

HB 2042

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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## ENROLLED

*Com. Sub. for*  
**HOUSE BILL No. 2042**

(By Delegate *Mr. Speaker, Mr. Chambers,*  
*and Delegate Ashley*)  
*[By Request of the Executive]*

Passed *March 11,* 1995

In Effect *Ninety Days from* Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 2042**

(BY MR. SPEAKER, MR. CHAMBERS, AND DELEGATE ASHLEY)  
[By Request of the Executive]

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[Passed March 11, 1995; in effect ninety days from passage.]

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AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-six-a, relating to the West Virginia commission for national and community service; creating commission and specifying membership on the commission; providing for expense reimbursement of members; specifying powers, duties and responsibilities of commission; and providing for termination date.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 26A. WEST VIRGINIA COMMISSION FOR NATIONAL  
AND COMMUNITY SERVICE.**

**§5-26A-1. Findings, purposes and intent.**

1       The Legislature hereby finds and declares:

2       (a) The National and Community Service Trust Act of  
3 1993, P. L. 103-82, was enacted to foster civic responsibil-  
4 ity and to enable the citizens of the various states to partic-  
5 ipate in, for the benefit of their communities, various vol-  
6 unteer and other service programs including, but not limit-  
7 ed to, community corps programs, youth corps programs,  
8 school and campus-based programs, professional corps  
9 programs, americorps programs, national senior service  
10 corps programs and VISTA programs.

11       (b) The National and Community Service Trust Act of  
12 1993, P. L. 103-82, created the corporation for national  
13 and community service for the purpose of assisting the  
14 various states in the creation and operation of a state-wide  
15 commission that would have as its purpose the encourage-  
16 ment, coordination and assistance of the efforts of individ-  
17 uals or other entities from both the public and private  
18 sectors to create or participate in local community service  
19 programs.

20       (c) The corporation for national and community ser-  
21 vice assists a state's commission by and through a grant to  
22 the commission that is equal to a percentage of the  
23 commission's administrative costs.

24       (d) The deadline for the creation of a state commis-  
25 sion was the first day of January, one thousand nine hun-  
26 dred ninety-four, if the state commission was to receive an  
27 administrative grant in the corporation for national and  
28 community service's fiscal year beginning in the calendar  
29 year one thousand nine hundred ninety-four.

30       (e) The West Virginia commission for national and  
31 community service was created by an executive order of  
32 the governor of the state of West Virginia made on the  
33 twenty-eighth day of January, one thousand nine hundred  
34 ninety-four, but the executive order contemplated the  
35 enactment of legislation continuing the state commission  
36 in the next session of the Legislature.

37 (f) The West Virginia commission for national and  
38 community service has striven to develop a coordinated,  
39 unified plan in response to the National and Community  
40 Service Trust Act of 1993, P. L. 103-82, and to meet the  
41 social, environmental, educational and public safety needs  
42 of the state of West Virginia by instilling in its citizens a  
43 greater sense of pride in, and responsibility for, their com-  
44 munities.

45 (g) The Legislature intends to continue the West Vir-  
46 ginia commission for national and community service for  
47 the purpose of complying with the provisions of the Na-  
48 tional and Community Service Trust Act of 1993, P. L.  
49 103-82, and for the purpose of meeting the social, envi-  
50 ronmental, educational and public safety needs of the state  
51 of West Virginia by and through promotion and coordina-  
52 tion of community outreach initiatives.

**§5-26A-2. Continuation of West Virginia commission for na-  
tional and community service; support and  
assistance to commission.**

1 (a) The West Virginia commission for national and  
2 community service is hereby continued as a state commis-  
3 sion within the meaning of, and in accordance with, the  
4 provisions of the National and Community Service Act of  
5 1990, as amended by the National and Community Ser-  
6 vice Trust Act of 1993, and the provisions of any rules or  
7 regulations promulgated under the act.

8 (b) By executive order, the governor shall provide for  
9 any administrative support to the West Virginia commis-  
10 sion for national and community service as the governor  
11 may deem to be necessary.

12 (c) All agencies of the state shall provide such assis-  
13 tance and information to the West Virginia commission  
14 for national and community service as is necessary to  
15 ensure a fully coordinated effort throughout the state  
16 relating to the promotion of national and community  
17 volunteer service.

**§5-26A-3. Members.**

1 (a) The West Virginia commission for national and  
2 community service shall have no fewer than fifteen and no  
3 more than twenty-five voting members to be appointed by  
4 the governor.

5 (b) The voting membership of the West Virginia com-  
6 mission for national and community service shall include:

7 (1) At least one individual with expertise in the educa-  
8 tional and developmental needs of the state's disadvan-  
9 taged youth;

10 (2) At least one individual with experience in promot-  
11 ing the involvement of older adults in national or commu-  
12 nity service and volunteer programs;

13 (3) A representative of a community-based agency  
14 operating within the state;

15 (4) The secretary of the department of education and  
16 arts created pursuant to section two, article one, chapter  
17 five-f of this code or a designee;

18 (5) The state superintendent of schools or a designee;

19 (6) A representative of a county or municipal govern-  
20 ment;

21 (7) A representative of a local labor organization;

22 (8) A representative of a for-profit business operating  
23 within the state; and

24 (9) An individual whose age is between the age of  
25 sixteen years and twenty-five years, inclusive, who has  
26 been, or remains, a participant or a supervisor in a volun-  
27 teer or service program.

28 (c) The membership of the West Virginia commission  
29 for national and community service shall include a repre-  
30 sentative of the corporation for national and community  
31 service who shall serve as a member in a nonvoting, ex

32 officio capacity.

