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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



# ENROLLED

## House Bill No. 4510

(By Mr. Speaker, (Mr. Kiss), and Delegates Beane,  
Amores, Browning, Campbell, Ennis, Staton,  
Ashley, Azinger, Ellem and G. White)



Passed March 10, 2006

In Effect Ninety Days from Passage

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**E N R O L L E D**

**H. B. 4510**

(BY MR. SPEAKER, (MR. KISS), AND DELEGATES BEANE,  
AMORES, BROWNING, CAMPBELL, ENNIS, STATON,  
ASHLEY, AZINGER, ELLEM AND G. WHITE)

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AN ACT to amend and reenact §5-14-2, §5-14-3, §5-14-5 and §5-14-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Commission for the Deaf and Hard of Hearing generally; removing the requirement that the commission maintain a register of persons who are deaf or hard of hearing; removing the requirement that the commission conduct and maintain a census of both populations in West Virginia; clarifying the voting power of certain members of the commission; and making certain other technical changes.

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

That §5-14-2, §5-14-3, §5-14-5 and §5-14-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 14. WEST VIRGINIA COMMISSION FOR THE DEAF AND  
HARD OF HEARING.**

**§5-14-2. Definitions.**

1 As used in this article:

2 (a) "Deaf" means severe to profound impairment of the  
3 sense of hearing whereby the understanding of speech is  
4 unattainable through the ear alone with or without amplifica-  
5 tion, and visual communication is used as the primary mode of  
6 communication.

7 (b) "Hard of hearing" means significant impairment to the  
8 sense of hearing, but not to the extent that the person must rely  
9 primarily on visual communication.

10 (c) "Hearing-impaired" means persons who are either deaf  
11 or hard of hearing.

**§5-14-3. Continuation of Commission; membership.**

1 (a) The West Virginia Commission for the Deaf and Hard  
2 of Hearing is continued within the Department of Health and  
3 Human Resources consisting of seventeen persons, eight of  
4 whom shall serve ex officio. The remaining members are  
5 appointed by the Governor by and with the advice and consent  
6 of the Senate. The commission shall meet no less than four  
7 times annually. All meetings and activities held by the commis-  
8 sion shall be attended by at least two qualified interpreters who  
9 shall be hired at the commission's expense or provided free of  
10 charge by agencies, organizations or individuals willing to  
11 volunteer qualified interpreters.

12 (b) The members are: The Secretary of the Department of  
13 Health and Human Resources, or his or her designee; the  
14 Commissioner of the Division of Labor, or his or her designee;  
15 the commissioner of the Bureau for Public Health, or his or her  
16 designee; the State Superintendent of Schools, or his or her  
17 designee; the Director of the Division of Rehabilitation Ser-  
18 vices, or his or her designee; the Commissioner of the Division  
19 of Human Services, or his or her designee; the Chairman of the

20 Advisory Council for the Education of Exceptional Children, or  
21 his or her designee; and the Superintendent of the West Virginia  
22 School for the Deaf and Blind, or his or her designee, all of  
23 whom serve ex officio with full voting privileges.

24 (c) The Governor shall appoint nine persons, at least five of  
25 whom are deaf or hard of hearing, one of whom is the parent of  
26 a deaf child, one of whom is a certified teacher of the hearing-  
27 impaired, one audiologist and one otolaryngologist. Of the five  
28 deaf people, at least three shall be selected from a list of five  
29 people recommended by the Board of the West Virginia  
30 Association of the Deaf.

**§5-14-5. Powers and duties of the Commission; information clearinghouse; coordination of interpreters; outreach programs; seminars and training sessions.**

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

12 (b) The commission shall establish, maintain and coordi-  
13 nate a statewide service to provide courts, state and local  
14 legislative bodies and others with a list of qualified and  
15 certified interpreters for the deaf and a list of qualified and  
16 certified teachers of American sign language.

17 (c) The Secretary of the Department of Health and Human  
18 Resources shall promulgate rules pursuant to article three,  
19 chapter twenty-nine-a of this code for the state quality assur-  
20 ance evaluation, including the establishment of required  
21 qualifications and ethical standards for interpreters, the ap-  
22 proval of interpreters, the monitoring and investigation of  
23 interpreters and the suspension and revocation of approvals.  
24 The commission may conduct interpreter evaluations and  
25 collect and expend funds with regard thereto.

26 (d) The commission shall develop an outreach program to  
27 familiarize the public with the rights and needs of hear-  
28 ing-impaired people and of available services.

29 (e) The commission shall investigate the condition of the  
30 hearing-impaired in this state with particular attention to those  
31 who are aged, homeless, needy, victims of rubella and victims  
32 of abuse or neglect. It shall determine the means the state  
33 possesses for establishing group homes for its hearing-impaired  
34 citizens and the need for additional facilities. The commission  
35 shall also determine the advisability and necessity of providing  
36 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 skills, in-  
3 service training and counseling for the deaf and hard of hearing.  
4 Seminars and training sessions may be conducted and are  
5 encouraged to work with the existing facilities and organiza-  
6 tions established to accomplish the same goals.

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

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 28<sup>th</sup>  
day of March, 2006.

Governor

PRESENTED TO THE  
GOVERNOR

MAR 22 2006

Time 3:45pm