may apply to the state superintendent
34 for funding for an additional bus or buses. The state superintendent shall make a decision
35 regarding each application based upon an analysis of the individual school district's net enrollment
36 history and transportation needs: *Provided,* That the superintendent may not consider any
37 application which fails to document that the county has applied for federal funding for additional
38 buses. If the state superintendent finds that a need exists, a request for funding shall be included
39 in the budget request submitted by the state board for the upcoming fiscal year;

40 (4) Notwithstanding the restriction on the use of funds for the replacement of buses
41 pursuant to subdivision (3) of this subsection, up to \$200,000 of these funds in any school year
42 may be used by a county for school facility and equipment repair, maintenance and improvement
43 or replacement or other current expense priorities if a request by the county superintendent listing
44 the amount, the intended use of the funds and the serviceability of the bus fleet is approved by

45 the state superintendent. Before approving the request, the state superintendent shall verify the
46 serviceability of the county's bus fleet based upon the state school bus inspection defect rate of
47 the county over the two prior years; and

48 (5) Aid in lieu of transportation equal to the state average amount per pupil for each pupil
49 receiving the aid within each county.

50 (b) The total state share for this purpose is the sum of the county shares: *Provided*, That
51 a county may not receive an allowance which is greater than one-third above the computed state
52 average allowance per transportation mile multiplied by the total transportation mileage in the
53 county exclusive of the allowance for the purchase of additional buses.

54 (c) One half of one percent of the transportation allowance distributed to each county is
55 for the purpose of trips related to academic classroom curriculum and not related to any
56 extracurricular activity. Any remaining funds credited to a county for the purpose of trips related
57 to academic classroom curriculum during the fiscal year shall be carried over for use in the same
58 manner the next fiscal year and shall be separate and apart from, and in addition to, the
59 appropriation for the next fiscal year. The state board may request a county to document the use
60 of funds for trips related to academic classroom curriculum if the board determines that it is
61 necessary.

62 (d) Notwithstanding any provision in this code to the contrary, and in addition to the
63 provisions of this section, the State Board of Education shall provide up to \$225,000 per year, out
64 of existing funds, for five years beginning January 1, 2019, to assist county boards of education
65 in converting their maintenance vehicles to compressed natural gas or propane. The county board
66 is responsible for 30 percent of the cost, the state board 70 percent.

NOTE: The purpose of this bill is to authorize the State Board of Education to provide up to \$225,000 per year, out of existing funds, for five years, to assist county boards of education in converting their maintenance vehicles to compressed natural gas or propane. The bill provides that a county board is responsible for 30 percent of the cost, the state board 70 percent.

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