WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Com. Sub. for
HOUSE BILL No. 2144

(By Del. Spencer & Magratha)

Passed April 7, 1989
In Effect July 1, 1989
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:
(a) There is a need for West Virginia to adequately identify the hearing-impaired population and provide efficient and effective services to such population;
(b) Hearing-impaired people need to be more involved in the decisions and programs that affect their lives by soliciting and seriously considering their collective opinion on appropriate matters;
(c) Cooperation among state and local agencies must be facilitated in an effort to ensure that adequate and appropriate services are available and provided;
(d) In order to further the aforementioned goals it is necessary to determine what services exist and what services can be developed in order to match services to individual needs;
(e) A rubella epidemic from one thousand nine hundred sixty-three to one thousand nine hundred sixty-five caused a number of infants in West Virginia to be born hearing-impaired. These individuals are approaching the ages where they will no longer be eligible for educational services, thus requiring services as young adults. The Legislature, therefore, declares that there is an unprecedented and imperative need to plan and prepare for the multiplicity of services required in order to ensure a life-long continuum of services to this particular population;
(f) There must be more emphasis on the use of interpreters for deaf and hard-of-hearing people and on the quality control of such services;
(g) There must be more emphasis on the use of telecommunication devices for the deaf (tdds) and means to provide them for hearing-impaired people;
(h) Through the implementation of the provisions of this article, the deaf and hard-of-hearing population of West Virginia will be aided in their efforts to live independent and productive lives.

§5-14-2. Definitions.

As used in this article:
"Deaf" means severe to profound impairment of the sense of hearing whereby the understanding of speech is unattainable through the ear alone with or without amplification, and visual communication is used as the primary mode of communication.

"Hard-of-hearing" means significant impairment to the sense of hearing, but not to the extent that the person must rely primarily on visual communication.

"Hearing-impaired" means persons who are either deaf or hard-of-hearing.

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

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

(a) The commissioner, or his or her designee, of the department of human services; the commissioner, or his or her designee, of the department of labor; the director, or his or her designee, of the department of health; the state superintendent of schools, or his or her designee, of the state board of education; the director, or his or her designee, of the division of rehabilitation; the director, or his or her designee, of the division of handicapped children’s services in the department of human services; the chairman, or his or her designee, of the advisory council for the education of exceptional children; and the superintendent, or his or her designee, of the West Virginia School for the deaf, all of whom shall serve ex-officio;

(b) Seven persons appointed by the governor, at least
three of whom are deaf or hard-of-hearing, one of whom
is the parent of a deaf child, one of whom is a certified
teacher of the hearing-impaired, one audiologist and one
otolaryngologist. Of the three deaf people, at least two
shall be selected from a list of four people recommended
by the board of the West Virginia association of the deaf.

§5-14-4. Terms of office; quorum.

Members of the commission who do not serve ex
officio shall be appointed for the following terms: Three
members shall be appointed for a term of three years;
three for a term of two years and one for a term of one
year. When a vacancy occurs, an appointment shall be
made for the unexpired term. The members shall
annually elect a chairman. A majority of the members
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 com-
mission; census; information clearinghouse;
coordination of interpreters; outreach pro-
grams; seminars and training sessions.

The commission shall maintain a complete register of
each hearing-impaired person, the register shall de-
scribe the condition and cause of the hearing problem,
the person's capacity for education and industrial
training and any other facts the commission considers
valuable. Identifying information contained in the
register is confidential: Provided, That information
collected and maintained in the register will be
available upon request to other government agencies in
order to facilitate services to their hearing-impaired
clients. Every health, educational and social agency, and
physician or other medical professional serving hearing-
impared individuals shall report to the commission, in
writing, the name, age and residence of persons who are
deaf or hard-of-hearing.

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

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

The commission shall establish, maintain and coordinate a statewide service to provide courts, state and local legislative bodies and others with a list of qualified and certified interpreters for the deaf and a list of qualified and certified teachers of American sign language. To establish and maintain these lists the commission may accept the certification of the National Registry of Interpreters for the Deaf and/or the state established quality assurance evaluation.

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

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

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

The commission may establish one or more training sessions or workshops for the teaching of interpretive skills, in-service training and counseling for the deaf and hard-of-hearing. Seminars and training sessions
may be conducted and are encouraged to work with the existing facilities and organizations established to accomplish the same goals.

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

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

§5-14-8. Executive director; staff.

There shall be within the commission an executive director who shall be appointed by the commission and whose compensation shall be fixed by the commission within the budgetary appropriation thereof. The executive director shall be in the exempt class of civil service and may not be a member of the commission. The executive director may attend all meetings of the commission, as well as its committees, but has no vote on decisions or actions of the commission or its committees. The executive director shall carry out the decisions and actions of the commission, hire all staff, administer all affairs of the commission in accordance with its policies and discharge such other duties as the commission shall from time to time determine. The commission may employ such other officers, employees and clerical assistants as it considers necessary and may fix their compensation within the amounts made available by appropriation. To the extent possible, the executive director shall be hearing-impaired and shall be proficient in communicating with hearing-impaired individuals using varying communication modes.

§5-14-9. Reports and recommendations.

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

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

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

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

§5-14-11. Reimbursement for expenses.

The members of the commission, other than its ex officio members, are entitled to reimbursement for their actual and necessary expenses incurred in the performance of official duties.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1989.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th day of April, 1989.

Governor