

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1964

ENROLLED

SENATE BILL NO. 4

(By Mr. Carson (ex. President) and Gov. Davis)

PASSED.....February 6,.....1964

In Effect.....90 days from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-11-64

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ENROLLED
JUDICIARY
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 4

(Mr. Carson [Mr. President] and Mr. Davis original sponsors)

[Passed February 6, 1964; in effect ninety days from passage.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article fourteen, relating to the establishing of a "state commission on aging", to provide for the appointing of a director and such advisory committees and local committees as the commission deems necessary; to prescribe the powers and duties of the commission and its director; and to provide

cooperative assistance in the development of programs at the local and community level.

Be it enacted by the Legislature of West Virginia:

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

Article 14. State Commission on Aging.

Section 1. Members.---There is hereby created the
2 “state commission on aging”, hereinafter referred to as
3 the “commission”. The commission shall consist of seven-
4 teen members, as follows: Seven members, herein re-
5 ferred to as government representatives, who shall be
6 the state superintendent of schools, the director of health,
7 the director of mental health, the commissioner of public
8 institutions, the commissioner of welfare, the director of
9 the West Virginia division of vocational rehabilitation,
10 and the commissioner of the West Virginia department
11 of employment security; and ten additional citizens of the
12 state, herein referred to as citizen representatives, no
13 more than five of whom shall belong to the same political

14 party, who have demonstrated an interest in and knowl-
15 edge of the problems of the aging. The governor shall
16 appoint the ten citizen representatives of the commission
17 by and with the advice and consent of the senate.

Sec. 2. Citizen Representatives.—The citizen represent-
2 atives shall be appointed for terms of four years each, and
3 until their successors are appointed and qualified; except
4 that of the members first appointed, four shall be ap-
5 pointed for terms of one year, two for terms of two years,
6 two for terms of three years, and two for terms of four
7 years. Vacancies shall be filled for the remainder of any
8 unexpired term in the same manner as the original ap-
9 pointment.

Sec. 3. Office Space; Officers; Meetings.—The commis-
2 sion may be supplied with necessary office space. A
3 majority of the members of the commission shall consti-
4 tute a quorum for the transaction of business. The com-
5 mission shall elect a chairman, a vice chairman, and such
6 other officers as it deems necessary. The commission shall
7 meet at least two times each year. If unable to attend a
8 commission meeting, a government representative shall

9 send in his place his deputy or another person who has
10 authority to act on behalf of the government representa-
11 tive, who shall be considered a member of the commission
12 for the purpose of obtaining a quorum for the transaction
13 of business.

Sec. 4. Expenses.—Each citizen representative shall be
2 entitled to receive out of funds appropriated or available
3 for such purposes travel and other necessary expenses
4 actually incurred in the performance of his official duties
5 under the provisions of this article. Requisition for such
6 expenses shall be accompanied by a sworn and itemized
7 statement which shall be filed with the auditor.

Sec. 5. Director.—After its citizen members have been
2 appointed by the governor, the commission shall appoint
3 a director who shall act as the chief administrative officer
4 of the commission. He shall be a person who is profes-
5 sionally qualified by experience and training to assume
6 the responsibilities of the position. The director's annual
7 salary shall, within the limits of funds available, be fixed
8 by the board of public works and he may be reimbursed
9 for travel and other necessary expenses actually incurred

10 in the performance of his official duties. Requisition for
11 such expenses shall be accompanied by a sworn and item-
12 ized statement which shall be filed with the auditor.

Sec. 6. Personnel.—The director shall, with the advice
2 and consent of the commission, appoint such other per-
3 sonnel as the commission deems to be necessary for the
4 efficient performance of the duties prescribed by this
5 article. Within the limits of funds available, and with the
6 approval of the board of public works, the commission
7 may fix the compensation of such other personnel, and
8 may incur other expenses necessary to the effective dis-
9 charge of its powers and duties.

Sec. 7. Advisory Committees.—The commission may
2 create whatever advisory committees it deems necessary
3 in such fields as health and mental health; income main-
4 tenance; employment and vocational rehabilitation; edu-
5 cation; recreation and library services; social services;
6 state and local community organization and leadership
7 development, and may use funds appropriated or avail-
8 able for such purposes to defray the expense of such ad-
9 visory committees. It shall, where feasible, designate a

10 commission member having special competence in a field
11 as chairman of any advisory committee it may create in
12 that field. The commission may, in its discretion, also
13 create such local or regional advisory committees. All
14 such advisory committees shall report to the commission
15 with regard to their activities and findings. Members of
16 all such advisory committees may be entitled to receive
17 out of funds appropriated or available for such purposes
18 travel and other necessary expenses actually incurred in
19 the performance of their official duties under the provi-
20 sions of this article. Requisition for such expenses shall
21 be accompanied by a sworn and itemized statement which
22 shall be filed with the auditor.

