

House Bill 831

By: Representatives McCall of the 30th, Collins of the 27th, Hatchett of the 143rd, and Carter of the 175th

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 transfer the Division of Rehabilitation Services, including but not limited
3 to the disability adjudication section and the Roosevelt Warm Springs Institute for
4 Rehabilitation, from the Department of Labor to the Department of Human Services; to
5 provide for definitions; to provide for the transfer of programs, institutions, and property; to
6 provide for the transfer of funds, positions, officers, employees, agents, and other personnel
7 and for rights and benefits relating thereto; to provide for consultations regarding certain
8 changes and provide for availability of records and information; to provide for powers,
9 duties, and functions of the Division of Rehabilitation Services of the Department of Human
10 Services; to provide for responsibility for accrued compensatory time; to provide for service
11 delivery regions; to provide for rules and regulations, policies, and orders and for rights and
12 duties under certain agreements; to provide for duties, power, and functions of the
13 commissioner of human services and the Department of Human Services; to provide for the
14 director of the division of Rehabilitation Services and the duties, functions, and
15 compensation thereof; to provide for funding, agreements, budgeting, and appropriations; to
16 provide for gifts; to provide for rehabilitation services and financial assistance; to provide
17 for hearings and administrative procedure; to provide for rights and for subrogation and liens;
18 to provide for penalties; to provided for amendments and repeal and rights relating thereto;
19 to provide for vending facilities for certain person with disabilities; to amend Chapter 2 of
20 Title 30 of the Official Code of Georgia Annotated, relating to the Georgia Industries for the
21 Blind, so as to transfer the direction and supervision of such industries to the Department of
22 Human Services; to provide for property and reserve funds of such industries; to provide for
23 compensation of workers in such industries; to specifically reserve certain laws and amend
24 various other provisions of the Official Code of Georgia Annotated so as to conform related
25 cross-references; to provide for related matters; to provide for an effective date; to repeal
26 conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 831

28 **SECTION 1.**

29 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
 30 is amended by revising Chapter 15, relating to the transfer of division of rehabilitation
 31 services to Department of Labor, and redesignating it as Chapter 9 of Title 49, as follows:

32 ~~"CHAPTER 15~~ CHAPTER 933 **ARTICLE 1**34 ~~34-15-1.~~ 49-9-1.

35 As used in this chapter, the term or terms:

36 (1) 'Blind person' means a person who has:

37 (A) Not more than 20/200 central visual acuity in the better eye after correction; or

38 (B) An equally disabling loss of the visual field.

39 (2) 'Commissioner' means the ~~Commissioner of Labor~~ commissioner of human services.

40 (3) 'Department' means the ~~Department of Labor~~ Department of Human Services.

41 (4) 'Director' means the official of the division who is charged with the administration
 42 of its functions under this chapter.

43 (5) 'Disability to employment' means a physical or mental condition which constitutes,
 44 contributes to, or, if not corrected, will probably result in an impairment of occupational
 45 performance.

46 (6) 'Division' means the Division of Rehabilitation Services of the ~~Department of Labor~~
 47 Department of Human Services.

48 (7) 'Occupational license' means any license, permit, or other written authority required
 49 by any governmental unit to be obtained in order to engage in an occupation.

50 (8) 'Person with disabilities' means an individual having a physical or mental impairment
 51 that substantially limits one or more of the major life activities.

52 (9) 'Prosthetic appliance' means any artificial device necessary to support or take the
 53 place of a part of the body or to increase the acuity of a sense organ.

54 (10) 'Regulations' means regulations made by the ~~Commissioner~~ commissioner and
 55 promulgated in the manner prescribed by law.

56 (11) 'Rehabilitation center' means a facility operated for the purpose of assisting in the
 57 rehabilitation of persons with disabilities which provides one or more of the following
 58 types of services:

59 (A) Testing, fitting, or training in the use of prosthetic devices;

60 (B) Prevocational or conditioning therapy;

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

62 (D) Adjustment training or evaluation or control of special disabilities; or a facility in
 63 which a coordinated approach is made to the physical, mental, and vocational

64 evaluation of persons with disabilities and an integrated program of physical restoration
65 and relating training is provided under competent professional supervision and
66 direction.

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

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

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

81 ~~34-15-2~~ 49-9-2.

