WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

SENATE BILL NO. 589

(Originating in the Committee on Education)

PASSED March 21, 1999
In Effect July 4, 1999
ENROLLED

Senate Bill No. 589

(Originating in the Committee on Education)

[Passed March 21, 1999; to take effect July 1, 1999.]

AN ACT to amend and reenact section twenty-one, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section twenty-six; and to amend and reenact section one-a, article two, chapter twenty-three of said code, all relating to requiring that all moneys appropriated for alternative education programs be distributed in accordance with net enrollment; and providing workers' compensation coverage for work-based learning.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section twenty-six; and that section one-a, article two, chapter twenty-three of said code be amended and reenacted, all to read as follows:
CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.


(a) An appropriation may be made to the state department to be distributed to county boards for the operation of alternative education programs established in accordance with policies and procedures adopted by the state board under section six, article two of this chapter: *Provided*, That nothing in this section shall be construed to require any specific level of funding by the Legislature: *Provided, however*, That ninety percent of any appropriation which may be made for the purposes set forth in this section shall be distributed to county boards on the basis of net enrollment and ten percent of this appropriation shall be distributed on a competitive basis to county boards for the operation of pilot or innovative alternative education programs: *Provided further*, That for the fiscal year beginning the first day of July, two thousand, the total appropriation which may be made for the purposes set forth in this section shall be distributed to the county boards on the basis of net enrollment.

(b) Each county board shall apply to the state superintendent for receipt of its share of the distribution in the manner set forth by the state superintendent which is consistent with the policies and procedures adopted by the state board for the establishment and maintenance of alternative education programs.


(a) The workers' compensation division shall create a classification and calculate a base premium tax rate for students participating in an unpaid work-based learning experience off school premises as a part of the school curriculum with employers other than the county board of education. The workers' compensation division shall report to the state department of education:

(1) The amount of the base premium tax rate for the class; and
(2) The amount of wages per student to be used to provide the minimum weekly benefits required by section six, article four, chapter twenty-three of this code.

(b) The state department of education shall communicate the amount of the premium to the governor and Legislature by the first day of December of each year, beginning the first day of December, one thousand nine hundred ninety-nine.

(c) The base premium tax rate reported to the state department of education shall be that which was published by the workers' compensation division prior to the first day of the immediately preceding July. That premium tax rate, however, shall not be implemented by the workers' compensation division until the first day of January and shall remain in effect through the last day of the next December. The workers' compensation division shall make no merit rate adjustment, as otherwise provided for in paragraph (A), subdivision (1), subsection (a), section four, article two, chapter twenty-three of this code, for the members of the class required to be created by subsection (a) of this section.

(d) Notwithstanding anything to the contrary in any rules adopted to implement the provisions of section four, article two, chapter twenty-three of this code and for the sole purposes of this section, the workers' compensation division shall permit any county board of education affected by this section to be classified in accordance with this section and to be also classified as otherwise required by any rules adopted to implement the provisions of section four, article two, chapter twenty-three of this code.

(e) Subject to an appropriation by the Legislature, funds shall be provided to the department of education to distribute to the county boards. If the appropriation is less than the total premium calculated, the county boards, individually, shall either reduce the number of students participating in work-based learning experiences off school premises or the county boards shall pay the difference between the amount of the premium calculated by the workers' compensation division and the amount allocated to the county board by the department of education.
CHAPTER 23. WORKERS' COMPENSATION.

ARTICLE 2. EMPLOYERS AND EMPLOYEES SUBJECT TO CHAPTER; EXTRATERRITORIAL COVERAGE.

§23-2-1a. Employees subject to chapter.

(a) Employees subject to this chapter are all persons in the service of employers and employed by them for the purpose of carrying on the industry, business, service or work in which they are engaged, including, but not limited to:

1. Persons regularly employed in the state whose duties necessitate employment of a temporary or transitory nature by the same employer without the state;
2. Every person in the service of the state or of any political subdivision or agency thereof, under any contract of hire, express or implied, and every appointed official or officer thereof while performing his or her official duties;
3. Checkweighmen employed according to law;
4. All members of rescue teams assisting in mine accidents with the consent of the owner who, in such case, shall be deemed the employer, or at the direction of the director of the department of mines;
5. All forest firefighters who, under the supervision of the director of the department of natural resources or his or her designated representative, assist in the prevention, confinement and suppression of any forest fire; and
6. Students while participating in a work-based learning experience with an employer approved as a part of the curriculum by the county board. The county board shall be the employer of record of students while participating in unpaid work-based experiences off school premises with employers other than the county board. Students in unpaid work-based learning experiences shall be considered to be paid the amount of wages so as to provide the minimum workers' compensation weekly benefits required by section six, article four of this chapter.

(b) The right to receive compensation under this chapter shall not be affected by the fact that a minor is employed
or is permitted to be employed in violation of the laws of this state relating to the employment of minors, or that he or she obtained his or her employment by misrepresenting his or her age.
That Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.
To take effect July 1, 1999.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within.......................... this the................ Day of.........................., 1999

Governor
PRESENTED TO THE
GOVERNOR
Date 4/1/09
Time 10:30am