

NO. 2144

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 2144

(By ~~ME~~ *Del. Spencer & Mezzatesta*)



Passed *April 2,* 1989

In Effect *July 1, 1989* ~~Passage~~

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2144**  
(By DELEGATES SPENCER AND MEZZATESTA)

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[Passed April 7, 1989; in effect July 1, 1989.]

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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 fourteen, relating to creation of a commission for the hearing-impaired, statement of legislative findings, definitions, membership requirements for the commission, terms of office for commission members, goals of the commission, provisions for seminars and training sessions in deaf education, requirement for assistance from other state agencies, duties of the executive director, and provision for payment of expenses of certain members.

*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 fourteen, to read as follows:

**ARTICLE 14. WEST VIRGINIA COMMISSION FOR THE HEARING-IMPAIRED.**

**§5-14-1. Legislative findings.**

1     The Legislature hereby finds and declares that:

2 (a) There is a need for West Virginia to adequately  
3 identify the hearing-impaired population and provide  
4 efficient and effective services to such population;

5 (b) Hearing-impaired people need to be more involved  
6 in the decisions and programs that affect their lives by  
7 soliciting and seriously considering their collective  
8 opinion on appropriate matters;

9 (c) Cooperation among state and local agencies must  
10 be facilitated in an effort to ensure that adequate and  
11 appropriate services are available and provided;

12 (d) In order to further the aforementioned goals it is  
13 necessary to determine what services exist and what  
14 services can be developed in order to match services to  
15 individual needs;

16 (e) A rubella epidemic from one thousand nine  
17 hundred sixty-three to one thousand nine hundred sixty-  
18 five caused a number of infants in West Virginia to be  
19 born hearing-impaired. These individuals are approach-  
20 ing the ages where they will no longer be eligible for  
21 educational services, thus requiring services as young  
22 adults. The Legislature, therefore, declares that there is  
23 an unprecedented and imperative need to plan and  
24 prepare for the multiplicity of services required in order  
25 to ensure a life-long continuum of services to this  
26 particular population;

27 (f) There must be more emphasis on the use of  
28 interpreters for deaf and hard-of-hearing people and on  
29 the quality control of such services;

30 (g) There must be more emphasis on the use of  
31 telecommunication devices for the deaf (tdds) and means  
32 to provide them for hearing-impaired people;

33 (h) Through the implementation of the provisions of  
34 this article, the deaf and hard-of-hearing population of  
35 West Virginia will be aided in their efforts to live  
36 independent and productive lives.

#### §5-14-2. Definitions.

1 As used in this article:

2       “Deaf” means severe to profound impairment of the  
3 sense of hearing whereby the understanding of speech  
4 is unattainable through the ear alone with or without  
5 amplification, and visual communication is used as the  
6 primary mode of communication.

7       “Hard-of-hearing” means significant impairment to  
8 the sense of hearing, but not to the extent that the  
9 person must rely primarily on visual communication.

10       “Hearing-impaired” means persons who are either  
11 deaf or hard-of-hearing.

**§5-14-3. Establishment of commission; membership.**

1       There is hereby established within the executive  
2 department a commission to be known as the “West  
3 Virginia Commission for the Hearing-Impaired” consist-  
4 ing of fifteen persons, eight of whom shall serve ex  
5 officio, to be appointed by the governor within sixty days  
6 after the effective date of this article by and with the  
7 advice and consent of the Senate. The commission shall  
8 meet no less than four times annually. All meetings and  
9 activities held by the commission shall be attended by  
10 at least two qualified interpreters who shall be hired at  
11 the commission’s expense or provided free of charge by  
12 agencies, organizations or individuals willing to volun-  
13 teer qualified interpreters. The members are:

