

House Bill 1521

By: Representatives Smith of the 168th, Keen of the 179th, Williams of the 165th, Drenner of the 86th, Collins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial
2 relations, so as to repeal certain provisions; to transfer the Division of Rehabilitation Services
3 from the Department of Labor to the Department of Community Affairs; to amend Chapter
4 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of
5 Community Affairs, so as to transfer functions and personnel of the Division of
6 Rehabilitation Services to the Department of Community Affairs; to provide for the more
7 efficient operation of the division; to amend definitions relating to the Division of
8 Rehabilitation Services; to provide for legislative intent; to change references consistent with
9 the transfer of provisions; to provide for related matters; to provide an effective date; to
10 repeal conflicting laws; and for other purposes.

11 WHEREAS, the Division of Rehabilitation Services (DORS) of the Department of Labor
12 conducts a unique and essential public service for those individuals most in need of
13 assistance: the physically and mentally disabled; and

14 WHEREAS, the vocational and rehabilitative services provided by DORS uniquely aid in
15 the employment of disabled Georgia citizens and help the disabled to help themselves by
16 enabling persons with disabilities to engage in remunerative occupations and ultimately to
17 become increasingly self-sufficient; and

18 WHEREAS, each community within each county of Georgia should have equal and
19 meaningful access to rehabilitative services, and the Georgia Department of Community
20 Affairs is uniquely able to provide incentives to local areas to assist in the development of
21 vocational rehabilitative services and improve the quality of life through the development of
22 such programs; and

23 WHEREAS, the General Assembly acknowledges that access to vocational rehabilitative
 24 services is an important local and regional planning component that is critical to meeting the
 25 needs and providing for the general welfare of disabled persons and their families; and

26 WHEREAS, there is a clear need for the State of Georgia to establish a statewide plan for
 27 vocational rehabilitative services that lowers costs and provides greater services for less
 28 money; and

29 WHEREAS, current technology provides an opportunity to decentralize and reduce
 30 administrative staff at a cost savings to the state; and

31 WHEREAS, vocational rehabilitation interacts with the various health services of cities and
 32 counties throughout the state; and

33 WHEREAS, Georgia has become known for its efforts to provide improved customer
 34 services to its citizens; and

35 WHEREAS, the state should encourage the employment of persons with disabilities in
 36 pursuit of its overall mission to serve its citizens regardless of disability, and such persons
 37 with disabilities should not be denied access to important information that would allow them
 38 to make informed choices on key quality work and career issues; and

39 WHEREAS, the transfer of the Division of Rehabilitative Services to the Department of
 40 Community Affairs will allow for expansion and improvement in the delivery of vocational
 41 rehabilitative services without any additional costs to the state.

42 NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

43 **SECTION 1.**

44 Code Section 32-2-4.1 of the Official Code of Georgia Annotated, relating to the Gateway
 45 Center, is amended by revising subsection (e) as follows:

46 "(e) Gateway Center may be a 'welcome center, tourist center, and safety rest area' for
 47 purposes of Code Section ~~34-15-42~~ 50-8-270, and the preference given by Code Sections
 48 ~~34-15-41 and 34-15-42~~ Section 50-8-270 shall apply to and affect Gateway Center."

83 (B) Prevocational or conditioning therapy;

84 (C) Physical, corrective, or occupational therapy; or

85 (D) Adjustment training or evaluation or control of special disabilities; or a facility in
86 which a coordinated approach is made to the physical, mental, and vocational
87 evaluation of persons with disabilities and an integrated program of physical restoration
88 and relating training is provided under competent professional supervision and
89 direction.

90 (12) 'Rehabilitation training' means all necessary training provided to a person with
91 disabilities to compensate for his or her disability to employment, including, but not
92 limited to, manual preconditioning, relating, vocational, and supplementary training and
93 training provided for the purpose of developing occupational skills and capacities.

94 (13) 'Vocational rehabilitation' and 'vocational rehabilitation services' mean any service,
95 provided directly or through public or private instrumentalities, found by the director to
96 be necessary to compensate a person with disabilities for his or her disability to
97 employment and to enable such individual to engage in a remunerative occupation.

