WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1964

ENROLLED

SENATE BILL NO. 9

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

PASSED February 5, 1964

In Effect from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-11-64
ENROLLED
JUDICIARY
COMMITTEE SUBSTITUTE
For
Senate Bill No. 9
(MR. CARSON [MR. PRESIDENT] and MR. WYLIE original sponsors)

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

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
state commission on mental retardation, hereinafter
referred to as the commission. The commission shall
consist of seven members, who, ex officio, shall be the
state superintendent of schools, the director of health,
the director of mental health, the commissioner of public
institutions, the commissioner of welfare, the director of
the West Virginia division of vocational rehabilitation
and the commissioner of the West Virginia department
of employment security.

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

Sec. 3. Employment, Salary and Expenses of Per-
sonnel.—The commission shall have authority to employ such personnel as in its judgment may be necessary to carry out the work of the commission, and to fix the salaries for such employees. The commission may, within the limits of funds available, incur travelling and other expenses necessary to the effective discharge of its powers and duties. Requisition for such expenses shall be accompanied by a sworn and itemized statement which shall be filed with the auditor.

Sec. 4. Advisory Committee.—There is hereby created an advisory committee to the commission to consist of fifteen members who shall be appointed by the governor by and with the advice and consent of the senate to serve for three years, except that of the first appointments made pursuant to this article, five shall be made for a one-year term, five shall be made for a two-year term and five shall be made for a three-year term. Terms shall commence on the first day of July and shall end on the thirtieth day of June. In case of a vacancy due to death or resignation of a member, or otherwise, the governor may fill the unexpired term.
The advisory committee shall meet at least once a year with the commission and shall act in an advisory capacity to the commission.

Members of the advisory committee, when their attendance is requested by the chairman of the commission, may be reimbursed for actual expenses incident to the performance of their duties in an amount not to exceed twenty-five dollars per day plus an allowance of ten cents per mile for every mile actually traveled to and from such meetings.

Sec. 5. Purposes.—The commission shall take action to carry out the following purposes:

(a) Plan for and take other steps leading to comprehensive state and community action to combat mental retardation.

(b) Determine what action is needed to combat mental retardation in the state and the resources available for this purpose.

(c) Develop public awareness of the mental retardation problem and of the need for combating it.

(d) Coordinate state and local activities relating to
the various aspects of mental retardation and its prevention, treatment, or amelioration.

(e) Consult with and advise the governor and Legislature on all aspects of mental retardation.

(f) Consult with and advise state agencies, boards or departments with mental retardation responsibilities relative to the effective discharge of such responsibilities.

Sec. 6. State Agency for Federal Mental Retardation

Program.—The commission is hereby designated and established as the sole state agency for receiving appropriations under and carrying out the purposes of section five of Public Law 88-156, eighty-eighth Congress, approved October 24, 1963, and any law amending, revising, supplementing or superseding section five of said Public Law 88-156.

The commission shall constitute the designated state agency for handling all programs of the federal government relating to mental retardation requiring action within the state which are not the specific responsibility of another state agency under the provisions of federal
law, rules or regulations, or which have not been specifically entrusted to another state agency by the Legislature.

Sec. 7. Donations and Grants.—The commission may accept for any of its purposes and functions under this article any and all donations, any grants of money, equipment, supplies, materials, and services (conditional or otherwise) from the United States or any agency thereof, or from any institution, person, firm or corporation, and may receive, utilize, administer and dispose of the same. The commission shall be empowered to comply with all regulations and requirements to qualify for such grants from the United States or agency thereof. The Legislature shall authorize the necessary appropriation to carry out the work of the commission.

Sec. 8. Annual Report Required.—On or before January one of each year, the commission shall submit to the governor and to the members of the Legislature a report summarizing the work and the activities of the commission for the preceding year.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 13th day of February, 1964.

Governor