Sec. 8. Purposes; Actions.—The commission through its
2 director shall take action to carry out the following pur-
3 poses:

4 (a) Conduct, and encourage other organizations to con-
5 duct, studies of the problems of the state's older people;

6 (b) Encourage, promote and aid in the establishment
7 of local programs and services for the aging. The com-
8 mission may assist local governmental and other agencies

9 by designing surveys that could be used locally to deter-
10 mine needs of older people; by recommending the creation
11 of such services and facilities as appear to be needed; by
12 serving as a clearing house for the collection and distribu-
13 tion of information on aging; and by assisting organiza-
14 tions and communities in such other ways as the com-
15 mission may deem appropriate;

16 (c) Conduct programs of public education on the prob-
17 lems of the aging;

18 (d) Review existing state programs for the aging, and
19 annually make recommendations to the governor and the
20 Legislature for improvements in and additions to such
21 programs;

22 (e) Encourage and assist governmental and private
23 agencies to coordinate their efforts on behalf of the aging
24 in order that such efforts be effective and the duplication
25 and wasting of effort be eliminated;

26 (f) Represent the state's concern for its senior citizens
27 by collecting, analyzing and disseminating information
28 about the aged and aging; and coordinate statewide local
29 and voluntary efforts to serve the aging and make use of

30 their wisdom and capacities, with due regard to the de-
31 velopment of programs at the local level.

Sec. 9. Demonstration Programs.—The commission may
2 establish, under the administration of the director, in
3 selected areas and local communities of the state, demon-
4 stration programs of services for the aging. Particular
5 emphasis shall be given to services designed to foster
6 continued participation of older people in family and
7 community life and to prevent, insofar as possible, the
8 onset of dependency and the need for long-term institu-
9 tional care. The programs shall be established to demon-
10 strate their value and to stimulate local agencies to con-
11 tinue the programs and to create new services where
12 needed. Any appropriations made for such demonstration
13 programs may be made contingent upon local appropria-
14 tions or gifts in money or in kind for the support of such
15 programs. The county court of any county or governing
16 body of any city, village or municipality in this state may
17 furnish and appropriate money for establishing a demon-
18 stration program.

Sec. 10. Designated State Agency.—The commission

2 shall constitute the designated state agency for handling
3 all programs of the federal government relating to the
4 aging requiring action within the state, which are not
5 the specific responsibility of another state agency under
6 the provisions of federal law or which have not been
7 specifically entrusted to another state agency by the
8 Legislature.

Sec. 11. Donations.—The commission may receive on
2 behalf of the state any grant or gift and accept the same,
3 so that the title shall pass to the state. All moneys from
4 grants or gifts shall be deposited with the state treasurer
5 in a special fund and shall be used for the purposes set
6 forth in the grant or gift, if the purposes are within the
7 powers conferred on the commission. The commission
8 shall be empowered to comply with all regulations and
9 requirements to qualify for federal grants and to adminis-
10 ter such federal funds.

Sec. 12. Records and Files.—All records, files and other
2 property belonging to the state commission on problems
3 of the aging pursuant to appropriation made and funds
4 available under the provisions of senate concurrent reso-

5 lution number four heretofore adopted on the twenty-
6 eighth day of February, one thousand nine hundred fifty-
7 seven, and senate committee substitute for house concur-
8 rent resolution number five heretofore adopted on the
9 twelfth day of March, one thousand nine hundred fifty-
10 nine, shall be turned over to the commission on aging
11 herein created and shall be continued as part of the rec-
12 ords, files and other property thereof.

Sec. 13. Reports.—The commission shall submit a prog-
2 ress report to the governor and to the members of the
3 Legislature on or before January first of each year, in
4 addition to such other recommendations, studies and
5 plans as it may submit from time to time.

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

D. Roy Parker
Chairman Senate Committee

Frederic L. Gaudall
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Meyer
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Ringfellow
Speaker House of Delegates

The within approved this the 13th
day of February, 1964.

W. W. Bawn
Governor