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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

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ENROLLED

SENATE BILL NO. 589

ORIGINATING IN THE COMMITTEE ON
(By Senator EDUCATION)

—●—

PASSED MARCH 13, 1999

In Effect JULY 4, 1999 ~~Passage~~

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Senate Bill No. 589

(Originating in the Committee on Education)

[Passed March 13, 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 amend and reenact said article by adding thereto a new section, designated section twenty-six; and to amend chapter twenty-three, article two, section one-a 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 to read as follows:

CHAPTER 18. EDUCATION.**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.****§18-9A-21. Funding for alternative education programs.**

1 (a) An appropriation may be made to the state depart-
2 ment to be distributed to county boards for the operation
3 of alternative education programs established in accor-
4 dance with policies and procedures adopted by the state
5 board under section six, article two of this chapter:
6 *Provided*, That nothing in this section shall be construed
7 to require any specific level of funding by the Legislature:
8 *Provided, however*, That ninety percent of any appropria-
9 tion which may be made for the purposes set forth in this
10 section shall be distributed to county boards on the basis
11 of net enrollment and ten percent of this appropriation
12 shall be distributed on a competitive basis to county
13 boards for the operation of pilot or innovative alternative
14 education programs: *Provided further*, That for the fiscal
15 year beginning the first day of July, two thousand, the
16 total appropriation which may be made for the purposes
17 set forth in this section shall be distributed to the county
18 boards on the basis of net enrollment.

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

§18-9A-26. Allowance for workers' compensation for unpaid student work-based learning.

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

8 (1) The amount of the base premium tax rate for the
9 class; and

10 (2) The amount of wages per student to be used to
11 provide the minimum weekly benefits required by section
12 six, article four, chapter twenty-three of this code.

13 (b) The state department of education shall communicate
14 the amount of the premium to the governor and Legisla-
15 ture by the first day of December of each year, beginning
16 the first day of December, one thousand nine hundred
17 ninety-nine.

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

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

40 (e) Subject to an appropriation by the Legislature, funds
41 shall be provided to the department of education to
42 distribute to the county boards. If the appropriation is less
43 than the total premium calculated, the county boards,
44 individually, shall either reduce the number of students
45 participating in work-based learning experiences off
46 school premises or the county boards shall pay the differ-
47 ence between the amount of the premium calculated by the
48 workers' compensation division and the amount allocated
49 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.

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

6 (1) Persons regularly employed in the state whose duties
7 necessitate employment of a temporary or transitory
8 nature by the same employer without the state;

9 (2) Every person in the service of the state or of any
10 political subdivision or agency thereof, under any contract
11 of hire, express or implied, and every appointed official or
12 officer thereof while performing his or her official duties;

13 (3) Checkweighmen employed according to law;

14 (4) All members of rescue teams assisting in mine
15 accidents with the consent of the owner who, in such case,
16 shall be deemed the employer, or at the direction of the
17 director of the department of mines;

18 (5) All forest fire fighters who, under the supervision of
19 the director of the department of natural resources or his
20 or her designated representative, assist in the prevention,
21 confinement and suppression of any forest fire; and

22 (6) Students while participating in a work-based learn-
23 ing experience with an employer approved as a part of the
24 curriculum by the county board. The county board shall
25 be the employer of record of students while participating
26 in unpaid work-based experiences off school premises with
27 employers other than the county board. Students in
28 unpaid work-based learning experiences shall be consid-
29 ered to be paid the amount of wages so as to provide the
30 minimum workers' compensation weekly benefits required
31 by section six, article four of this chapter.

32 (b) The right to receive compensation under this chapter
33 shall not be affected by the fact that a minor is employed

34 or is permitted to be employed in violation of the laws of
35 this state relating to the employment of minors, or that he
36 or she obtained his or her employment by misrepresenting
37 his or her age.

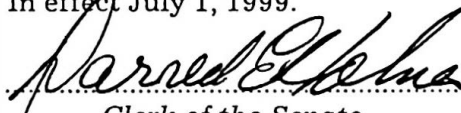
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

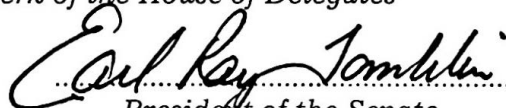

Chairman House Committee


Originating in the Senate.





In 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 3/19/99

Time 3:01 pm