98 (14) 'Workshop' means a place where any manufacture or handwork is carried on and
99 which is operated for the primary purpose of providing rehabilitative activities, including
100 the use of monetary rewards as an incentive practice for persons with disabilities unable
101 to engage in the competitive labor market. Persons receiving services in workshops shall
102 not be considered as employees of the state for workers' compensation, retirement, or any
103 other purposes.

104 50-8-251.

105 (a) The Division of Rehabilitation Services within the Department of Labor, including the
106 disability adjudication section, rehabilitative services, business enterprise program, services
107 for the blind, and the Roosevelt Warm Springs Institute for Rehabilitation, all are
108 transferred to the Department of Community Affairs on July 1, 2010, and that division
109 shall become the Division of Rehabilitation Services of the Department of Community
110 Affairs on July 1, 2010. The functions, duties, programs, institutions, and authority of the
111 Division of Rehabilitation Services which were vested in the Department of Labor on June
112 30, 2010, are vested in the Department of Community Affairs effective July 1, 2010. The
113 division shall be administered by a director appointed by the commissioner. The
114 policy-making functions which were vested in the Department of Labor are vested in the
115 Board of Community Affairs effective July 1, 2010.

116 (b) The department shall, from July 1, 2010, assume possession and control of all records,
117 papers, equipment, supplies, office space, and all other tangible property possessed and
118 controlled by the Department of Labor as of June 30, 2010, in the Department of Labor's

119 administration of the Division of Rehabilitation Services. All funds attributable to the
120 Division of Rehabilitation Services and its programs and institutions from state, federal,
121 and any other public or private source, including surplus stimulus funds, shall be
122 transferred to the department July 1, 2010.

123 (c) The Department of Labor shall calculate, in consultation with the department, the
124 amount of all funds of or attributable to the Division of Rehabilitation Services and its
125 programs and institutions from any source that are used to provide administrative or other
126 services within the Department of Labor, including funds from the disability adjudication
127 section, the cost allocation system, and any indirect costs funding from the federal
128 government or any other source, including surplus stimulus funds. The amount calculated
129 shall be transferred to the Department of Community Affairs on July 1, 2010. Any changes
130 or amendments made to the structure or placement of division programs and institutions,
131 the allocation and expenditure of division funds, division rules, regulations, policies and
132 procedures, or the administrative orders of the Department of Labor pertaining to the
133 division, until July 1, 2010, shall be made in consultation with the commissioner. In
134 addition, on and after July 1, 2010, the Department of Labor shall make available to the
135 department all records and information of the Department of Labor and the division which
136 relate to the functions, duties, and administration of the division, to assist in the orderly
137 transfer of the division to the department.

138 (d) All officers, employees, and agents of the Division of Rehabilitation Services who, on
139 June 30, 2010, are engaged in the performance of a function or duty which shall be vested
140 in the Division of Rehabilitation Services of the Department of Community Affairs on July
141 1, 2010, by this article, shall be automatically transferred to the department. An equivalent
142 number of positions or funds of the Department of Labor which provide administrative
143 support to the Division of Rehabilitation Services shall be transferred to the department on
144 July 1, 2010. Such persons shall be subject to the employment practices and policies of the
145 department on and after July 1, 2010. The compensation and benefits of such transferred
146 employees shall not be reduced. Employees who are subject to the State Personnel
147 Administration and who are transferred to the department shall retain all existing rights
148 under the State Personnel Administration. Retirement rights of such transferred employees
149 on June 30, 2010, shall not be impaired or interrupted by the transfer of such employees,
150 and membership in any such retirement system shall continue in the same status possessed
151 by the transferred employees on June 30, 2010. Accrued annual and sick leave shall be
152 retained by said employees as employees of the department. The department shall be
153 responsible for payment of the accrued Fair Labor Standards Act compensatory time
154 possessed by said employees. Such accrued compensatory time shall be used by or paid
155 to said employees prior to July 1, 2010.

