

043129102

SENATE BILL NO. 381

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 34, consisting of sections numbered 30-226 through 30-233, relating to the Virginia Disability Commission; report.

 Patron—Puller

 Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 34, consisting of sections numbered 30-226 through 30-233, as follows:

CHAPTER 34.**VIRGINIA DISABILITY COMMISSION.**

§ 30-226. *Virginia Disability Commission; purpose.*

The Virginia Disability Commission (the "Commission") is established in the legislative branch of state government. The purpose of the Commission is to identify and recommend legislative priorities and policies that should be adopted or examined by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with disabilities.

§ 30-227. *Membership; terms; vacancies; chairman and vice chairman.*

The Commission shall consist of 18 members that include nine legislative members and two former legislative members, six nonlegislative citizen members, and the Lieutenant Governor. Members shall be appointed as follows: three members of the Senate and one former member of the Senate, to be appointed by the Senate Committee on Privileges and Elections; six members of the House of Delegates and one former member of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three nonlegislative citizen members, one of whom shall be a consumer with a disability, and the remaining two shall be members of the medical, insurance, or rehabilitation professions to be appointed by the Senate Committee on Privileges and Elections upon consideration of the recommendation of the Governor; three nonlegislative citizen members, one of whom shall be a consumer with a disability, and the remaining two shall be members of the medical, insurance, or rehabilitation professions to be appointed by the Speaker of the House of Delegates upon consideration of the recommendation of the Governor; and the Lieutenant Governor. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.

Legislative members of the Commission and the Lieutenant Governor shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Lieutenant Governor shall serve as chairman and the Commission shall elect a vice chairman from among its legislative membership.

§ 30-228. *Quorum; meetings; voting on recommendations.*

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-229. *Compensation; expenses.*

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from existing appropriations to the Commission, or, if

INTRODUCED

SB381

59 *underfunded, shall be approved by the Joint Rules Committee.*

60 *§ 30-230. Powers and duties of the Commission.*

61 *The Commission shall have the following powers and duties:*

62 *1. Serve as the primary forum in the Commonwealth where the needs and issues of people with*
63 *disabilities are addressed through the collaboration of members of the legislative and executive branches*
64 *of state government, and citizens of the Commonwealth;*

65 *2. Evaluate and advance budget proposals and policy issues oriented towards a service system that*
66 *maximizes the self-sufficiency of Virginians with disabilities;*

67 *3. Develop and review recommendations for service program changes and funding related to services*
68 *for persons with physical and sensory disabilities; and*

69 *4. Advise on local, state and federal policies and programs relevant to citizens with disabilities.*

70 *§ 30-231. Staffing.*

71 *The Commission may appoint and employ and, at its pleasure, remove an executive director and*
72 *such other persons as it deems necessary to assist it in carrying out its duties as set forth in this*
73 *chapter. The Commission may determine the duties of such staff and fix their salaries or compensation*
74 *within the amounts appropriated thereof.*

75 *If funds are not appropriated for staffing, then administrative staff support shall be provided by the*
76 *Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be*
77 *appropriate for the house in which the vice chairman of the Commission serves, and the Division of*
78 *Legislative Services shall provide legal, research, policy analysis and other services as requested by the*
79 *Commission.*

80 *All agencies of the Commonwealth shall provide assistance to the Commission, upon request.*

81 *§ 30-232. Chairman's executive summary of activity and work of the Commission.*

82 *The chairman shall submit to the General Assembly and the Governor an annual executive summary*
83 *of the interim activity and work of the Commission no later than the first day of each regular session of*
84 *the General Assembly. The executive summary shall be submitted as provided in the procedures of the*
85 *Division of Legislative Automated Systems for the processing of legislative documents and reports and*
86 *shall be posted on the General Assembly's website.*

87 *§ 30-233. Sunset.*

88 *This chapter shall expire on July 1, 2007.*

89 **2. That for its first year of existence, if the Commission is not funded by a separate appropriation**
90 **in the Appropriation Act, the Commission may be funded from the operating budgets of the Clerk**
91 **of the House of Delegates and the Clerk of the Senate upon the approval of the Joint Rules**
92 **Committee. If the Commission is not funded by a separate appropriation in the Appropriation Act**
93 **for any year thereafter, this chapter shall expire on July 1 of the fiscal year that the Commission**
94 **fails to receive such funding.**