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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

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**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4009**

(By Mr. Speaker, Mr. Kiss and Delegate Trump)  
[By Request of the Executive]

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Passed March 13, 2004

In Effect Ninety Days from Passage

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FOR

## H. B. 4009

(BY MR. SPEAKER, MR. KISS AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-1-11, relating to creating the position of state Americans with disabilities coordinator within the department of administration; powers and duties; authorizing assessing fees to other state agencies for the coordinator's services; creating special fund; annual report; and sunset provision.

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

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5A-1-11, to read as follows:

### ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

#### §5A-1-11. State Americans with disabilities coordinator.

1 (a) There is hereby created within the department of  
2 administration the position of the state Americans with disabili-  
3 ties coordinator, who shall be appointed by the secretary of the  
4 department of administration with input from the chairperson  
5 from each of the following four councils:

6 (1) The developmental disabilities council;

7 (2) The statewide independent living council;

8 (3) The mental health planning council; and

9 (4) The state rehabilitation council.

10 (b) The coordinator shall be a full-time employee, and shall  
11 have an in-depth working knowledge of the challenges facing  
12 persons with disabilities. The coordinator may be a current  
13 employee of the department of administration or other state  
14 agency employee.

15 (c) The coordinator shall:

16 (1) Advise the director of personnel in the development of  
17 comprehensive policies and programs for the development,  
18 implementation and monitoring of a statewide program to  
19 assure compliance with 42 U.S.C. §12101, *et seq.*, the federal  
20 Americans with Disabilities Act;

21 (2) Assist in the formulation of rules and standards relating  
22 to the review, investigation and resolution of complaints of  
23 discrimination in employment, education, housing and public  
24 accommodation;

25 (3) Consult and collaborate with state and federal agency  
26 officials in the state plan development;

27 (4) Consult and collaborate with agency Americans with  
28 disabilities officers on the appropriate training for managers  
29 and supervisors on regulations and issues;

30 (5) Represent the state on local, state and national commit-  
31 tees and panels related to Americans with disabilities;

32 (6) Advise the governor and agency heads on Americans  
33 with disabilities issues;

34 (7) Consult with state equal employment opportunity  
35 officers on the hiring of persons with disabilities; and

36 (8) Be available to inspect and advise the leasing section of  
37 the division of purchasing on all physical properties owned or  
38 leased by the state of West Virginia for compliance with 42  
39 U.S.C. §12101, *et seq.*, the federal Americans with disabilities  
40 act.

41 (d)(1) The secretary of the department of administration  
42 may assess, charge and collect fees from each state spending  
43 unit which utilizes the services of the coordinator, for the direct  
44 costs and expenses incurred by the coordinator in providing  
45 those services. Costs and expenses include travel, materials,  
46 equipment and supplies. Moneys shall be collected through the  
47 division of finance.

48 (2) A state spending unit shall agree in writing to all costs  
49 and expenses before the services by the Americans with  
50 disabilities coordinator are rendered.

51 (e) There is hereby created in the department of administra-  
52 tion a special fund to be named the "Americans with Disabili-  
53 ties Coordinator Fund", which shall be an interest-bearing  
54 account and may be invested in accordance with the provisions  
55 of article six, chapter twelve of this code, with the interest

56 income a proper credit to the fund. Funds paid into the account  
57 may be derived from the following sources:

58 (1) All moneys received from state spending units for the  
59 costs and expenses incurred by the state Americans with  
60 disabilities coordinator for providing services related to the  
61 state's implementation and compliance with 42 U.S.C. §12101,  
62 *et seq.*, the federal Americans with disabilities act;

63 (2) Any gifts, grants, bequests, transfers or donations which  
64 may be received from any governmental entity or unit or any  
65 person, firm, foundation or corporation; and

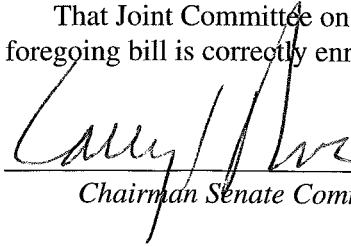
66 (3) All interest or return on investment accruing to the fund.

67 (f) Moneys in the fund are to be used for the costs and  
68 expenses incurred pursuant to this section. Any balance  
69 including accrued interest in this special fund at the end of any  
70 fiscal year shall not revert to the general revenue fund, but shall  
71 remain in the fund for use by the secretary of the department of  
72 administration for providing additional Americans with  
73 disabilities coordinator services within the state of West  
74 Virginia in the ensuing fiscal years.

75 (g) The secretary of the department of administration shall  
76 report annually on the fund to the governor, president of the  
77 Senate and speaker of the House of Delegates. The report must  
78 be on CD ROM or other electronic media and shall not be in  
79 print format.

80 (h) The state Americans with disabilities coordinator shall  
81 continue to exist until the first day of July, two thousand nine,  
82 unless sooner terminated, continued or reestablished pursuant  
83 to the provisions of article ten, chapter four of this code.

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

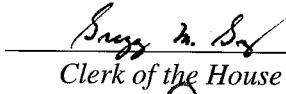
  
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Chairman Senate Committee

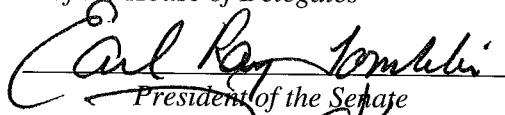
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

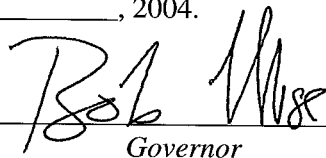
  
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Clerk of the Senate

  
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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 6th  
day of April, 2004.

  
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Governor

PRESENTED TO THE  
GOVERNOR

DATE 3/31/04  
TIME 10:00 am