

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time \_\_\_\_\_

No: 606

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

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## ENROLLED

*Committee Substitute for*

SENATE BILL NO. 606

(By Mr. Samplin)

—•—

PASSED April 16 1981

In Effect from Passage



# ENROLLED

## COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 606

(MR. TOMBLIN, *original sponsor*)

[Passed April 11, 1981; in effect from passage.]

AN ACT to amend article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight; to amend article seven, chapter seven of said code by adding thereto a new section, designated section sixteen-a; to amend article five, chapter eight of said code by adding thereto a new section, designated section twelve-a; to amend article two-a, chapter seventeen of said code by adding thereto a new section, designated section eight-c; and to amend and reenact section thirteen, article five, chapter eighteen of said code, all relating to providing that state officials and employees may be granted the use of publicly provided carriage for going from their residences to their workplaces and return; state officials, including but not limited to, the departments of public safety, natural resources, state fire marshal, judicial department, board of regents, corrections, county sheriffs, deputies, county officials and employees may be granted the use of publicly provided carriage for going to and from their place of residence to their workplaces and return; municipal officials and employees may be granted the use of publicly provided carriage for going from their residences to the workplaces and return, providing for payment of travel expenses incurred by interviewees for employment by county boards of education;

officials and employees of county boards of education may be granted the use of publicly provided carriage for going from their residences, to their workplaces and return; employees of the department of highways may be granted the use of publicly provided carriage for going from their residences to their workplaces and return.

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

That article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight; that article seven, chapter seven of said code be amended by adding thereto a new section, designated section sixteen-a; that article five, chapter eight of said code be amended by adding thereto a new section, designated section twelve-a; that article two-a, chapter seventeen of said code be amended by adding thereto a new section, designated section eight-c; and that section thirteen, article five, chapter eighteen of said code, be amended and reenacted, all to read as follows:

## **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

### **ARTICLE 7. COMPENSATION AND ALLOWANCES.**

#### **§6-7-8. Public carriage for state officials and employees and the state board of regents.**

1 State law-enforcement officials, including, but not limit-  
 2 ed to, the director of the department of public safety, the  
 3 adjutant general of the West Virginia national guard, the  
 4 director of the office of emergency services, the director  
 5 of the department of natural resources, the commissioner  
 6 of the department of corrections, the state fire marshal,  
 7 state fire administrator and officials of the state board of  
 8 regents, at the discretion of the chancellor thereof, shall  
 9 have the authority to use, and permit and allow or dis-  
 10 allow their designated employees to use, publicly pro-  
 11 vided carriage to travel from their residences to their  
 12 workplace and return: *Provided*, That such usage is  
 13 subject to the supervision of such official and is directly  
 14 connected with and required by the nature and in the  
 15 performance of such official's or designated employee's  
 16 duties and responsibilities.

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC., COMPENSATION OF ELECTED COUNTY OFFICIALS; COUNTY ASSISTANTS DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.**

#### **§7-7-16a. Public carriage.**

1 The sheriff of each county and his deputies who are  
2 engaged in law-enforcement activities may, in the dis-  
3 cretion of the sheriff, use publicly provided carriage to  
4 travel from his residence to his workplace and return.  
5 Any other county official or employee may, or may not, in  
6 the discretion of the county commission, be furnished  
7 with the use of publicly provided carriage to travel from  
8 his residence to his workplace and return: *Provided*, That  
9 such usage is subject to the supervision of said sheriff or  
10 commission and is directly connected with and required  
11 by the nature and in the performance of such sheriff's,  
12 deputy's, county official or employee's duties and respon-  
13 sibilities.

## **CHAPTER 8. MUNICIPAL LAW, MUNICIPALITIES AND COUNTIES; INTERGOVERNMENTAL RELATIONS.**

### **ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.**

#### **§8-5-12a. Public carriage for officers and employees.**

1 Any municipal officer or employee may, or may not, in  
2 the discretion of the city manager, mayor or the govern-  
3 ing body, be furnished with the use of publicly provided  
4 carriage to travel from his residence to his workplace and  
5 return: *Provided*, That such usage is subject to the super-  
6 vision of such city manager, mayor or governing body  
7 and is directly connected with and required by the nature  
8 and in the performance of such officer's or employee's  
9 duties and responsibilities.

## **CHAPTER 17. ROADS AND HIGHWAYS.**

### **ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

#### **§17-2A-8c. Use of public carriage for designated employees.**

1 In addition to the other powers given and assigned to

2 him in this chapter, the commissioner of highways shall  
3 have authority to use, and permit and allow or disallow  
4 his designated employees to use, publicly provided car-  
5 riage to travel from their residences to their workplace  
6 and return: *Provided*, That such usage is subject to the  
7 supervision of such official and is directly connected with  
8 and required by the nature and in the performance of  
9 such official's or designated employee's duties and respon-  
10 sibilities.