14       (a) The commissioner, or his or her designee, of the  
15 department of human services; the commissioner, or his  
16 or her designee, of the department of labor; the director,  
17 or his or her designee, of the department of health; the  
18 state superintendent of schools, or his or her designee,  
19 of the state board of education; the director, or his or  
20 designee, of the division of rehabilitation; the director,  
21 or his or her designee, of the division of handicapped  
22 children’s services in the department of human services;  
23 the chairman, or his or her designee, of the advisory  
24 council for the education of exceptional children; and the  
25 superintendent, or his or her designee, of the West  
26 Virginia School for the deaf, all of whom shall serve ex-  
27 officio;

28       (b) Seven persons appointed by the governor, at least

29 three of whom are deaf or hard-of-hearing, one of whom  
30 is the parent of a deaf child, one of whom is a certified  
31 teacher of the hearing-impaired, one audiologist and one  
32 otolarngologist. Of the three deaf people, at least two  
33 shall be selected from a list of four people recommended  
34 by the board of the West Virginia association of the deaf.

**§5-14-4. Terms of office; quorum.**

1 Members of the commission who do not serve ex  
2 officio shall be appointed for the following terms: Three  
3 members shall be appointed for a term of three years;  
4 three for a term of two years and one for a term of one  
5 year. When a vacancy occurs, an appointment shall be  
6 made for the unexpired term. The members shall  
7 annually elect a chairman. A majority of the members  
8 constitutes a quorum for the transaction of business.

**§5-14-5. Powers and duties of the commission; register of hearing-impaired; duty to report to the commission; census; information clearinghouse; coordination of interpreters; outreach programs; seminars and training sessions.**

1 The commission shall maintain a complete register of  
2 persons who are deaf or hard-of-hearing in the state. For  
3 each hearing-impaired person, the register shall describe  
4 the condition and cause of the hearing problem,  
5 the person's capacity for education and industrial  
6 training and any other facts the commission considers  
7 valuable. Identifying information contained in the  
8 register is confidential: *Provided*, That information  
9 collected and maintained in the register will be  
10 available upon request to other government agencies in  
11 order to facilitate services to their hearing-impaired  
12 clients. Every health, educational and social agency, and  
13 physician or other medical professional serving hearing-  
14 impaired individuals shall report to the commission, in  
15 writing, the name, age and residence of persons who are  
16 deaf or hard-of-hearing.

17 In addition to the register, the commission is respon-  
18 sible for conducting and maintaining a census of both  
19 the deaf and hard-of-hearing populations in West  
20 Virginia. Such census shall contain state, county and

21 city figures.

22 The commission shall maintain a clearinghouse of  
23 information, the purpose of which is to aid hearing-  
24 impaired persons and others in obtaining appropriate  
25 services or information about such services including,  
26 but not limited to, education, communication (including  
27 interpreters), group home facilities, independent living  
28 skills, recreational facilities, employment, vocational  
29 training, health and mental health services, substance  
30 abuse and other services necessary to assure their ability  
31 to function in society. The commission shall consult  
32 existing public and private agencies and organizations  
33 in compiling and maintaining the clearinghouse.

34 The commission shall establish, maintain and coordi-  
35 nate a statewide service to provide courts, state and local  
36 legislative bodies and others with a list of qualified and  
37 certified interpreters for the deaf and a list of qualified  
38 and certified teachers of American sign language. To  
39 establish and maintain these lists the commission may  
40 accept the certification of the National Registry of  
41 Interpreters for the Deaf and/or the state established  
42 quality assurance evaluation.

43 The commission shall develop an outreach program to  
44 familiarize the public with the rights and needs of  
45 hearing-impaired people and of available services.

46 The commission shall investigate the condition of the  
47 hearing-impaired in this state with particular attention  
48 to those who are aged, homeless, needy, victims of  
49 rubella and victims of abuse or neglect. It shall  
50 determine the means the state possesses for establishing  
51 group homes for its hearing-impaired citizens and the  
52 need for additional facilities. The commission shall also  
53 determine the advisability and necessity of providing  
54 services to the multihandicapped hearing-impaired.