156 (e)(1) The Division of Rehabilitation Services of the Department of Community Affairs
157 is the designated state unit for the vocational rehabilitation program.

158 (2) The division shall conform to federal standards in all respects necessary for receiving
159 federal grants and the commissioner is authorized and empowered to effect such changes
160 as may, from time to time, be necessary in order to comply with such standards.

161 (3) The division is authorized to employ, on a full or part-time basis, such medical,
162 psychiatric, social work, supervisory, institutional, and other professional personnel and
163 such clerical and other employees as may be necessary to discharge the duties of the
164 division under this article. The division is also authorized to contract for such
165 professional services as may be necessary.

166 (4) Classified employees of the division under this article shall in all instances be
167 employed and dismissed in accordance with rules and regulations of the State Personnel
168 Administration.

169 (f) The Department of Community Affairs shall succeed to all rules, regulations, policies,
170 procedures, and administrative orders of the Department of Labor which are in effect on
171 June 30, 2010, and which relate to the functions of the Division of Rehabilitation Services.
172 Such rules, regulations, policies, procedures, and administrative orders shall remain in
173 effect until amended, repealed, superseded, or nullified by proper authority or as otherwise
174 provided by law.

175 (g) The rights, privileges, entitlements, and duties of parties to contracts, leases,
176 agreements, and other transactions entered into before July 1, 2010, by the Department of
177 Labor or the Division of Rehabilitation Services pertaining to the division transferred to
178 the department by this article shall continue to exist; and none of these rights, privileges,
179 entitlements, and duties are impaired or diminished by reason of the transfer of the
180 functions to the department. In all such instances, the department shall be substituted for
181 the Department of Labor, and the department shall succeed to the rights and duties under
182 such contracts, leases, agreements, and other transactions.

183 50-8-252.

184 (a) There shall be a director of the Division of Rehabilitation Services who shall be
185 appointed or removed by the commissioner.

186 (b) In carrying out his or her duties under this article, the director of the Division of
187 Rehabilitation Services of the Department of Community Affairs:

188 (1) Shall, with the approval of the commissioner, prepare such regulations for
189 promulgation by the department as he or she finds necessary to carry out the purposes of
190 this article;

191 (2) Shall, with the approval of the commissioner, prepare such policies and procedures
 192 as he or she finds necessary for the purposes of this article and establish appropriate
 193 subordinate administrative units within the division;

194 (3) Shall recommend to the commissioner for appointment such personnel as he or she
 195 deems necessary for the efficient performance of the functions of the division and provide
 196 for the training of such personnel;

197 (4) Shall prepare and submit to the commissioner, the President of the Senate, and the
 198 Speaker of the House of Representatives annual reports of activities and expenditures,
 199 including an evaluation of the effectiveness of each agency program, and, prior to each
 200 regular session of the General Assembly, estimates of sums required for carrying out this
 201 article and estimates of the amounts to be made available for this purpose from all
 202 sources;

203 (5) Shall prepare a biennial report consisting of the results of customer service delivery
 204 evaluations which shall survey a broad range of customers that includes not only persons
 205 with disabilities and their families, but also educators, community service personnel, and
 206 other state and local agencies with which the Division of Rehabilitation Services must
 207 interact and serve;

208 (6) Shall make certification for disbursement, in accordance with regulations, of funds
 209 available for carrying out the purposes of this article;

210 (7) May, with the approval of the Commissioner, delegate to any officer or employee of
 211 the division such of his or her powers and duties, except the making of regulations and
 212 the appointment of personnel, as he or she finds necessary to carry out the purposes of
 213 this article; and

214 (8) Is designated as the administrator of a program provided under Section 221 of the
 215 federal Social Security Act, relating to disability adjudication services. The director shall
 216 receive, notwithstanding any other provision of law and in addition to his or her regular
 217 compensation, such compensation and allowance as may be augmented from grants by
 218 the appropriate federal agency in such amount as is determined by the federal agency to
 219 be commensurate with the duties imposed by Section 221 of the federal Social Security
 220 Act.

221 50-8-253.

