WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 161

(By Mr. , Mr. President,
and Mr. original sponsors)

PASSED March 3, 1965

In Effect Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-6-65
ENROLLED

JUDICIARY
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 161
(By Mr. Carson [Mr. President] and Mr. McCourt
original sponsors)

(Passed March 3, 1965; in effect from passage.)

AN ACT to amend chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirteen, specifying the public purpose for which the article is enacted; relating to encouragement and promotion of the creation of local community action program organizations and the operation thereof; providing for their official recognition by the governor and the standards of eligibility for such recognition; providing for the state's orderly
participation in the federal economic opportunity act of one thousand nine hundred sixty-four (public law 88-452); providing for the creation of a governor's economic opportunity advisory committee; authorizing and empowering county courts, county boards of education and municipal governments to participate in community action program organization projects and to contribute money, goods, property, personnel, resources and services to duly recognized community action program organizations; specifying that community action program organizations must be duly recognized public or private non-profit agencies for the public purpose for which the article is enacted; authorizing and empowering county courts, county boards of education and municipal governments to enter into and perform contracts, leases, cooperative arrangements or other transactions as may assist in the performance of component projects of a community action program; providing for accounting by community action program organizations; providing for the employees of such organizations to be covered by workmen's compensation; relating to the assignment of federal enlistees in volunteers in
service to America; authorizing the reimbursement of legitimate expenses incurred in the line of official duty by volunteers in service to America enlistees assigned to work under the supervision of various departments of state government; providing a severability clause; providing that the article shall be liberally construed to effect the public purpose for which the article is enacted; and specifying that the amendment of the federal economic opportunity act of one thousand nine hundred sixty-four (public law 88-452), or any section thereof, shall not be construed as negating any authority conferred by the provisions of the article.

Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirteen, to read as follows:


Section 1. Community Action Program Organizations.—

2. In order to stimulate the communities of West Virginia in mobilizing their resources and developing programs
to effect a permanent decrease in the incidence of poverty
and economic disadvantage, which is hereby declared to
be a public purpose, it shall be the responsibility of the
governor to encourage and promote the creation and
operation of community action programs consistent with
the provisions of title II and other titles of the federal
economic opportunity act of one thousand nine hundred
sixty-four (public law 88-452).

Sec. 2. Recognition.—In furtherance of this objective,
the governor is authorized to extend official recognition
to duly-constituted community action program organiza-
tions which comply, or are in the process of complying,
with regulations as established by the federal office of
economic opportunity or its delegate agencies.
Such official recognition shall be established by the
governor notifying the president, chairman, administra-
tor, or other chief executive officer of a community action
program organization, in writing, of his acceptance of
that body as an officially-recognized community action
program organization.
Sec. 3. Economic Opportunity Advisory Committee.—

To assist in the promotion and development of community action program organizations, and other phases of the federal economic opportunity act of one thousand nine hundred sixty-four, the governor may consult with and request reports from a governor's economic opportunity advisory committee, on which the governor, or his designated representative, shall sit as chairman.

The economic opportunity advisory committee shall consist of:

(a) The governor,
(b) The state superintendent of schools,
(c) The commissioner of agriculture,
(d) The commissioner of employment security,
(e) The commissioner of welfare,
(f) The commissioner of commerce,
(g) The commissioner of labor,
(h) The director of natural resources,
(i) The state road commissioner,
(j) The director of mental health,
(k) The director of the department of health,
(l) The president of the senate of West Virginia,

(m) The speaker of the house of delegates of West Virginia,

(n) The director of the division of vocational rehabilitation,

(o) At least one representative from the state-supported colleges and universities of West Virginia, or their designated representatives, temporary or permanent, and such other members as the governor may appoint or the committee may select by affirmative vote of a majority of the members present and voting.

The committee shall meet upon call of the chairman.

Sec. 4. Eligibility.—In determining whether a community action program organization shall be eligible for official recognition and participation under the provisions of title II, and other titles of the federal economic opportunity act of one thousand nine hundred sixty-four, the governor shall direct his staff to report on the eligibility and composition of any such organization, or shall request the advice of the governor's economic opportunity advisory committee.
Sec. 5. Definitions by Area.—Community action programs shall encompass a county or multi-county unit, or regional or sub-regional unit comprising all or parts of counties. However, only one community action program organization shall be recognized in any single county, except under unusual circumstances, which the governor may determine. In any county where more than one community action program organization is recognized, each organization must be given such official recognition, in writing, by the governor.

Sec. 6. Membership and Participation in Community Action Program Organizations.—A county court, county board of education, or municipal government is hereby authorized and empowered to become associated with a community action program organization, and to participate in the development and implementation of component projects conceived and placed into operation by community action program organizations.

