WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED
SENATE BILL NO. 121

(By Mr. McPhee)

PASSED February 7, 1951

In Effect from Passage

121
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
for the primary purpose of assisting in the rehabilitation
of disabled persons eligible under article ten-a.
(a) which provides one or more of the following types
of services:
(A) testing, fitting, or training in the use of pros-
thetic devices;
(B) prevocational or conditioning therapy;
(C) physical, corrective, or occupational therapy;
(D) adjustment training; or
(E) evaluation or control of special disabilities; or
(b) in which a coordinated approach is made to the
physical, mental, and vocational evaluation of disabled
persons and an integrated program of physical restora-
tion and prevocational or vocational training is provided
under competent professional supervision and direction.
(2) “Workshop” means a place where any manufac-
ture or handiwork is carried on and which is operated by
a public agency or by a private corporation or associa-
tion, no part of the net earnings of which inures or may
lawfully inure to the benefit of any private shareholder
or individual, or by a cooperative, for the primary purpose
of providing remunerative employment to blind and se-
verely disabled persons who cannot be absorbed in the
competitive labor market.
(3) "Cooperative" means an association, or member-
ship corporation, whose membership is limited to disabled
individuals and which is organized and operated on a
cooperative basis for the exclusive benefit of its members
and, by its charter or by-laws, is required to divide any
profits, realized from the operation of workshops oper-
at ed by it and not reinvested in such workshops, among
its blind and severely disabled members actually working
therein.
(4) "Non-profit institution" means a corporation or
association no part of the net earnings of which inures,
or may lawfully inure, to the benefit of any private share-
holder or individual.
(5) "State board," "Division," and "Director" shall
have the same meaning as in article ten-a.

Sec. 2. Establishment of State Vocational Rehabili-
tation Centers and Workshops.—The state board, through
the division, is authorized and empowered to establish,
operate, and maintain vocational rehabilitation centers
and workshops: Provided, That to establish vocational
rehabilitation centers and workshops includes the ac-
ququisition by purchase, lease, gift, or otherwise of neces-
sary lands, and the construction, expansion, remodeling,
or alteration and equipment of necessary buildings; or,
for any particular center or workshop, the making of
contracts and agreements with any state, county, or mu-
nicipal agency, or non-profit institution providing for the
equipment, operation or maintenance by the state board,
through the division, of any facility of such agency or
institution in accordance with, and for the purpose of
this article: Provided further, That notwithstanding any
other provisions of law, the state board, through the di-
vision, shall, itself, properly operate, maintain, repair,
and manage and control the fiscal affairs of vocational
rehabilitation centers and workshops established pur-
suant to this section: Provided further, That the state
board, through the division, is authorized and empowered
to make and enter into all contracts and agreements
necessary and incidental to the performance of its powers
and duties under this section, in connection with which it is also authorized and empowered to cooperate with other agencies of the state.

Sec. 3. Establishment of Local Workshops.—Counties, cities, and towns in accordance with rules, regulations and standards made and adopted by the director, individually or jointly with any one or more such counties, cities, or towns are authorized and empowered to establish, operate, and maintain necessary workshops for blind and severely disabled persons: Provided, That to establish workshops includes the acquisition by purchase, lease, gift, or otherwise, of necessary lands, and the construction, expansion, remodeling, or alteration and equipment of necessary buildings.

Sec. 4. Rules and Regulations.—The director shall make and adopt rules, regulations, and standards for the establishment, operation and maintenance, government and control of rehabilitation centers and workshops established pursuant to this article, including such rules, regulations and standards as may be necessary for cooperation under and compliance with any existing or future federal
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8 statutes pertaining to grants-in-aid for rehabilitation
centers.

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

Sec. 6. Cooperation with State Department of Health.—
The state board, through the division, and the state de-
partment of health shall cooperate to assure coordination
of the rehabilitation center program under this article
with the hospital construction program provided for un-
Sec. 7. Personnel.—The director shall appoint in accordance with chapter eighteen, article ten-A, section five, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all personnel he deems necessary for the efficient and economical operation and maintenance of rehabilitation centers and workshops established, operated and maintained pursuant to section two of this article.

Sec. 8. Advisory Committee.—There shall be an advisory committee of five members to serve as advisors and consultants to the director of the division. The committee shall meet at least twice each year and at the call of the director of the division. The members of the committee shall annually elect one of its members to serve as chairman.

The advisory committee shall be appointed by the director, by and with the advice and consent of the state board, and shall include among its members represent-
atives of state and non-governmental agencies concerned with the establishment, operation, or utilization of vocational rehabilitation services and facilities, and at least one of the members shall be a person well-versed in problems related to employment of the severely disabled.

The members shall be appointed for five year terms except that in the original appointments one person shall be appointed for one year, one person for two years, one person for three years, one person for four years, and one person for five years. Thereafter each member shall be appointed for five years or until his successor is appointed.

In the case of a vacancy the appointee shall serve the remainder of the unexpired term.

Members of the advisory committee shall be eligible to succeed themselves. Members of the advisory committee shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of their office.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 15th day of February, 1951.

Governor.

D. Pitt O'Brien, Secretary of State

of West Virginia