222 The department, through the division, shall provide the services authorized by this article
 223 to persons with disabilities determined to be eligible therefor; and, in carrying out the
 224 purposes of this article, the division is authorized, among other things:

225 (1) To cooperate with other departments, agencies, boards, schools, and institutions, both
 226 public and private, in providing the services authorized by this article to persons with

227 disabilities; in studying the problems involved therein; and in establishing, developing,
 228 and providing, in conformity with the purposes of this article, such programs, facilities,
 229 and services as may be necessary or desirable;

230 (2) To enter into reciprocal agreements with other states to provide for the services
 231 authorized by this article to residents of the state concerned;

232 (3) To conduct research and compile statistics relating to the provision of services, or the
 233 need of services by persons with disabilities, and the effectiveness of division programs;

234 (4) To license blind persons or other persons with disabilities to operate vending
 235 facilities under its supervision and control, subject to the terms and conditions provided
 236 in regulations, policies, and procedures issued pursuant to Code Section 50-8-270, on:

237 (A) State property;

238 (B) County or municipal property;

239 (C) Federal property, pursuant to delegation of authority under the Randolph-Sheppard
 240 Act (20 U.S. Code, Section 107b) (49 Stat. 1559) and any amendment thereto or any
 241 act of Congress relating to this subject; and

242 (D) Private property; and

243 (5) To provide for the establishment, supervision, and control of suitable business
 244 enterprises to be operated by persons with disabilities.

245 50-8-254.

246 The Division of Rehabilitation Services is authorized to utilize funds made available from
 247 appropriations by Congress, by gifts or grants from private sources, by appropriations of
 248 the General Assembly, or by transfer of funds from other state departments for the purpose
 249 of establishing and operating rehabilitation centers and workshops.

250 50-8-255.

251 The department, through the division, is empowered and directed to cooperate, pursuant
 252 to agreements with the federal government, in carrying out the purposes of any federal
 253 statutes pertaining to the purposes of this article. The department is authorized to adopt
 254 such methods of administration as are found by the federal government to be necessary for
 255 the proper and efficient operation of such agreements and to comply with such conditions
 256 as may be necessary to secure the full benefits of such federal statutes and appropriations,
 257 to administer any legislation pursuant thereto enacted by this state, to direct the
 258 disbursement and administer the use of all funds provided by the federal government or this
 259 state for the purposes of this article, and to do all things necessary to ensure the vocational
 260 rehabilitation of persons with disabilities.

261 50-8-256.

262 The Office of Treasury and Fiscal Services is designated as custodian of all moneys
263 received from the federal government for the purpose of carrying out any federal statutes
264 pertaining to the purpose of this article. The Office of Treasury and Fiscal Services shall
265 make disbursements from such funds and all state funds available for such purposes.

266 50-8-257.

267 Budget estimates of the amount of appropriations needed each fiscal year for vocational
268 rehabilitation services and for the administration of the programs under this article shall be
269 submitted by the director to the commissioner and, upon approval by the commissioner,
270 shall be included in the estimates made by the commissioner to the Office of Planning and
271 Budget. In the event federal funds are available to the state for vocational rehabilitation
272 purposes, the division is authorized to comply with such requirements as may be necessary
273 to obtain said federal funds in the maximum amount and most advantageous proportion
274 possible insofar as this may be done without violating other provisions of the state law and
275 Constitution. In the event Congress fails in any year to appropriate funds for grants-in-aid
276 to the state for vocational rehabilitation purposes, the commissioner shall include as a part
277 of his or her budget a request for adequate state funds for vocational rehabilitation
278 purposes.

279 50-8-258.

280 The director is authorized and empowered, with the approval of the commissioner, to
281 accept and use gifts made unconditionally, by will or otherwise, for carrying out the
282 purposes of this article. Gifts made under such conditions as are proper and consistent with
283 this article may be so accepted and shall be held, invested, reinvested, and used in
284 accordance with the conditions of the gift.

285 50-8-259.

286 (a) Vocational rehabilitation services shall be provided to any qualified individual who is
287 a bona fide resident of the state.

288 (b) The financial need of eligible persons with disabilities will be considered in the
289 provision of vocational rehabilitation services to the extent allowed by federal or other state
290 law.

