

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

## ENROLLED

SENATE BILL NO. 176

(By Mr. McCourt)

PASSED March 13, 1965

In Effect July 1, 1965 Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-18-65

# 176

**ENROLLED**

**Senate Bill No. 176**

(By MR. McCOURT)

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[Passed March 13, 1965; in effect July 1, 1965.]

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AN ACT to amend and reenact section two, article eight, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article eight by adding thereto a new section, designated section two-a, all relating to the establishment by county courts of local mental health programs and deducting the cost of such programs from the annual county debt to the state of West Virginia for the maintenance of resident patients at state mental institutions.

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

That section two, article eight, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article

eight be further amended by adding thereto a new section, designated section two-a, to read as follows:

**Section 2. When and How Counties to Pay.—If the state**

2 mental institution is unable to collect a minimum of one  
3 hundred fifty dollars per annum toward the maintenance  
4 of a patient, whether on a voluntary or involuntary  
5 status, the county of which the patient is a resident shall  
6 annually pay into the state treasury for credit to the ap-  
7 propriate institution the difference between the amount,  
8 if any, collected by the institution and the sum of one  
9 hundred fifty dollars, subject, however, to the provisions  
10 of section two-a.

11 At every levy term of each county court it shall esti-  
12 mate for and levy a sufficient amount to meet all such  
13 expenses. The superintendent of such institution, on or  
14 before the tenth day of January of each year, shall certify  
15 to the auditor a list of all the patients in the institution  
16 during the whole or any part of the preceding year for  
17 which the counties are to pay, showing on such list un-  
18 der the name of the county, the number from each county  
19 and length of time they were in the institution during

20 the year, and showing the amount due from each county  
21 for each patient, and the total amount due from each  
22 county for the year. As soon as such list is received by  
23 the auditor he shall charge to each county the amount  
24 appearing to be due from the certificates of the super-  
25 intendants. Within ten days after the receipt of such  
26 certificates the auditor shall make out a copy thereof  
27 for each county and certify the same to the county court  
28 thereof, which list shall show the name of each patient  
29 in such hospital from the county during the year, the  
30 length of time he was in such institution during the year,  
31 the amount charged for each patient, and the total amount  
32 charged on account of all such patients from the county;  
33 and such total amount shall constitute a debt against  
34 the county due the state. Whenever there is in the state  
35 treasury a sum of money due any county from any source,  
36 the same shall be at once applied on the debt aforesaid  
37 against the county, and the fact of such application of  
38 such fund shall be reported by the auditor to the county  
39 court of the county, which report shall be a receipt for  
40 the amount therein named.

41 The provisions of this section shall apply only to the  
42 state mental hospitals proper, and not to the clinics at-  
43 tached thereto.

**Sec. 2-a. Local Mental Health Facilities; Credits to An-**

2 **nual Debt.**—Any county court which elects to establish  
3 a local mental health program and has a completed com-  
4 prehensive program ready for implementation, and which  
5 program is approved in advance by the state director of  
6 mental health, shall be allowed to deduct from its annual  
7 debt for the maintenance of resident patients in state  
8 mental institutions, as set forth in section two, an amount  
9 equal to the moneys annually expended by said county  
10 court for the establishment and maintenance of said ap-  
11 proved local mental health program.

12 Any county court which desires to establish a local  
13 mental health program may make application for ap-  
14 proval of such program to the director of mental health  
15 on forms to be provided by the director and in accord-  
16 ance with procedures and standards which have been  
17 established by the director.

18 On or before the fifth day of January of each year, each  
19 county court which has established an approved program  
20 shall certify to the director a detailed statement of its  
21 expenditures made for such program on a form to be pro-  
22 vided by the director. The director shall have the author-  
23 ity to delete or refuse to approve any expenditures made  
24 by the county courts which were not made in accordance  
25 with the approved comprehensive plan for that county.

26 On or before the fifteenth day of January of each year  
27 the director of the department of mental health shall  
28 certify to the auditor a statement of the approved expen-  
29 ditures made by each county which has elected to estab-  
30 lish a local mental health program. The auditor shall  
31 deduct such certified sums from the amount determined  
32 to be due the state of West Virginia, as provided in sec-  
33 tion two: *Provided*, That any amount due which is not  
34 used in the operation of such a local mental health pro-  
35 gram in the fiscal year for which it was made available  
36 to provide mental health services to its residents shall  
37 continue to be paid into the state treasury: *Provided*  
38 *further*, That any such approved comprehensive mental

39 health program must be fully implemented within one  
40 year from the date of approval by the state director of  
41 mental health.

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

*O. Ray Fisher*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect

*July 1, 1965*

Passage.

*Thomas H. Myers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Harold E. Carson*  
President of the Senate

*H. Leban White*  
Speaker House of Delegates

The within *approved* this the *18*  
day of *March*, 1965.

*Stewart C. Smith*  
Governor





Presented to the Governor's Office  
March 18, 1965  
2:40 P.M.