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HOUSE BILL NO. 1839

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 51.5-23 and 51.5-25.1 of the Code of Virginia, and to repeal § 51.5-12 of the Code of Virginia, relating to Department of Rehabilitative Services; programs and duties.

Patron—Garrett

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That §§ 51.5-23 and 51.5-25.1 of the Code of Virginia are amended and reenacted as follows:**

§ 51.5-23. Awarding of grants; purposes; eligible applicants.

A. The Department is authorized, subject to other requirements of this law, to make grants or enter into contracts, in accordance with rules and regulations of the Commissioner, for the following purposes:

1. To promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities and the integration and full inclusion of individuals with disabilities into the mainstream of society by:

a. Providing financial assistance for expanding and improving the provision of independent living services; *and*

b. Providing financial assistance to develop and support a statewide network of centers for independent living; *and*

~~2. To provide personal care assistance to persons with significant disabilities; and~~

3.2. To assist employers in employing, training, and providing other related services to persons with significant disabilities.

B. Applications for the grants and contracts authorized in subdivision A 1 may be made by eligible agencies. Applicants will be eligible if they are a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency that (i) is designed and operated within a local community by individuals with disabilities; and (ii) provides an array of independent living services. Each applicant shall be established for the sole purpose of operating the center for independent living. Each applicant shall establish a governing board, the majority of whose members shall be persons with disabilities, for the sole purpose of operating the independent living center.

C. Applications for the grants and contracts authorized in subdivision A 2 may be made by persons with significant disabilities for the provision of personal care assistance.

~~D.~~ Applications for the grants and contracts authorized in subdivision A 3 2 may be made by employers in the Commonwealth who wish to take affirmative steps to employ and advance in employment persons with disabilities.

~~E. [Repealed.]~~

§ 51.5-25.1. Statewide Independent Living Council created.

~~A.~~ The Statewide Independent Living Council is hereby created to jointly plan with the Department of Rehabilitative Services activities carried out under Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C. § 796 et seq.) and to provide advice to the Department regarding such activities. Membership and duties shall be constructed according to federal provisions. The Department of Rehabilitative Services shall provide staff support for the Council.

~~B.~~ The Council shall have authority to apply for and accept grants, gifts, donations, and bequests on behalf of the Council from any source and to deposit all moneys received in the Statewide Independent Living Fund. The Council shall submit to the Governor an annual report of all gifts, donations, and bequests accepted; the names of the donors; and the respective amounts contributed by each donor.

~~C.~~ There is hereby created in the state treasury a special nonreverting fund to be known as the Statewide Independent Living Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys appropriated to the Fund or received from any source pursuant to subsection B shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out activities enumerated in the State Plan for Independent Living, developed pursuant to the Rehabilitation Act. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner based upon recommendations from the

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59 Council.

60 2. That § 51.5-12 of the Code of Virginia is repealed.