In so doing, a county court, county board of education, or municipal government may extend, without compensation, the use of its buildings, equipment, machinery,
public lands, personnel, technical and other services, and
other resources for the benefit of a community action
program organization; may provide money, and real and
other property, tangible or intangible, to a recognized
community action program organization in the further-
ance of the objectives of the federal economic opportu-
nity act of one thousand nine hundred sixty-four; and
may cooperate and act in conjunction with other county
courts, county boards of education, municipal govern-
ments, public bodies, and all agencies of federal, state
and local governments in the promotion and advancement
of the projects, in operation or in evolutionary stages,
under the jurisdiction of a recognized community action
program organization: Provided, That any such contribu-
tion, whether in cash or in kind, in goods or in services
fairly evaluated, should, in all practical instances, con-
stitute the whole or a portion of the matching share
required by the federal office of economic opportunity
from the community action program organization in the
orderly implementation and conduct of community ac-
tion programs.
Sec. 7. Status of Community Action Program Organizations.—In order to be a community action program organization under the provisions of this article, such organization must be a public governmental agency or a non-profit corporation qualified to do business in West Virginia, other than a political party, and must be recognized by the governor, in accordance with the provisions of section two of this article, for the public purpose declared in section one of this article.

In no instance shall the state, any agency thereof, or a county court, county board of education, or municipal government provide or extend, under the provisions of this article, money, and real and other property, tangible or intangible, or financial assistance to other than a community action program organization recognized by the governor in accordance with the provisions of section two of this article.

Sec. 8. Contributions by County Courts, County Boards of Education and Municipal Governments.—A county court, county board of education, or municipal government shall be authorized and empowered to contribute
to the costs of duly recognized community action program
organizations by appropriating for such purposes money
from its general funds not otherwise appropriated. A
county court, county board of education, or municipal
government likewise is authorized and empowered to
transfer and convey to a duly recognized community
action program organization property, equipment and
machinery, and other goods: Provided, That such transfer
will further the conduct and implementation of compo-
ment projects of a community action program.
A county court, county board of education, or munici-
pal government is authorized and empowered to accept,
use and dispose of gifts of property, real, personal or
mixed, tangible or intangible, and to convey or otherwise
transfer the same to a recognized community action
program organization: Provided, however, That such
transfer will further the conduct and implementation of
component projects of a community action program.
A county court, county board of education, or munici-
pal government is authorized and empowered to enter
into and perform such contracts, leases, cooperative ar-
rangements, or other transactions as may assist in the performance of component projects of a community action program: Provided further, That no county court, county board of education, or municipal government shall enter into any such contract, lease or cooperative arrangement unless it is requested to assist in such manner through notification, in writing, by the chairman, president, administrator or other chief executive officer of a recognized community action program organization.

Sec. 9. Accountability of Funds.—As a condition to participation in community action program organization activities, as specified in section eight, a county court, county board of education, or municipal government may require a community action program organization to render an accounting, at such intervals as the county court, county board of education, or municipal government may designate, of the use of money, property, goods, and services made available to the community action program organization by the county court, county board of education, or municipal government, and to make available at quarterly intervals an itemized statement of
receipts and disbursements, and its books, records and accounts, during the preceding quarter, for audit and examination by the office of the state tax commissioner of West Virginia and any other proper public body or official.

Sec. 10. Employees to Be Covered by Workmen’s Compensation.—All employees of a community action program organization eligible thereto shall be deemed to be within the workmen’s compensation act of West Virginia and premiums on their compensation shall be paid by the organization, as required by law.

Sec. 11. Volunteers In Service To America.—Federal enlistees in volunteers in service to America, hereinafter referred to as VISTA, as authorized under title VI of the federal economic opportunity act of one thousand nine hundred sixty-four, may be assigned to the department of mental health, department of agriculture, department of natural resources and other agencies of the state government.

Notwithstanding any other provision of state law, while serving in such capacity, VISTA enlistees may, upon the
presentation of authenticated statements of expenses incurred solely in the line of their assigned duties for and on behalf of the state of West Virginia, be reimbursed by the state for such expenses, including mileage, fares for public transportation, and meals and lodging when detailed to duty away from their assigned station: Provided, That this section is in no way designed to supply regular subsistence allowances to VISTA enlistees, as provided in federal regulations allowing for their maintenance and subsistence during the term of their enlistment.

VISTA enlistees, except for the reimbursement of expenses as provided in this section, shall in no way be considered to be employees of the state. They shall not be eligible for participation in the public employees retirement system of the state of West Virginia or to receive any other benefits from the state whatever.

Sec. 12. Severability.—If any provision of this article, or the applicability thereof to any person or circumstance, is held invalid, the remainder of this article, and
the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 13. Liberal Construction of Article.—This article is enacted to assist with the reduction and elimination of the incidence and causes of poverty in West Virginia, hereinbefore declared to be a public purpose, and this article shall be liberally construed so as to give community action program organizations the full and complete power required to give maximum aid toward the accomplishment of such public purpose.

Sec. 14. Amendment of Federal Act.—The amendment of the federal economic opportunity act of one thousand nine hundred sixty-four (public law 88-452), or any section thereof, shall not be construed as negating any authority conferred by the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect

Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 6

day of March, 1965.

Governor
Presented to the Governor's Office
Mar. 6, 1965
9:55 a.m.