291 50-8-260.

292 The Division of Rehabilitation Services of the Department of Community Affairs is the
293 designated state unit for the independent living program. The independent living program

294 is authorized to provide or contract for the provision of such services as may be needed to
295 enable persons with disabilities to attain the maximum degree of independent living. The
296 powers delegated and authorized in this Code section for the division shall be in addition
297 to those previously authorized by any other law. The department is authorized to cooperate
298 with any federal agency in the administration of such a program.

299 50-8-261.

300 Any individual applying for or receiving vocational rehabilitation services who is
301 aggrieved by any action or inaction of the division shall be entitled, in accordance with
302 regulations, to a hearing.

303 50-8-262.

304 Any rights of persons with disabilities to maintenance under this article shall not be
305 transferable or assignable at law or in equity and shall be exempt from the claims of
306 creditors.

307 50-8-263.

308 Where a person with disabilities who receives vocational rehabilitation services is covered
309 by a hospitalization or medical insurance policy, the Division of Rehabilitation Services
310 shall be subrogated to the rights of such person with disabilities to recover in an amount
311 not to exceed the cost of vocational rehabilitation services rendered by the division,
312 exclusive of those services for which eligibility is not predicated on the need for financial
313 assistance. Where the person with disabilities receives vocational rehabilitation services
314 without disclosing that he or she is covered by a hospitalization or medical insurance
315 policy, he or she shall be liable therefor to the division in an amount not to exceed the cost
316 of rehabilitation services rendered, exclusive of those services for which eligibility is not
317 predicated on the need for financial assistance, or in an amount not to exceed the insurance
318 reimbursement received, whichever is the lesser.

319 50-8-264.

320 Where a person with disabilities who receives vocational rehabilitation services is entitled
321 to recover damages for said injuries, the Division of Rehabilitation Services shall have a
322 lien, in an amount not to exceed the cost of rehabilitation services rendered and including
323 the cost of collection and reasonable attorney's fees, upon any and all causes of action
324 accruing to the individual to whom such services were furnished, or to the legal
325 representative of such individual, on account of injuries giving rise to such cause of action
326 and which necessitated such rehabilitation services, subject, however, to any attorney's lien.

327 In order to perfect such lien, the division shall file in the office of the clerk of the superior
328 court of the county wherein the individual resides, a verified statement setting forth the
329 name and address of such individual; the name and address of the division; the amount
330 claimed to be due for such vocational rehabilitation services; and, to the best of claimant's
331 knowledge, the names and addresses of all persons, firms, or corporations claimed by such
332 injured individual, or the legal representative of such individual, to be liable for damages
333 arising from such injuries. The division shall also, within one day after the filing of such
334 claim or lien, mail a copy thereof to any person, firm, or corporation so claimed to be liable
335 for such damages to the addresses as given in such statement. The filing of such claim or
336 lien shall be notice thereof to all persons, firms, or corporations liable for such damages,
337 whether or not they are named in such claim or lien. The clerk of the court shall endorse
338 thereon the date and hour of filing in the hospital lien book, along with the name of the
339 claimant, the injured person, the amount claimed, and the names and addresses of those
340 claimed to be liable for damages. Such information shall be recorded in the name of the
341 injured individual. The clerk shall be paid \$10.00 as his or her fee for such filing. No
342 release for such cause or causes of action or any judgment thereon, or any covenant not to
343 sue thereon, shall be valid or effectual as against such lien unless the holder thereof shall
344 join therein or execute a release of such lien; and the claimant of such lien may enforce the
345 lien by an action against the person, firm, or corporation liable for such damages.

346 50-8-265.

347 The division is authorized to retain title to any property, tools, instruments, training
348 supplies, equipment, or other items of value acquired for use of persons with disabilities
349 and to repossess and transfer them for the use of other persons with disabilities. The
350 commissioner is authorized to offer for sale any items acquired in the operation of the
351 program under this article when they are no longer necessary or to exchange them for
352 necessary items which may be used to greater advantage. When any such surplus
353 equipment is sold or exchanged, a receipt for it shall be taken from the purchaser showing
354 the consideration given for such equipment and shall be forwarded to the Office of
355 Treasury and Fiscal Services; and any funds received by the division pursuant to any such
356 transactions shall be deposited in the state treasury in the appropriate federal or state
357 rehabilitation account and shall be available for expenditures for any purposes consistent
358 with this article.