82 (a) The Division of Rehabilitation Services within the ~~Department of Human Resources~~
83 ~~(now known as the Department of Human Services)~~ Department of Labor, including the
84 disability adjudication section and the Roosevelt Warm Springs Institute for Rehabilitation,
85 is transferred to the ~~Department of Labor on July 1, 2001~~ Department of Human Services
86 on July 1, 2012, and that division shall become the Division of Rehabilitation Services of
87 the ~~Department of Labor on July 1, 2001~~ Department of Human Services on July 1, 2012.
88 The functions, duties, programs, institutions, and authority of the Division of Rehabilitation
89 Services which were vested in the ~~Department of Human Resources on June 30, 2001~~
90 Department of Labor on June 30, 2012, are vested in the ~~Department of Labor effective~~
91 July 1, 2001 Department of Human Services effective July 1, 2012. The division shall be
92 administered by a director appointed by the ~~Commissioner~~ commissioner. The
93 policy-making functions which were vested in the ~~Board of Human Resources (now known~~
94 ~~as the Board of Human Services)~~ or the ~~Department of Human Resources~~ Department of
95 Labor pertaining to the Division of Rehabilitation Services are vested in the ~~Commissioner~~
96 ~~of Labor effective July 1, 2001~~ commissioner of human services effective July 1, 2012.

97 (b) The ~~Department of Labor shall, from July 1, 2001,~~ Department of Human Services
98 shall, from July 1, 2012, assume possession and control of all records, papers, equipment,
99 supplies, office space, and all other tangible property possessed and controlled by the

100 ~~Department of Human Resources as of June 30, 2001, in the Department of Human~~
 101 ~~Resources' Department of Labor as of June 30, 2012, in the Department of Labor's~~
 102 administration of the Division of Rehabilitation Services. All funds attributable to the
 103 Division of Rehabilitation Services and its programs and institutions from state, federal,
 104 and any other public or private source, shall be transferred to the ~~Department of Labor on~~
 105 ~~July 1, 2001~~ Department of Human Services on July 1, 2012.

106 (c) The ~~Department of Human Resources~~ Department of Labor shall calculate, in
 107 consultation with the ~~Department of Labor~~ Department of Human Services, the amount of
 108 all funds of or attributable to the Division of Rehabilitation Services and its programs and
 109 institutions from any source that are used to provide administrative or other services within
 110 the ~~Department of Human Resources~~ Department of Labor, including funds from the
 111 disability adjudication section, the cost allocation system, and any indirect costs funding
 112 from the federal government or any other source. The amount calculated shall be
 113 transferred to the ~~Department of Labor on July 1, 2001~~ Department of Human Services on
 114 July 1, 2012. Any changes or amendments made to the structure or placement of division
 115 programs and institutions, the allocation and expenditure of division funds, division rules,
 116 regulations, policies and procedures, or the administrative orders of the ~~Department of~~
 117 ~~Human Resources~~ Department of Labor pertaining to the division, between ~~May 1, 2000,~~
 118 ~~and July 1, 2001~~ April 1, 2012, and July 1, 2012, shall be made in consultation with the
 119 ~~Commissioner of Labor~~ commissioner of human services. In addition, on and after ~~May~~
 120 ~~1, 2000,~~ the ~~Department of Human Resources~~ April 1, 2012, the Department of Labor shall
 121 make available to the ~~Department of Labor~~ Department of Human Services all records and
 122 information of the ~~Department of Human Resources~~ Department of Labor and the Division
 123 of Rehabilitation Services which relate to the functions, duties, and administration of the
 124 division, to assist in the orderly transfer of the division to the ~~Department of Labor~~
 125 Department of Human Services.

126 (d) All officers, employees, and agents of the Division of Rehabilitation Services who, on
 127 ~~June 30, 2001~~ June 30, 2012, are engaged in the performance of a function or duty which
 128 shall be vested in the Division of Rehabilitation Services of the ~~Department of Labor on~~
 129 ~~July 1, 2001~~ Department of Human Services on July 1, 2012, by this chapter, shall be
 130 automatically transferred to the ~~Department of Labor on July 1, 2001~~ Department of
 131 Human Services on July 1, 2012. An equivalent number of positions or funds of the
 132 ~~Department of Human Resources~~ Department of Labor which provide administrative
 133 support to the Division of Rehabilitation Services shall be transferred to the ~~Department~~
 134 ~~of Labor on July 1, 2001~~ Department of Human Services on July 1, 2012. Such persons
 135 shall be subject to the employment practices and policies of the ~~Department of Labor on~~
 136 ~~and after July 1, 2001~~ Department of Human Services on and after July 1, 2012, but