## CHAPTER 18. EDUCATION.

### ARTICLE 5. COUNTY BOARD OF EDUCATION.

#### §18-5-13. Authority of boards generally.

1 The boards, subject to the provisions of this chapter  
2 and the rules and regulations of the state board, shall  
3 have authority:

4 (1) To control and manage all of the schools and school  
5 interests for all school activities and upon all school prop-  
6 erty, whether owned or leased by the county, including  
7 the authority to require that records be kept of all re-  
8 cepts and disbursements of all funds collected or received  
9 by any principal, teacher, student or other person in con-  
10 nection therewith, any programs, activities or other en-  
11 deavors of any nature operated or carried on by or in the  
12 name of the school, or any organization or body directly  
13 connected with the school, to audit such records and to  
14 conserve such funds, which shall be deemed quasi-public  
15 moneys, including securing surety bonds by expenditure  
16 of board moneys;

17 (2) To establish schools, from preschool through high  
18 school, inclusive of vocational schools; and to establish  
19 schools and programs, or both, for post high school in-  
20 struction, subject to approval of the state board of edu-  
21 cation;

22 (3) To close any school which is unnecessary and to  
23 assign the pupils thereof to other schools: *Provided*, That  
24 such closing shall be officially acted upon and teachers  
25 and service personnel involved notified on or before the  
26 first Monday in May, in the same manner as provided in  
27 section four of this article, except in an emergency, sub-

28 ject to the approval of the state superintendent, or under  
29 subdivision (5) of this section;

30 (4) To consolidate schools;

31 (5) To close any elementary school whose average  
32 daily attendance falls below twenty pupils for two months  
33 in succession and send the pupils to other schools in the  
34 district or to schools in adjoining districts. If the teachers  
35 in the school so closed are not transferred or reassigned  
36 to other schools, they shall receive one month's salary;

37 (6) (a) To provide at public expense adequate means of  
38 transportation, including transportation across county  
39 lines, for all children of school age who live more than  
40 two miles distance from school by the nearest available  
41 road; to provide at public expense and according to such  
42 regulations as the board may establish, adequate means  
43 of transportation for school children participating in  
44 board-approved curricular and extracurricular activities;  
45 and to provide in addition thereto, at public expense, by  
46 rules and regulations and within the available revenues,  
47 transportation for those within two miles distance; to  
48 provide in addition thereto, at no cost to the board and  
49 according to rules and regulations established by the  
50 board, transportation for participants in projects oper-  
51 ated, financed, sponsored or approved by the commission  
52 on aging: *Provided*, That all costs and expenses incident  
53 in any way to transportation for projects connected with  
54 the commission on aging shall be borne by such commis-  
55 sion, or the local or county chapter thereof: *Provided*  
56 *further*, That in all cases the buses or other transportation  
57 facilities owned by the board of education shall be driven  
58 or operated only by drivers regularly employed by the  
59 board of education: *Provided, however*, That buses shall  
60 be used for extracurricular activities as herein provided  
61 only when the insurance provided for by this section  
62 shall have been effected;

63 (b) To enter into agreements with one another to pro-  
64 vide, on a cooperative basis, adequate means of transpor-  
65 tation across county lines for children of school age sub-  
66 ject to the conditions and restrictions of subdivision (6)  
67 and (7) of this section;

68 (7) To provide at public expense for insurance against  
69 the negligence of the drivers of school buses, trucks or  
70 other vehicles operated by the board; and if the trans-  
71 portation of pupils be contracted, then the contract there-  
72 for shall provide that the contractor shall carry insurance  
73 against negligence in such an amount as the board shall  
74 specify;

75 (8) To provide solely from county funds for all regular  
76 full-time employees of the board all or any part of the  
77 cost of a group plan or plans of insurance coverage not  
78 provided or available under the West Virginia Public  
79 Employees Insurance Act;

80 (9) To employ and to provide in-service training for  
81 teacher aides, the training to be in accordance with rules  
82 and regulations of the state board;

83 (10) To establish and conduct a self-supporting dormi-  
84 tory for the accommodation of the pupils attending a high  
85 school or participating in a post high school program and  
86 of persons employed to teach therein;

87 (11) To employ legal counsel;

88 (12) To provide appropriate uniforms for school service  
89 personnel;

90 (13) To provide at public expense and under regula-  
91 tions as established by any county board of education for  
92 the payment of traveling expenses incurred by any per-  
93 son invited to appear to be interviewed concerning pos-  
94 sible employment by such county board of education;

95 (14) To allow or disallow their designated employees  
96 to use publicly provided carriage to travel from their  
97 residences to their workplace and return: *Provided*, That  
98 such usage is subject to the supervision of such board and  
99 is directly connected with and required by the nature and  
100 in the performance of such employee's duties and respon-  
101 sibilities; and

102 (15) To provide, at public expense, adequate public  
103 liability insurance, including professional liability insur-  
104 ance for board employees.

105 No policy or contract of public liability insurance pro-  
106 viding coverage for public liability shall be purchased as

107 provided herein, unless it shall contain a provision or  
108 endorsement whereby the company issuing such policy  
109 waives, or agrees not to assert as a defense to any claim  
110 covered by the terms of such policy, the defense of gov-  
111 ernmental immunity. In any action against the board,  
112 its officers, agents or employees, in which there is in effect  
113 liability insurance coverage in an amount equal to or  
114 greater than the amount sued for, the attorney for such  
115 board, the attorney for such insurance carrier, or any  
116 other attorney who may appear on behalf of the board,  
117 its agents, officers or employees shall not set up the de-  
118 fense of governmental immunity in any such action.

119 "Quasi-public funds" as used herein means any money  
120 received by any principal, teacher, student or other person  
121 for the benefit of the school system as a result of curric-  
122 ular or noncurricular activities.

123 The board of each county shall expend under such regu-  
124 lations as it establishes for each child an amount not to  
125 exceed the proportion of all school funds of the district  
126 that each child would be entitled to receive if all the  
127 funds were distributed equally among all the children of  
128 school age in the district upon a per capita basis.



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

*R. P. Baylor*  
Chairman Senate Committee

*Tony E. Whitlow*  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

*Todd C. Mills*  
Clerk of the Senate

*VA Blankenship*  
Clerk of the House of Delegates

*Wm. H. Roan*  
President of the Senate

*Hugh H. Seay, Jr.*  
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

*John R. Rye*  
Governor

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SECY. OF STATE