

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 121

(By Mr. McRown)

PASSED February 7 1951

In Effect from Passage



121

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Senate Bill No. 121

(By MR. McKOWN)

[Passed February 7, 1951; in effect from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article ten-b, relating to the establishment, operation and maintenance of centers for the vocational rehabilitation of handicapped or disabled persons, and of workshops for blind and severely disabled persons.

Be it enacted by the Legislature of West Virginia:

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

Section 1. *Definitions.*—As used in this article:

2 (1) “Rehabilitation center” means a facility operated

3 for the primary purpose of assisting in the rehabilitation
4 of disabled persons eligible under article ten-a.

5 (a) which provides one or more of the following types
6 of services:

7 (A) testing, fitting, or training in the use of pros-
8 thetic devices;

9 (B) prevocational or conditioning therapy;

10 (C) physical, corrective, or occupational therapy;

11 (D) adjustment training; or

12 (E) evaluation or control of special disabilities; or

13 (b) in which a coordinated approach is made to the
14 physical, mental, and vocational evaluation of disabled
15 persons and an integrated program of physical restora-
16 tion and prevocational or vocational training is provided
17 under competent professional supervision and direction.

18 (2) "Workshop" means a place where any manufac-
19 ture or handiwork is carried on and which is operated by
20 a public agency or by a private corporation or associa-
21 tion, no part of the net earnings of which inures or may
22 lawfully inure to the benefit of any private shareholder
23 or individual, or by a cooperative, for the primary purpose

24 of providing remunerative employment to blind and se-
25 verely disabled persons who cannot be absorbed in the
26 competitive labor market.

27 (3) "Cooperative" means an association, or member-
28 ship corporation, whose membership is limited to disabled
29 individuals and which is organized and operated on a
30 cooperative basis for the exclusive benefit of its members
31 and, by its charter or by-laws, is required to divide any
32 profits, realized from the operation of workshops oper-
33 ated by it and not reinvested in such workshops, among
34 its blind and severely disabled members actually working
35 therein.

36 (4) "Non-profit institution" means a corporation or
37 association no part of the net earnings of which inures,
38 or may lawfully inure, to the benefit of any private share-
39 holder or individual.

40 (5) "State board," "Division," and "Director" shall
41 have the same meaning as in article ten-a.

Sec. 2. *Establishment of State Vocational Rehabili-*
2 *tation Centers and Workshops.*—The state board, through
3 the division, is authorized and empowered to establish,

4 operate, and maintain vocational rehabilitation centers
5 and workshops: *Provided*, That to establish vocational
6 rehabilitation centers and workshops includes the ac-
7 quisition by purchase, lease, gift, or otherwise of neces-
8 sary lands, and the construction, expansion, remodeling,
9 or alteration and equipment of necessary buildings; or,
10 for any particular center or workshop, the making of
11 contracts and agreements with any state, county, or mu-
12 nicipal agency, or non-profit institution providing for the
13 equipment, operation or maintenance by the state board,
14 through the division, of any facility of such agency or
15 institution in accordance with, and for the purpose of
16 this article: *Provided further*, That notwithstanding any
17 other provisions of law, the state board, through the di-
18 vision, shall, itself, properly operate, maintain, repair,
19 and manage and control the fiscal affairs of vocational
20 rehabilitation centers and workshops established pur-
21 suant to this section: *Provided further*, That the state
22 board, through the division, is authorized and empowered
23 to make and enter into all contracts and agreements
24 necessary and incidental to the performance of its powers

25 and duties under this section, in connection with which
26 it is also authorized and empowered to cooperate with
27 other agencies of the state.

Sec. 3. *Establishment of Local Workshops.*—Counties,
2 cities, and towns in accordance with rules, regulations
3 and standards made and adopted by the director, in-
4 dividually or jointly with any one or more such counties,
5 cities, or towns are authorized and empowered to estab-
6 lish, operate, and maintain necessary workshops for blind
7 and severely disabled persons: *Provided*, That to estab-
8 lish workshops includes the acquisition by purchase,
9 lease, gift, or otherwise, of necessary lands, and the con-
10 struction, expansion, remodeling, or alteration and equip-
11 ment of necessary buildings.