359 50-8-266.

360 It shall be unlawful, except for purposes directly connected with the administration of the
361 vocational rehabilitation program and in accordance with regulations, policies, and

362 procedures, for any person or persons to solicit, disclose, receive, or make use of or
 363 authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names
 364 of, or any information concerning persons applying for or receiving vocational
 365 rehabilitation, directly or indirectly derived from the records. Any person who violates any
 366 provision of this Code section shall be guilty of a misdemeanor.

367 50-8-267.

368 Employees of the department engaged in functions under this article shall be governed by
 369 the prohibitions in the rules and regulations of the State Personnel Board and the federal
 370 Office of Personnel Management from participation in political activity.

371 50-8-268.

372 The General Assembly reserves the right to amend or repeal all or any part of this article
 373 at any time, and there shall be no vested private right of any kind against such amendment
 374 or repeal. All the rights, privileges, or immunities conferred by this article or by acts done
 375 pursuant thereto shall exist subject to the power of the legislature to amend or repeal this
 376 article at any time.

377 50-8-269.

378 (a) The Division of Rehabilitation Services of the Department of Community Affairs shall
 379 oversee the delivery of deaf-blind services and techniques provided by an organization
 380 pursuant to subsection (c) of this Code section that lead to maximum independence and
 381 employment for individuals with both a hearing and a vision loss. These services shall
 382 include, but not be limited to, transition of deaf-blind youth from education to the work
 383 force; identification of deaf-blind individuals in Georgia; communication access for
 384 varying groups of individuals and their unique needs; training deaf-blind individuals in
 385 orientation and mobility, rehabilitation, and Braille; utilization of support service providers
 386 to function as sighted guides, communication facilitators, and providers of transportation;
 387 support and increase in the number of qualified sign language interpreters working with
 388 deaf-blind individuals; use of adaptive technologies, such as computers, telebrailers, and
 389 TTY devices; strategies and techniques to assist deaf-blind individuals in obtaining the
 390 highest level of independence possible; and peer support which provides access to
 391 information, people, and places.

392 (b) The division shall, to the greatest extent possible, integrate the services and techniques
 393 required pursuant to subsection (a) of this Code section into its standard practices and
 394 procedures with the objective of providing appropriate services in an appropriate manner
 395 to individuals in the deaf-blind community.

396 (c) Subject to appropriations by the General Assembly, the division shall retain an
397 organization knowledgeable on deaf-blind issues to provide the services and techniques
398 included in subsection (a) of this Code section to deaf-blind individuals and to provide
399 comprehensive training to division staff on such services and techniques required pursuant
400 to subsection (a) of this Code section.

401 50-8-270.

402 (a) As used in this Code section, the term:

403 (1) 'State property' means any building, land, or other real property owned, leased, or
404 occupied by any department, commission, board, bureau, agency, public corporation, or
405 other instrumentality of the state, including, but not limited to, the Georgia Building
406 Authority, and any other real property in which the state has a legal or beneficial interest;
407 provided, however, such term shall not include any property, real or personal, owned or
408 leased or otherwise under the jurisdiction of the Board of Regents of the University
409 System of Georgia, the Georgia Education Authority (University), or any county or
410 independent school system of this state.

411 (2) 'Vending facility' means vending stands, vending machines, snack bars, cart service,
412 shelters, counters, and such other appropriate facilities and equipment as may be
413 necessary for the sale of articles or services by licensed blind persons or other persons
414 with disabilities, as prescribed by rules and regulations adopted by the department.

