

HB 2913

FILED

2009 MAY -6 PM 1:29

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2009



**ENROLLED**

**House Bill No. 2913**

(By Delegates Williams, Ennis, Pethtel,  
Morgan and Stephens)



Passed April 11, 2009

In Effect from Passage

**E N R O L L E D**

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**H. B. 2913**

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(BY DELEGATES WILLIAMS, ENNIS, PETHTEL,  
MORGAN AND STEPHENS)

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[Passed April 11, 2009; in effect from passage.]

AN ACT to amend and reenact §18-10M-6 of the Code of West Virginia, 1931, as amended, relating to the Statewide Independent Living Council; clarifying appointment of council members by the Governor; deleting antiquated language and revising duties of the council.

*Be it enacted by the Legislature of West Virginia:*

That §18-10M-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 10M. WEST VIRGINIA INDEPENDENT LIVING  
ACT.**

**§18-10M-6. Statewide Independent Living Council.**

- 1 (a) The West Virginia Statewide Independent Living
- 2 Council is continued as a not-for-profit corporation which has
- 3 been organized to meet the requirements of the Federal
- 4 Rehabilitation Act: *Provided*, That the council may not be
- 5 established as an entity within any agency or political

68 subdivision of the state. The council shall be governed by a  
7 board of directors, consisting of the voting members of the  
8 council, as provided in this section. The composition of this  
9 board of directors, as well as the composition of the full  
10 council's membership, shall include a majority of members  
11 who are persons with disabilities, as defined in the state plan,  
12 and a majority of members who are not employed by any  
13 agency of the state or Center for Independent Living. The  
14 council's membership shall reflect balanced geographical  
15 representation, diverse backgrounds and the full range of  
16 disabilities recognized under the federal act, including  
17 physical, mental, cognitive, sensory and multiple.

18 (b) The council shall function as a partner with the  
19 Division of Rehabilitation Services in the planning and  
20 provision of independent living services in the state. In  
21 conjunction with the division, the council shall develop,  
22 approve and submit to the proper federal authorities the state  
23 plan for independent living, as required by the federal act.  
24 The council shall monitor, review and evaluate the  
25 effectiveness of the implementation of the state plan.

26 (c) *Voting members.* -- The council shall consist of  
27 twenty-four voting members including: one director of an  
28 Independent Living Center chosen by the directors of the  
29 independent living centers in the state. The Governor shall  
30 select appointments from among the nominations submitted  
31 by organizations representing a wide range of individuals  
32 with disabilities and other interested groups, as coordinated  
33 by the council, by and with the advice and consent of the  
34 Senate. These members may include other representatives  
35 from Centers for Independent Living, parents and guardians  
36 of individuals with disabilities, advocates of individuals  
37 with disabilities, representatives from the business and  
38 educational sectors, representatives of organizations that  
39 provide services for individuals with disabilities and other

40 interested individuals, as appropriate to the purpose of the  
41 council.

42 (d) *Nonvoting members.* -- The membership of the  
43 council shall also include the following, nonvoting, ex officio  
44 members or their designees:

45 (1) A representative of the Division of Rehabilitation  
46 Services;

47 (2) A representative of the Office of Behavioral Health  
48 Services within the Department of Health and Human  
49 Resources;

50 (3) A representative of the West Virginia Housing  
51 Development Fund;

52 (4) A representative of the West Virginia Association of  
53 Rehabilitation Facilities;

54 (5) A representative of the Bureau of Senior Services;  
55 and

56 (6) A representative of the Office of Special Education  
57 Programs and Assurance in the Department of Education.

58 (e) The nonvoting membership may also include  
59 additional representatives of groups represented on the board  
60 of directors.

61 (f) *Appointment.* -- All council members are appointed by  
62 the Governor. The Governor shall appoint from among the  
63 nominations submitted by organizations representing a wide  
64 range of individuals with disabilities and other interested  
65 groups, as coordinated by the council.

66       (g) *Terms of appointment.* -- All council members are  
67 appointed to serve for a term of three years, except that a  
68 member appointed to fill a vacancy occurring prior to the  
69 expiration of the term for which a predecessor was appointed  
70 shall be appointed for the remainder of the unexpired term.  
71 No member of the council may serve more than two  
72 consecutive full terms.

73       (h) *Vacancies.* -- Any vacancy occurring in the appointed  
74 membership of the council shall be filled in the same manner  
75 as the original appointment. A vacancy does not affect the  
76 power of the remaining members to execute the duties of the  
77 council.

78       (i) *Delegation.* -- The Governor may delegate the  
79 authority to fill a vacancy to the remaining voting members  
80 of the council after initial appointments have been made.

81       (j) *Duties.* -- The council shall:

82       (1) In conjunction with the Division of Rehabilitation  
83 Services, develop and sign the state plan for independent  
84 living;

85       (2) Monitor, review and evaluate the implementation of  
86 the state plan;

87       (3) Coordinate activities with the state rehabilitation  
88 council and other bodies that address the needs of specific  
89 disability populations and issues under other federal and state  
90 law;

91       (4) Ensure that all regularly scheduled meetings of the  
92 council are open to the public and sufficient advance notice  
93 is provided; and

94       (5) Submit to the federal funding agency such periodic  
95 reports as are required and keep such records and afford  
96 access to such records, as may be necessary to verify such  
97 reports.

98       (6) Ensure that the state plan for independent living sets  
99 forth the steps that will be taken to maximize the cooperation,  
100 coordination and working relationships among:

101       (A) The Independent Living Rehabilitation Service  
102 Program, the Statewide Independent Living Council, and  
103 Centers for Independent Living; and

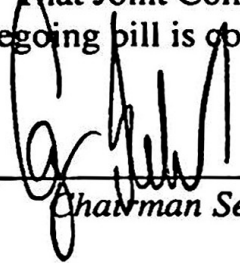
104       (B) The designated state unit, other state agencies  
105 represented on the council, other councils that address the  
106 needs of specific disability populations and issues, and other  
107 public and private entities determined to be appropriate by  
108 the council.

109       (k) *Staffing and resources.* -- The council may employ  
110 staff as necessary to perform the functions of the council,  
111 including an executive director, an administrative assistant  
112 and other staff as may be determined necessary by the  
113 council. The council shall supervise and evaluate staff. The  
114 council shall prepare, in conjunction with the division, a plan  
115 for the use of available resources as may be necessary to  
116 carry out the functions and duties of the council pursuant to  
117 this article, utilizing eligible federal funds, funds made  
118 available under this article and funds from other public and  
119 private sources. This resource plan shall, to the maximum  
120 extent possible, rely on the use of existing resources during  
121 the period of plan implementation.

122       (l) *Compensation and expenses.* — The council may use  
123 resources that are available to it to reimburse members of the  
124 council for reasonable and necessary expenses incurred in the

125 performance of their duties, including attending council  
126 meetings, and to pay reasonable compensation to any  
127 member of the council who is either not employed by the  
128 state or is not otherwise compensated by his or her employer  
129 for performance of duties associated with the council, up to  
130 \$50 per day.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

  
\_\_\_\_\_  
Chairman House Committee

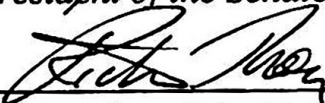
Originating in the House.

In effect from passage.

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within enrolled this the 6th  
day of May, 2009.

  
\_\_\_\_\_  
Governor



PRESENTED TO THE  
GOVERNOR

MAY · 4 2009

Time 10:05 am