

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

Com. Sub. for
SENATE BILL NO. 161

(By Mr. *Carson, Mr. President,*
and Mr. McComb original sponsors)

PASSED.....*March 3,*.....1965

In Effect.....*June*.....Passage



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

#161

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:

Article 13. Economic Opportunity Programs.

Section 1. Community Action Program Organizations.—

- 2 In order to stimulate the communities of West Virginia
- 3 in mobilizing their resources and developing programs

4 to effect a permanent decrease in the incidence of poverty
5 and economic disadvantage, which is hereby declared to
6 be a public purpose, it shall be the responsibility of the
7 governor to encourage and promote the creation and
8 operation of community action programs consistent with
9 the provisions of title II and other titles of the federal
10 economic opportunity act of one thousand nine hundred
11 sixty-four (public law 88-452).

Sec. 2. Recognition.—In furtherance of this objective,
2 the governor is authorized to extend official recognition
3 to duly-constituted community action program organiza-
4 tions which comply, or are in the process of complying,
5 with regulations as established by the federal office of
6 economic opportunity or its delegate agencies.

7 Such official recognition shall be established by the
8 governor notifying the president, chairman, administra-
9 tor, or other chief executive officer of a community action
10 program organization, in writing, of his acceptance of
11 that body as an officially-recognized community action
12 program organization.

Sec. 3. Economic Opportunity Advisory Committee.—

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

9 The economic opportunity advisory committee shall
10 consist of:

- 11 (a) The governor,
- 12 (b) The state superintendent of schools,
- 13 (c) The commissioner of agriculture,
- 14 (d) The commissioner of employment security,
- 15 (e) The commissioner of welfare,
- 16 (f) The commissioner of commerce,
- 17 (g) The commissioner of labor,
- 18 (h) The director of natural resources,
- 19 (i) The state road commissioner,
- 20 (j) The director of mental health,
- 21 (k) The director of the department of health,

- 22 (l) The president of the senate of West Virginia,
23 (m) The speaker of the house of delegates of West
24 Virginia,
25 (n) The director of the division of vocational reha-
26 bilitation,
27 (o) At least one representative from the state-sup-
28 ported colleges and universities of West Virginia,
29 or their designated representatives, temporary or perma-
30 nent, and such other members as the governor may
31 appoint or the committee may select by affirmative vote
32 of a majority of the members present and voting.

33 The committee shall meet upon call of the chairman.

Sec. 4. Eligibility.—In determining whether a commu-
2 nity action program organization shall be eligible for
3 official recognition and participation under the provisions
4 of title II, and other titles of the federal economic op-
5 portunity act of one thousand nine hundred sixty-four,
6 the governor shall direct his staff to report on the eligi-
7 bility and composition of any such organization, or shall
8 request the advice of the governor's economic opportunity
9 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,

12 public lands, personnel, technical and other services, and
13 other resources for the benefit of a community action
14 program organization; may provide money, and real and
15 other property, tangible or intangible, to a recognized
16 community action program organization in the further-
17 ance of the objectives of the federal economic opportu-
18 nity act of one thousand nine hundred sixty-four; and
19 may cooperate and act in conjunction with other county
20 courts, county boards of education, municipal govern-
21 ments, public bodies, and all agencies of federal, state
22 and local governments in the promotion and advancement
23 of the projects, in operation or in evolutionary stages,
24 under the jurisdiction of a recognized community action
25 program organization: *Provided*, That any such contribu-
26 tion, whether in cash or in kind, in goods or in services
27 fairly evaluated, should, in all practical instances, con-
28 stitute the whole or a portion of the matching share
29 required by the federal office of economic opportunity
30 from the community action program organization in the
31 orderly implementation and conduct of community ac-
32 tion programs.

Sec. 7. Status of Community Action Program Organi-

2 **zations.**—In order to be a community action program
3 organization under the provisions of this article, such
4 organization must be a public governmental agency or a
5 non-profit corporation qualified to do business in West
6 Virginia, other than a political party, and must be recog-
7 nized by the governor, in accordance with the provisions
8 of section two of this article, for the public purpose de-
9 clared in section one of this article.