Sec. 4. *Rules and Regulations.*—The director shall make
2 and adopt rules, regulations, and standards for the estab-
3 lishment, operation and maintenance, government and
4 control of rehabilitation centers and workshops estab-
5 lished pursuant to this article, including such rules, regu-
6 lations and standards as may be necessary for cooperation
7 under and compliance with any existing or future federal

8 statutes pertaining to grants-in-aid for rehabilitation
9 centers.

Sec. 5. *State Board to Cooperate with Federal Govern-*
2 *ment in Vocational Rehabilitation Center and Workshop*
3 *Program.*—The state board, through the division, is hereby
4 designated the sole state agency to cooperate with the
5 federal government in any federal program relating to
6 the establishment, operation and maintenance of voca-
7 tional rehabilitation centers, and workshops; and is here-
8 by authorized and empowered to adopt and supervise the
9 administration of such a state-wide plan, or such state-
10 wide plans, for the establishment of vocational rehabili-
11 tation center or workshop programs as may be necessary
12 to comply with the requirements and conditions of fed-
13 eral law with respect to federal grants-in-aid for such
14 purposes.

Sec. 6. *Cooperation with State Department of Health.*—
2 The state board, through the division, and the state de-
3 partment of health shall cooperate to assure coordination
4 of the rehabilitation center program under this article
5 with the hospital construction program provided for un-

6 der chapter sixteen, article one, section fourteen, of the
7 code of West Virginia, one thousand nine hundred thirty-
8 one, as amended.

Sec. 7. *Personnel.*—The director shall appoint in ac-
2 cordance with chapter eighteen, article ten-A, section five,
3 of the code of West Virginia, one thousand nine hundred
4 thirty-one, as amended, all personnel he deems necessary
5 for the efficient and economical operation and mainten-
6 ance of rehabilitation centers and workshops established,
7 operated and maintained pursuant to section two of this
8 article.

Sec. 8. *Advisory Committee.*—There shall be an ad-
2 visory committee of five members to serve as advisors and
3 consultants to the director of the division. The com-
4 mittee shall meet at least twice each year and at the call
5 of the director of the division. The members of the
6 committee shall annually elect one of its members to
7 serve as chairman.

8 The advisory committee shall be appointed by the di-
9 rector, by and with the advice and consent of the state
10 board, and shall include among its members represent-

11 atives of state and non-governmental agencies concerned
12 with the establishment, operation, or utilization of voca-
13 tional rehabilitation services and facilities, and at least
14 one of the members shall be a person well-versed in
15 problems related to employment of the severely dis-
16 abled.

17 The members shall be appointed for five year terms
18 except that in the original appointments one person shall
19 be appointed for one year, one person for two years, one
20 person for three years, one person for four years, and one
21 person for five years. Thereafter each member shall be
22 appointed for five years or until his successor is appointed.
23 In the case of a vacancy the appointee shall serve the
24 remainder of the unexpired term.

25 Members of the advisory committee shall be eligible
26 to succeed themselves. Members of the advisory com-
27 mittee shall serve without compensation but shall be
28 entitled to reimbursement for actual expenses incurred
29 in the performance of the duties of their office.

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

Robert C. Dyer
Chairman Senate Committee

James M. Loop
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Harwood Meyer
Clerk of the Senate

J. R. Aliff
Clerk of the House of Delegates

Langston Chesnut
President of the Senate

W. E. Tanner
Speaker House of Delegates

The within APPROVED this the 15th
day of FEBRUARY, 1951.

Clay L. Patton
Governor.



FILED IN THE OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
OF WEST VIRGINIA
FEB 15 1951
D. PITT O'BRIEN,
SECRETARY OF STATE