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HOUSE BILL NO. 2370

House Amendments in [] — February 4, 1995

A *BILL to amend and reenact § 37.1-42.1 of the Code of Virginia, relating to duties of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.*

Patron—Wilkins

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 37.1-42.1 of the Code of Virginia is amended and reenacted as follows:**

§ 37.1-42.1. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of facilities [~~and~~ ,] *to establish the maximum capacity of each facility and designate an alternative facility to be used when a facility is full [, and to develop procedures to be used when overcrowding occurs due to emergencies] .*

2. To employ such personnel as may be required to carry out the purposes of this title.

3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, agencies and governmental subdivisions of this Commonwealth, consistent with policies, rules and regulations of the Board.

4. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies, and instrumentalities thereof and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with policies, rules and regulations of the Board.

5. To accept, execute and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.

6. To transfer between mental health and mental retardation facilities school-age residents who have been identified as appropriate to place in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which mental health or mental retardation facilities are situated.

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

ENGROSSED

HB2370E