

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1964

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**ENROLLED**

SENATE BILL NO. 9

(By Mr. Carson (Mr. President) and Mr. Wylie)

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PASSED.....February 5,.....1964

In Effect.....From.....Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 2-11-64

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**ENROLLED**

JUDICIARY

COMMITTEE SUBSTITUTE

For

**Senate Bill No. 9**

(MR. CARSON [MR. PRESIDENT] and MR. WYLIE original sponsors)

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[Passed February 5, 1964; in effect from passage.]

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AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article fifteen, establishing a state commission on mental retardation, prescribing its purposes, powers and duties, and establishing an advisory committee to the commission.

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

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended

by adding thereto a new article, designated article fifteen, to read as follows:

**Article 15. State Commission on Mental Retardation.**

**Section 1. Members.**—There is hereby created the  
2 state commission on mental retardation, hereinafter  
3 referred to as the commission. The commission shall  
4 consist of seven members, who, ex officio, shall be the  
5 state superintendent of schools, the director of health,  
6 the director of mental health, the commissioner of public  
7 institutions, the commissioner of welfare, the director of  
8 the West Virginia division of vocational rehabilitation  
9 and the commissioner of the West Virginia department  
10 of employment security.

**Sec. 2. Quorum; Officers; Meetings.**—A majority of  
2 the members of the commission shall constitute a quorum  
3 for the transaction of business. The commission shall  
4 elect a chairman, a vice chairman, and such other officers  
5 as it shall deem necessary. The commission shall meet  
6 at least two times each year. Meetings will be held upon  
7 call of the chairman or of a majority of its members.

**Sec. 3. Employment, Salary and Expenses of Per-**

2 **sonnel.**—The commission shall have authority to employ  
3 such personnel as in its judgment may be necessary to  
4 carry out the work of the commission, and to fix the  
5 salaries for such employees. The commission may, within  
6 the limits of funds available, incur travelling and other  
7 expenses necessary to the effective discharge of its powers  
8 and duties. Requisition for such expenses shall be ac-  
9 companied by a sworn and itemized statement which shall  
10 be filed with the auditor.

**Sec. 4. Advisory Committee.**—There is hereby created  
2 an advisory committee to the commission to consist of  
3 fifteen members who shall be appointed by the governor  
4 by and with the advice and consent of the senate to serve  
5 for three years, except that of the first appointments  
6 made pursuant to this article, five shall be made for  
7 a one-year term, five shall be made for a two-year term  
8 and five shall be made for a three-year term. Terms  
9 shall commence on the first day of July and shall end on  
10 the thirtieth day of June. In case of a vacancy due to  
11 death or resignation of a member, or otherwise, the gover-  
12 nor may fill the unexpired term.

13 The advisory committee shall meet at least once a year  
14 with the commission and shall act in an advisory capacity  
15 to the commission.

16 Members of the advisory committee, when their attend-  
17 ance is requested by the chairman of the commission, may  
18 be reimbursed for actual expenses incident to the per-  
19 formance of their duties in an amount not to exceed  
20 twenty-five dollars per day plus an allowance of ten cents  
21 per mile for every mile actually traveled to and from  
22 such meetings.

**Sec. 5. Purposes.**—The commission shall take action

2 to carry out the following purposes:

3 (a) Plan for and take other steps leading to compre-  
4 hensive state and community action to combat mental  
5 retardation.

6 (b) Determine what action is needed to combat men-  
7 tal retardation in the state and the resources available  
8 for this purpose.

9 (c) Develop public awareness of the mental retarda-  
10 tion problem and of the need for combating it.

11 (d) Coordinate state and local activities relating to

12 the various aspects of mental retardation and its pre-  
13 vention, treatment, or amelioration.

14 (e) Consult with and advise the governor and Legis-  
15 lature on all aspects of mental retardation.

16 (f) Consult with and advise state agencies, boards or  
17 departments with mental retardation responsibilities rela-  
18 tive to the effective discharge of such responsibilities.

**Sec. 6. State Agency for Federal Mental Retardation**

2 **Program.**—The commission is hereby designated and  
3 established as the sole state agency for receiving appropri-  
4 ations under and carrying out the purposes of section five  
5 of Public Law 88-156, eighty-eighth Congress, approved  
6 October 24, 1963, and any law amending, revising, supple-  
7 menting or superseding section five of said Public Law  
8 88-156.

9 The commission shall constitute the designated state  
10 agency for handling all programs of the federal govern-  
11 ment relating to mental retardation requiring action  
12 within the state which are not the specific responsibility  
13 of another state agency under the provisions of federal

14 law, rules or regulations, or which have not been specifi-  
15 cally entrusted to another state agency by the Legislature.

**Sec. 7. Donations and Grants.**—The commission may  
2 accept for any of its purposes and functions under this  
3 article any and all donations, any grants of money, equip-  
4 ment, supplies, materials, and services (conditional or  
5 otherwise) from the United States or any agency thereof,  
6 or from any institution, person, firm or corporation, and  
7 may receive, utilize, administer and dispose of the same.  
8 The commission shall be empowered to comply with all  
9 regulations and requirements to qualify for such grants  
10 from the United States or agency thereof.

11 The Legislature shall authorize the necessary appropri-  
12 ation to carry out the work of the commission.

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**Section 8. Annual Report Required.**—On or before Jan-  
2 uary one of each year, the commission shall submit to  
3 the governor and to the members of the Legislature a  
4 report summarizing the work and the activities of the  
5 commission for the preceding year.

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

*O. Roy Tucker*  
Chairman Senate Committee

*Chas. L. Sundall*  
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

*Alton W. Meyer*  
Clerk of the Senate

*Clarence Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Samuel W. Ingletaud*  
Speaker House of Delegates

The within approved this the 13<sup>th</sup> day of February, 1964.

*Tommy Bann*  
Governor