#### **§5-14-6. Seminars and training sessions.**

1 The commission may establish one or more training  
2 sessions or workshops for the teaching of interpretive  
3 skills, in-service training and counseling for the deaf  
4 and hard-of-hearing. Seminars and training sessions

5 may be conducted and are encouraged to work with the  
6 existing facilities and organizations established to  
7 accomplish the same goals.

**§5-14-7. Assistance of other agencies.**

1 To effectuate the purposes of this article, the commis-  
2 sion may request from any department, board, bureau,  
3 commission or other agency of the state, and the same  
4 are authorized to provide such assistance, services and  
5 data as will enable the commission to properly carry out  
6 its powers and duties hereunder.

**§5-14-8. Executive director; staff.**

1 There shall be within the commission an executive  
2 director who shall be appointed by the commission and  
3 whose compensation shall be fixed by the commission  
4 within the budgetary appropriation thereof. The execu-  
5 tive director shall be in the exempt class of civil service  
6 and may not be a member of the commission. The  
7 executive director may attend all meetings of the  
8 commission, as well as its committees, but has no vote  
9 on decisions or actions of the commission or its commit-  
10 tees. The executive director shall carry out the decisions  
11 and actions of the commission, hire all staff, administer  
12 all affairs of the commission in accordance with its  
13 policies and discharge such other duties as the commis-  
14 sion shall from time to time determine. The commission  
15 may employ such other officers, employees and clerical  
16 assistants as it considers necessary and may fix their  
17 compensation within the amounts made available by  
18 appropriation. To the extent possible, the executive  
19 director shall be hearing-impaired and shall be profi-  
20 cient in communicating with hearing-impaired individ-  
21 uals using varying communication modes.

**§5-14-9. Reports and recommendations.**

1 The commission shall make an annual report to the  
2 governor and the Legislature which shall include its  
3 recommendations and programs.

**§5-14-10. Grants and gifts; contracts.**

1 The commission, with the approval of the governor,

2 may agree to accept and contract as agent of the state  
3 any gift, grant, devise or bequest, including federal  
4 grants, for any of the purposes of this article. Any  
5 moneys so received may be expended by the commission  
6 to effectuate any purpose of this article, subject to the  
7 same limitations as to approval of expenditures and  
8 audit as are prescribed for state moneys appropriated  
9 for the purposes of this article.

10 The commission may enter into contracts with any  
11 person, firm, corporation, municipality or governmental  
12 agency to effectuate the purposes of this article.

**§5-14-11. Reimbursement for expenses.**

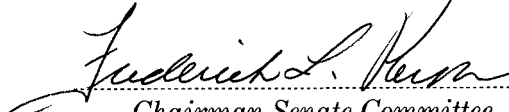
1 The members of the commission, other than its ex  
2 officio members, are entitled to reimbursement for their  
3 actual and necessary expenses incurred in the perfor-  
4 mance of official duties.

*[Handwritten signature]*



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

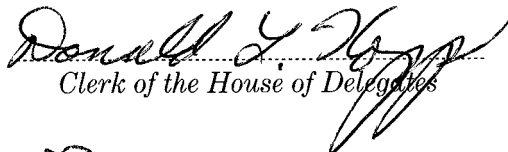
  
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Chairman Senate Committee

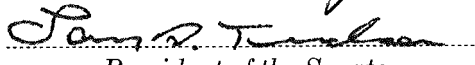
  
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Chairman House Committee

Originating in the House.

Takes effect July 1, 1989.

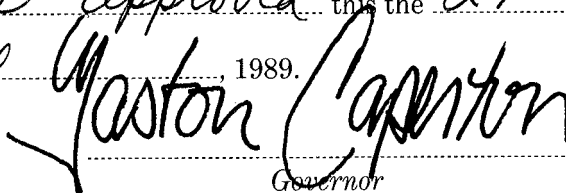
  
.....  
Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 27<sup>th</sup>  
day of April, 1989.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:31