WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1964

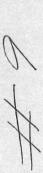
ENROLLED

SENATE BILL NO. 9

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

PASSED Selvery 5, 1964
In Effect 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)

Fig. 4. Says 2. September.

[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 Enr. Com. Sub. for S. B. No. 9]

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

- 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-

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

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.

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

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and the contract of the contra

5 commission for the preceding year.

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The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.
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Chairman Senate Committee
(thee I semidall
Chairman House Committee
Originated in the Senate.
Takes effect /ram passage.
Drawer Mage
Clerk of the Senate
Ca Blankenshye
Clerk of the House of Delegates
Howard Carson
President of the Senate
Julysh Juglefon Li
Speaker House of Delegates
The within approved this the 13 The
The within approved this the 13 th day of Jehruary, 1964.
Mann
Governor