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

Sec. 8. Contributions by County Courts, County Boards

2 **of Education and Municipal Governments.**—A county
3 court, county board of education, or municipal govern-
4 ment shall be authorized and empowered to contribute

5 to the costs of duly recognized community action program
6 organizations by appropriating for such purposes money
7 from its general funds not otherwise appropriated. A
8 county court, county board of education, or municipal
9 government likewise is authorized and empowered to
10 transfer and convey to a duly recognized community
11 action program organization property, equipment and
12 machinery, and other goods: *Provided*, That such transfer
13 will further the conduct and implementation of compo-
14 nent projects of a community action program.

15 A county court, county board of education, or muni-
16 cipal government is authorized and empowered to accept,
17 use and dispose of gifts of property, real, personal or
18 mixed, tangible or intangible, and to convey or otherwise
19 transfer the same to a recognized community action
20 program organization: *Provided, however*, That such
21 transfer will further the conduct and implementation of
22 component projects of a community action program.

23 A county court, county board of education, or muni-
24 cipal government is authorized and empowered to enter
25 into and perform such contracts, leases, cooperative ar-

26 rangements, or other transactions as may assist in the
27 performance of component projects of a community ac-
28 tion program: *Provided further*, That no county court,
29 county board of education, or municipal government shall
30 enter into any such contract, lease or cooperative arrange-
31 ment unless it is requested to assist in such manner
32 through notification, in writing, by the chairman, presi-
33 dent, administrator or other chief executive officer of a
34 recognized community action program organization.

Sec. 9. Accountability of Funds.—As a condition to par-
2 ticipation in community action program organization
3 activities, as specified in section eight, a county court,
4 county board of education, or municipal government may
5 require a community action program organization to
6 render an accounting, at such intervals as the county
7 court, county board of education, or municipal govern-
8 ment may designate, of the use of money, property, goods,
9 and services made available to the community action
10 program organization by the county court, county board
11 of education, or municipal government, and to make
12 available at quarterly intervals an itemized statement of

13 receipts and disbursements, and its books, records and
14 accounts, during the preceding quarter, for audit and
15 examination by the office of the state tax commissioner
16 of West Virginia and any other proper public body or
17 official.

Sec. 10. Employees to Be Covered by Workmen's Com-
2 **pensation.**—All employees of a community action program
3 organization eligible thereto shall be deemed to be within
4 the workmen's compensation act of West Virginia and
5 premiums on their compensation shall be paid by the
6 organization, as required by law.

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

9 Notwithstanding any other provision of state law, while
10 serving in such capacity, VISTA enlistees may, upon the

11 presentation of authenticated statements of expenses in-
12 curred solely in the line of their assigned duties for and
13 on behalf of the state of West Virginia, be reimbursed
14 by the state for such expenses, including mileage, fares
15 for public transportation, and meals and lodging when
16 detailed to duty away from their assigned station: *Pro-*
17 *vided*, That this section is in no way designed to supply
18 regular subsistence allowances to VISTA enlistees, as
19 provided in federal regulations allowing for their main-
20 tenance and subsistence during the term of their enlist-
21 ment.

22 VISTA enlistees, except for the reimbursement of ex-
23 penses as provided in this section, shall in no way be
24 considered to be employees of the state. They shall not
25 be eligible for participation in the public employees
26 retirement system of the state of West Virginia or to
27 receive any other benefits from the state whatever.

Sec. 12. Severability.—If any provision of this article,
2 or the applicability thereof to any person or circum-
3 stance, is held invalid, the remainder of this article, and

4 the application of such provision to other persons or
5 circumstances, shall not be affected thereby.

Sec. 13. Liberal Construction of Article.—This article
2 is enacted to assist with the reduction and elimination
3 of the incidence and causes of poverty in West Virginia,
4 hereinbefore declared to be a public purpose, and this
5 article shall be liberally construed so as to give com-
6 munity action program organizations the full and com-
7 plete power required to give maximum aid toward the
8 accomplishment of such public purpose.

Sec. 14. Amendment of Federal Act.—The amendment
2 of the federal economic opportunity act of one thousand
3 nine hundred sixty-four (public law 88-452), or any sec-
4 tion thereof, shall not be construed as negating any
5 authority conferred by the provisions of this article.

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

O. Roy Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *from* _____ Passage.
March 6, 1965

Clerk of the Senate

James C. Blankenship
Clerk of the House of Delegates

Harvard W. Lason
President of the Senate

H. Laban White
Speaker House of Delegates

The within *approved* this the *6*
day of *March*, 1965.

Hulett C. Smith
Governor



Presented to the Governor's Office

Mar. 6, 1965

9:55 a.m.