137 consistent with the compensation and benefits of other employees of that department
 138 holding positions substantially the same as the transferred employees, the compensation
 139 and benefits of such transferred employees shall not be reduced. Employees who are
 140 subject to the State Personnel Administration and who are transferred to the Division of
 141 Rehabilitation Services of the ~~Department of Labor~~ Department of Human Services shall
 142 retain all existing rights under the State Personnel Administration. ~~Retirement rights of~~
 143 ~~such transferred employees existing under the Employees' Retirement System of Georgia~~
 144 ~~or other public retirement systems on June 30, 2001, shall not be impaired or interrupted~~
 145 ~~by the transfer of such employees, and membership in any such retirement system shall~~
 146 ~~continue in the same status possessed by the transferred employees on June 30, 2001.~~
 147 Accrued annual and sick leave shall be retained by said employees as employees of the
 148 ~~Department of Labor~~ Department of Human Services. The ~~Department of Human~~
 149 ~~Resources~~ Department of Labor shall be responsible for payment of the accrued Fair Labor
 150 Standards Act compensatory time possessed by said employees. Such accrued
 151 compensatory time shall be used by or paid to said employees prior to ~~July 1, 2001~~ July 1,
 152 2012.

153 (e)(1) The Division of Rehabilitation Services of the ~~Department of Labor~~ Department
 154 of Human Services is the designated state unit for the vocational rehabilitation program.

155 (2) The Division of Rehabilitation Services of the ~~Department of Labor~~ Department of
 156 Human Services shall conform to federal standards in all respects necessary for receiving
 157 federal grants and the ~~Commissioner of the Department of Labor~~ commissioner of human
 158 services is authorized and empowered to effect such changes as may, from time to time,
 159 be necessary in order to comply with such standards.

160 (3) The Division of Rehabilitation Services of the ~~Department of Labor~~ Department of
 161 Human Services 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 chapter. The division is also authorized to contract for such
 165 professional services as may be necessary.

166 (4) Classified employees of the Division of Rehabilitation Services of the ~~Department~~
 167 ~~of Labor~~ Department of Human Services under this chapter shall in all instances be
 168 employed and dismissed in accordance with rules and regulations of the State Personnel
 169 Administration.

170 (5) ~~All personnel of the Division of Rehabilitation Services of the Department of Labor~~
 171 ~~are authorized to be members of the Employees' Retirement System of Georgia as~~
 172 ~~provided in Chapter 2 of Title 47. All rights, credits, and funds in that retirement system~~
 173 ~~which are possessed by state personnel transferred by provisions of this chapter to the~~

174 ~~Department of Labor, or otherwise had by persons at the time of employment with that~~
 175 ~~department, are continued and preserved, it being the intention of the General Assembly~~
 176 ~~that such persons shall not lose any rights, credits, or funds to which they may be entitled~~
 177 ~~prior to becoming employees of the Division of Rehabilitation Services of the~~
 178 ~~Department of Labor.~~

179 (f) ~~The Department of Labor~~ Department of Human Services shall succeed to all rules,
 180 regulations, policies, procedures, and administrative orders of the ~~Department of Human~~
 181 ~~Resources~~ Department of Labor which are in effect on ~~June 30, 2001~~ June 30, 2012, and
 182 which relate to the functions of the Division of Rehabilitation Services. Such rules,
 183 regulations, policies, procedures, and administrative orders shall remain in effect until
 184 amended, repealed, superseded, or nullified by proper authority or as otherwise provided
 185 by law.

186 (g) The rights, privileges, entitlements, and duties of parties to contracts, leases,
 187 agreements, and other transactions entered into before ~~July 1, 2001, by the Department of~~
 188 ~~Human Resources~~ July 1, 2012, by the Department of Labor or the Division of
 189 Rehabilitation Services pertaining to the Division of Rehabilitation Services transferred to
 190 the ~~Department of Labor~~ Department of Human Services by this chapter shall continue to
 191 exist; and none of these rights, privileges, entitlements, and duties are impaired or
 192 diminished by reason of the transfer of the functions to the ~~Department of Labor~~
 193 Department of Human Services. In all such instances, the ~~Department of Labor~~
 194 Department of Human Services shall be substituted for the ~~Department of Human~~
 195 ~~Resources~~ Department of Labor or the Division of Rehabilitation Services, and the
 196 ~~Department of Labor~~ Department of Human Services shall succeed to the rights and duties
 197 under such contracts, leases, agreements, and other transactions.

