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HOUSE BILL NO. 945

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact §§ 51.5-47 and 51.5-51 of the Code of Virginia and to repeal §§ 51.5-48, 51.5-49, and 51.5-50 of the Code of Virginia, relating to disability services boards.*

Patron—Landes

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:**1. That §§ 51.5-47 and 51.5-51 of the Code of Virginia are amended and reenacted as follows:**

§ 51.5-47. Local disability services boards; appointment; membership and staff.

A. Every county and city ~~shall~~ *may* establish, either singly or in combination with another political subdivision, a local disability services board ~~by November 1, 1992~~, to provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local governments regarding the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*), and to provide such other assistance and advice to local governments as may be requested. Guidelines for the establishment of local disability services boards shall be developed by the Disability Services Council. ~~As used in this chapter, the term "board" means a local disability services board. The local disability services board shall be responsible to the governing body or bodies of the county or city or combination thereof which established the local disability services board.~~

B. *Local disability services boards may:*

1. *Assess the local service needs and advise the appropriate state and local agencies serving persons with physical and sensory disabilities of their findings;*

2. *Develop and make available for public comment a report with a six-year projection of local service needs and priorities for persons with physical and sensory disabilities in accordance with state guidelines;*

3. *Obtain input from local public and private service providers and utilize such information in the development of the report;*

4. *Review and update the report every three years;*

5. *Serve as a catalyst for the development of public and private funding sources; and*

6. *Exchange information with other local disability services boards regarding services to persons with physical and sensory disabilities and best practices in the delivery of services.*

C. The local governing bodies of the jurisdictions participating in the *local disability services* board shall determine the number of members on the *local disability services* board and appoint the members. The membership of a *local disability services* board shall not exceed ~~fifteen~~ 15. Membership shall include at least one local official from each of the participating jurisdictions, two representatives of the business community, and consumers. Each *local disability services* board shall have no less than ~~thirty~~ 30 percent representation by individuals or family members of individuals with physical, visual, or hearing disabilities.

D. Where a local board or commission for the physically and sensory disabled appointed by a local governing body is already in existence, the local governing body may designate such board or commission as the local disability services board. In order to be designated as the local disability services board, the existing board or commission shall meet the membership representation requirements designated in subsection B C.

D. The Department of Rehabilitative Services shall administer the funds appropriated for local disability services boards, including staff support to the boards and, with appropriate consultation from the Department for the Blind and Vision Impaired and the Department for the Deaf and Hard-of-Hearing and other agencies, provide guidance and technical assistance to the local boards. Localities may provide additional staff support to the boards.

E. Localities shall not be mandated to fund any recommendations made by the *local disability services* board.

§ 51.5-51. Local rehabilitative services incentive fund; establishment and administration.

Local disability services boards may establish a local rehabilitative services incentive fund and may make expenditures from such fund to meet programmatic and individual recipient needs not otherwise met through existing federal, state, or local programs and to develop community programs to meet the needs of persons with physical and sensory disabilities. When such a fund is established, the local governing bodies of the jurisdictions participating in the *local disability services* board shall designate

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59 the fiscal agent for the administration of the fund. The availability of this local fund shall not be taken
60 into consideration in, nor used to reduce, state or local appropriations or payments.
61 2. That §§ 51.5-48, 51.5-49, and 51.5-50 of the Code of Virginia are repealed.
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