33 (d) No more than twenty-five percent of the voting  
34 membership of the West Virginia commission for national  
35 and community service may be individuals who are em-  
36 ployed by the state or its agencies, except that the mem-  
37 bership may include additional employees of the state or  
38 its agencies in a nonvoting, ex officio capacity.

39 (e) No member of the West Virginia commission for  
40 national and community service may vote on an issue  
41 affecting organizations for which the member has served  
42 as a staff person or as a volunteer at any time during the  
43 twelve-month period before the member's appointment to  
44 the commission.

45 (f) No more than fifty percent plus one of the mem-  
46 bers of the West Virginia commission for national and  
47 community service may be members of the same political  
48 party.

49 (g) To the extent possible, the membership of the West  
50 Virginia commission for national and community service  
51 shall reflect the diversity of the state's population.

52 (h) Members of the West Virginia commission for  
53 national and community service who were appointed un-  
54 der the executive order of the governor entered on the  
55 twenty-eighth day of January, one thousand nine hundred  
56 ninety-four, shall continue as members of the commission  
57 for a term of three years, except that the governor shall  
58 designate eight members who shall serve for a term of two  
59 years and shall also designate an additional eight members  
60 who shall serve for a term of one year. Additional ap-  
61 pointments by the governor under the provisions of this  
62 section and appointments by the governor upon the expi-  
63 ration of a member's term shall be made for a term of  
64 three years. Appointments of members by the governor  
65 to serve for an unexpired term shall be for the remainder  
66 of the unexpired term. Members may be reappointed.

67 (i) The voting members of the West Virginia commis-  
68 sion for national and community service shall annually  
69 elect a voting member to serve as the chair of the commis-  
70 sion.

71 (j) The members of the West Virginia commission for  
72 national and community service shall meet at the call of  
73 the chair, who shall be obligated to call a meeting at the  
74 request of a simple majority of the members or as neces-  
75 sary to ensure that the members have met at least twice in  
76 each calendar year of the commission's operation.

77 (k) The members of the West Virginia commission for  
78 national and community service shall serve without com-  
79 pensation, except that the members of the commission  
80 who are not state employees shall be reimbursed for their  
81 actual and necessary expenses incurred in discharging  
82 their duties and responsibilities as members of the com-  
83 mission.

**§5-26A-4. Duties and responsibilities.**

1 The West Virginia commission for national and com-  
2 munity service shall have the duties and responsibilities set  
3 forth in the provisions of the National and Community  
4 Service Act of 1990, as amended by the National and  
5 Community Service Trust Act of 1993, and the provisions  
6 of any rules or regulations promulgated under the act.  
7 The duties and responsibilities include:

8 (a) Advising and assisting the governor in the develop-  
9 ment and implementation of a comprehensive state-wide  
10 plan for promoting volunteer involvement and citizen  
11 participation in programs which are designed to serve the  
12 needs of the citizens of the state and its communities;

13 (b) Fulfilling federal program administration require-  
14 ments, including the provision of health care and child  
15 care for program participants;

16 (c) Submitting annual state applications for the federal  
17 funding of the americorps programs that are selected by

18 the commission;

19 (d) Integrating americorps programs, existing VISTA  
20 and national senior service corps programs, and K-12  
21 learn and serve programs into the state's strategic service  
22 plan;

23 (e) Conducting local outreach to develop a compre-  
24 hensive and inclusive state service plan;

25 (f) Coordinating with existing programs for service  
26 and volunteerism in order to prevent unnecessary compe-  
27 tition for private sources of funding;

28 (g) Providing technical assistance to service and volun-  
29 teer programs, including the development of training  
30 methods and curriculum materials;

31 (h) Developing a statewide recruitment and placement  
32 system for individuals who are interested in community  
33 service opportunities;

34 (i) Preparing quarterly reports on progress for submis-  
35 sion to the governor and preparing an annual report for  
36 submission to the governor and the Legislature on or  
37 before the first day of January of each year which shall  
38 detail the commission's activities for the preceding year;  
39 and

40 (j) Serving as the state's liaison to national and state  
41 entities or other organizations which also promote national  
42 and community service and volunteerism.

**§5-26A-5. Powers.**

1 (a) The West Virginia commission for national and  
2 community service may apply for and accept funds,  
3 grants, gifts and services from local government, the state  
4 or the federal government, or any of their agencies, or  
5 from any other public or private source and is authorized  
6 to use funds derived from these sources to defray adminis-  
7 trative costs and implement programs to fulfill the



8 commission's duties and responsibilities.

9 (b) The West Virginia commission for national and  
10 community service shall accept on behalf of the governor  
11 any reports that relate to community service and  
12 volunteerism issues and that are required to be submitted  
13 to the governor by the provisions of the code of West  
14 Virginia.

**§5-26A-6. Termination date.**

1 Pursuant to the provisions of article ten, chapter four  
2 of this code, the West Virginia commission for national  
3 and community service shall continue to exist until the  
4 first day of July, one thousand nine hundred ninety-seven,  
5 to allow for the completion of a preliminary performance  
6 review by the joint committee on government operations.

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

*Handy K. Bonnell*  
Chairman Senate Committee

*Ernest C. Moore*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carroll E. Johnson*  
Clerk of the Senate

*Donald L. Kapp*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*Earl A. Kauter*  
Speaker of the House of Delegates

The within is approved this the 24<sup>th</sup>  
day of March 1995.

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/24/95

Time

3:50 pm