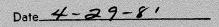
APPROVED AND SIGNED BY THE GOVERNOR



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# WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1981

ENROLLED Committee Substitute for SENATE BILL NO. 606

(By Mr. Samblin )

PASSED <u>April 11</u> In Effect Passage

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#### 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;

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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, 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.

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#### 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 COM-PENSATION.

#### §7-7-16a. Public carriage.

The sheriff of each county and his deputies who are 1. engaged in law-enforcement activities may, in the discretion of the sheriff, use publicly provided carriage to 3 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 commission and is directly connected with and required 10 by the nature and in the performance of such sheriff's, 11 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 PRO-VISIONS RELATING TO OFFICERS AND EM-PLOYEES; ELECTIONS AND PETITIONS GENER-ALLY; 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 governing body, be furnished with the use of publicly provided 3 4 carriage to travel from his residence to his workplace and return: Provided, That such usage is subject to the super-5 vision of such city manager, mayor or governing body 6 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 car5 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 respon10 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 prop6 erty, whether owned or leased by the county, including
7 the authority to require that records be kept of all re8 ceipts and disbursements of all funds collected or received
9 by any principal, teacher, student or other person in con10 nection therewith, any programs, activities or other en11 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 in20 struction, subject to approval of the state board of edu21 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-

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28 ject to the approval of the state superintendent, or under29 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 lines, for all children of school age who live more than 39 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 board, transportation for participants in projects oper-50 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 commission, or the local or county chapter thereof: Provided 55 56 further, That in all cases the buses or other transportation facilities owned by the board of education shall be driven 57 or operated only by drivers regularly employed by the 58 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: 法公理

(b) To enter into agreements with one another to provide, on a cooperative basis, adequate means of transportation across county lines for children of school age subject to the conditions and restrictions of subdivision (6)
and (7) of this section;

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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 dormi84 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 service89 personnel;

90 (13) To provide at public expense and under regula91 tions as established by any county board of education for
92 the payment of traveling expenses incurred by any per93 son invited to appear to be interviewed concerning pos94 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) 'I'o provide, at public expense, adequate public
103 liability insurance, including professional liability insur104 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 endorsement whereby the company issuing such policy 108 waives, or agrees not to assert as a defense to any claim 109 110 covered by the terms of such policy, the defense of governmental immunity. In any action against the board. 111 112 its officers, agents or employees, in which there is in effect liability insurance coverage in an amount equal to or 113 114 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, its agents, officers or employees shall not set up the de-117 118 fense of governmental immunity in any such action.

"Quasi-public funds" as used herein means any money
received by any principal, teacher, student or other person
for the benefit of the school system as a result of curricular 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.

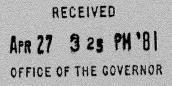
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Sengte Committee Chairman House Committee Originated in the Senate. 7.806° . To take effect from passage. Clerk of the Senate 8 <u>\$</u>, Clerk of the of Delea 1. 25 2. President of the Senate Speaker House of Delegates 29 this the The within .... 1981. day of..... .....**,** Governor

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