WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
Committee Substitute for
SENATE BILL NO. 606

(By Mr. Samblin)

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 limited to, the director of the department of public safety, the adjutant general of the West Virginia national guard, the director of the office of emergency services, the director of the department of natural resources, the commissioner of the department of corrections, the state fire marshal, state fire administrator and officials of the state board of regents, at the discretion of the chancellor thereof, shall have the authority to use, and permit and allow or disallow their designated employees to use, publicly provided carriage to travel from their residences to their workplace and return: Provided, That such usage is subject to the supervision of such official and is directly connected with and required by the nature and in the performance of such official's or designated employee's 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 engaged in law-enforcement activities may, in the discretion of the sheriff, use publicly provided carriage to travel from his residence to his workplace and return.
2. Any other county official or employee may, or may not, in the discretion of the county commission, be furnished with the use of publicly provided carriage to travel from his residence to his workplace and return: Provided, That such usage is subject to the supervision of said sheriff or commission and is directly connected with and required by the nature and in the performance of such sheriff's, deputy's, county official or employee's duties and responsibilities.

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 the discretion of the city manager, mayor or the governing body, be furnished with the use of publicly provided carriage to travel from his residence to his workplace and return: Provided, That such usage is subject to the supervision of such city manager, mayor or governing body and is directly connected with and required by the nature and in the performance of such officer's or employee's 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
him in this chapter, the commissioner of highways shall
have authority to use, and permit and allow or disallow
his designated employees to use, publicly provided car-
riage to travel from their residences to their workplace
and return. *Provided,* That such usage is subject to the
supervision of such official and is directly connected with
and required by the nature and in the performance of
such official's or designated employee's duties and respon-
sibilities.

**CHAPTER 18. EDUCATION.**

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**


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

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

2. To establish schools, from preschool through high
school, inclusive of vocational schools; and to establish
schools and programs, or both, for post high school in-
struction, subject to approval of the state board of edu-
cation;

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

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

(6) (a) To provide at public expense adequate means of transportation, including transportation across county lines, for all children of school age who live more than two miles distance from school by the nearest available road; to provide at public expense and according to such regulations as the board may establish, adequate means of transportation for school children participating in board-approved curricular and extracurricular activities; and to provide in addition thereto, at public expense, by rules and regulations and within the available revenues, transportation for those within two miles distance; to provide in addition thereto, at no cost to the board and according to rules and regulations established by the board, transportation for participants in projects operated, financed, sponsored or approved by the commission on aging: Provided, That all costs and expenses incident in any way to transportation for projects connected with the commission on aging shall be borne by such commission, or the local or county chapter thereof: Provided further, That in all cases the buses or other transportation facilities owned by the board of education shall be driven or operated only by drivers regularly employed by the board of education: Provided, however, That buses shall be used for extracurricular activities as herein provided only when the insurance provided for by this section shall have been effected;

(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;
(7) To provide at public expense for insurance against the negligence of the drivers of school buses, trucks or other vehicles operated by the board; and if the transportation of pupils be contracted, then the contract therefor shall provide that the contractor shall carry insurance against negligence in such an amount as the board shall specify;

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

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

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

(11) To employ legal counsel;

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

(13) To provide at public expense and under regulations as established by any county board of education for the payment of traveling expenses incurred by any person invited to appear to be interviewed concerning possible employment by such county board of education;

(14) To allow or disallow their designated employees to use publicly provided carriage to travel from their residences to their workplace and return: Provided, That such usage is subject to the supervision of such board and is directly connected with and required by the nature and in the performance of such employee's duties and responsibilities; and

(15) To provide, at public expense, adequate public liability insurance, including professional liability insurance for board employees.

No policy or contract of public liability insurance providing coverage for public liability shall be purchased as
provided herein, unless it shall contain a provision or endorsement whereby the company issuing such policy waives, or agrees not to assert as a defense to any claim covered by the terms of such policy, the defense of governmental immunity. In any action against the board, its officers, agents or employees, in which there is in effect liability insurance coverage in an amount equal to or greater than the amount sued for, the attorney for such board, the attorney for such insurance carrier, or any other attorney who may appear on behalf of the board, its agents, officers or employees shall not set up the defense 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.

The board of each county shall expend under such regulations as it establishes for each child an amount not to exceed the proportion of all school funds of the district that each child would be entitled to receive if all the funds were distributed equally among all the children of 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. Bayh
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Todd A. Wills
Clerk of the Senate

VA Blankenship
Clerk of the House of Delegates

Robert P. Byrd
President of the Senate

J. P.alleries
Speaker House of Delegates

The within ___________ is approved this the 29

day of ___________, 1981.

John R. Byrd
Governor