415 (b) To effectuate the purposes of this Code section, it is declared to be public policy of the
416 state that on any state property where the commissioner determines it to be feasible to
417 establish a vending facility to be operated by a licensed operator as provided in this Code
418 section and where the agency or custodian of such property determines that such facility
419 can be established without undue inconvenience to the operation being carried on in such
420 state building or property, the preference accorded in this Code section shall require that
421 such vending facility site not be deemed available for letting to competitive bidders for
422 revenue-producing purposes unless the commissioner declines to establish on such site a
423 vending facility for blind persons or other persons with disabilities. The income to the
424 agency controlling the space for such facility sites shall generally not be expected to exceed
425 reimbursement for the cost of providing such facility site space and the services connected
426 therewith; but in any case where such income exceeds those purposes, it shall be paid into
427 the state treasury, subject to certification and audit.

428 (c) For the purpose of providing blind persons or other persons with disabilities with
429 remunerative employment, enlarging their economic opportunities, and stimulating them
430 to greater effort in striving to make themselves self-supporting, such blind persons or other
431 persons with disabilities who are licensed by the division shall be authorized to operate

432 vending facilities on any state property where such vending facilities may be properly and
 433 satisfactorily operated by blind persons or other persons with disabilities. In authorizing
 434 the operation of vending facilities on state property, preference shall be given, so far as
 435 feasible, to blind persons or other persons with disabilities licensed by the division as
 436 provided in this Code section; and the head of each agency in control of the maintenance,
 437 operation, and protection of state property shall, after consultation with the commissioner,
 438 prescribe regulations designed to assure such preference, including assignment of vending
 439 machine income to achieve and protect such preference, for such licensed blind persons or
 440 other persons with disabilities without unduly inconveniencing such agencies or adversely
 441 affecting the interests of the state."

442

SECTION 3.

443 Code Section 45-18-5.1 of the Official Code of Georgia Annotated, relating to licensed blind
 444 or otherwise seriously disabled vendors, is amended as follows:

445 "45-18-5.1.

446 The Department of Labor is authorized to contract with the Georgia Cooperative Services
 447 for the Blind, Inc., a nominee agent designated by the Division of Rehabilitation Services
 448 of the Department of Labor, for the inclusion of licensed blind persons or other persons
 449 with disabilities operating a vending facility in accordance with ~~Article 2 of Chapter 15 of~~
 450 ~~Title 34~~ Code Section 50-8-270 within any health insurance plan or plans established under
 451 this article. In the event any contract is entered into, it shall be the duty of the Georgia
 452 Cooperative Services for the Blind, Inc., to deduct the payment required under the plan
 453 from the earnings or other compensation of licensed blind persons or other persons with
 454 disabilities and remit it to the Department of Labor for inclusion in the health insurance
 455 fund. In addition, it shall be the duty of the Georgia Cooperative Services for the Blind,
 456 Inc., to make the employer contributions required for the operation of such plan or plans.
 457 Should the Georgia Cooperative Services for the Blind, Inc., fail to remit such deductions
 458 or such employer contributions through the Department of Labor, the commissioner may,
 459 upon written notice to the Georgia Cooperative Services for the Blind, Inc., terminate the
 460 coverage for such employees as of the day following the last day for which such deductions
 461 or such employer contributions were remitted to the board. Coverage may be reinstated
 462 upon the tender of any such deductions or employer contributions not previously remitted."

463

SECTION 4.

464 Code Section 50-16-4 of the Official Code of Georgia Annotated, relating to use and keeper
 465 of capitol buildings and grounds, is amended as follows:

466 "50-16-4.

467 The use of the capitol building and grounds shall be limited to departments of the state
468 government and to state and national political organizations, and the keeper of public
469 buildings and grounds shall not grant the use of either the capitol buildings or grounds for
470 any other purposes, except that the Georgia Building Authority as keeper of public
471 buildings and grounds is authorized to provide space in the capitol building for use as a
472 vending stand, as described by ~~Article 2 of Chapter 15 of Title 34~~ Code Section 50-8-270,
473 for the use of state officials and employees and their invited guests."

474 **SECTION 5.**

475 This Act shall become effective on July 1, 2010.

476 **SECTION 6.**

477 All laws and parts of laws in conflict with this Act are repealed.