198 (h) The Division of Rehabilitation Services of the ~~Department of Labor~~ Department of
 199 Human Services shall conform all service delivery regions to the state service delivery
 200 regions provided in subsection (a) of Code Section 50-4-7.

201 ~~34-15-3. 49-9-3.~~

202 In carrying out his or her duties under this chapter, the director of the Division of
 203 Rehabilitation Services of the ~~Department of Labor~~ Department of Human Services:

204 (1) Shall, with the approval of the ~~Commissioner~~ commissioner, prepare such regulations
 205 for promulgation by the ~~Commissioner~~ commissioner as he or she finds necessary to
 206 carry out the purposes of this chapter;

207 (2) Shall, with the approval of the ~~Commissioner~~ commissioner, prepare such policies
 208 and procedures as he or she finds necessary for the purposes of this chapter and establish
 209 appropriate subordinate administrative units within the division;

210 (3) Shall recommend to the ~~Commissioner~~ commissioner for appointment such personnel
 211 as he or she deems necessary for the efficient performance of the functions of the
 212 division;

213 (4) Shall prepare and submit to the ~~Commissioner~~ commissioner annual reports of
 214 activities and expenditures and, prior to each regular session of the General Assembly,
 215 estimates of sums required for carrying out this chapter and estimates of the amounts to
 216 be made available for this purpose from all sources;

217 (5) Shall make certification for disbursement, in accordance with regulations, of funds
 218 available for carrying out the purposes of this chapter;

219 (6) May, with the approval of the ~~Commissioner~~ commissioner, delegate to any officer
 220 or employee of the division such of his or her powers and duties, except the making of
 221 regulations and the appointment of personnel, as he or she finds necessary to carry out
 222 the purposes of this chapter; and

223 (7) Is designated as the administrator of a program provided under Section 221 of the
 224 federal Social Security Act, relating to disability adjudication services. The director shall
 225 receive, notwithstanding any other provision of law and in addition to his or her regular
 226 compensation, such compensation and allowance as may be augmented from grants by
 227 the appropriate federal agency in such amount as is determined by the federal agency to
 228 be commensurate with the duties imposed by Section 221 of the federal Social Security
 229 Act.

230 ~~34-15-4.~~ 49-9-4.

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

234 (1) To cooperate with other departments, agencies, and institutions, both public and
 235 private, in providing the services authorized by this chapter to persons with disabilities;
 236 in studying the problems involved therein; and in establishing, developing, and providing,
 237 in conformity with the purposes of this chapter, such programs, facilities, and services as
 238 may be necessary or desirable;

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

241 (3) To conduct research and compile statistics relating to the provision of services or the
 242 need of services by persons with disabilities;

243 (4) To license blind persons or other persons with disabilities to operate vending
 244 facilities under its supervision and control, subject to the terms and conditions provided

245 in regulations, policies, and procedures issued pursuant to paragraphs (1) and (2) of Code
246 Section ~~34-15-3~~ 49-9-3, on:

247 (A) State property;

248 (B) County or municipal property;

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

252 (D) Private property; and

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

255 ~~34-15-5~~. 49-9-5.

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

260 ~~34-15-6~~. 49-9-6.

261 The department, through the division, is empowered and directed to cooperate, pursuant
262 to agreements with the federal government, in carrying out the purposes of any federal
263 statutes pertaining to the purposes of this chapter. The department is authorized to adopt
264 such methods of administration as are found by the federal government to be necessary for
265 the proper and efficient operation of such agreements and to comply with such conditions
266 as may be necessary to secure the full benefits of such federal statutes and appropriations,
267 to administer any legislation pursuant thereto enacted by this state, to direct the
268 disbursement and administer the use of all funds provided by the federal government or this
269 state for the purposes of this chapter, and to do all things necessary to ensure the vocational
270 rehabilitation of persons with disabilities.

271 ~~34-15-7~~. 49-9-7.

272 The Office of the State Treasurer is designated as custodian of all moneys received from
273 the federal government for the purpose of carrying out any federal statutes pertaining to the
274 purpose of this chapter. The Office of the State Treasurer shall make disbursements from
275 such funds and all state funds available for such purposes, upon certification in the manner
276 provided in paragraph (5) of Code Section ~~34-15-3~~ 49-9-3.

277 ~~34-15-8:~~ 49-9-8.

278 Budget estimates of the amount of appropriations needed each fiscal year for vocational
 279 rehabilitation services and for the administration of the programs under this chapter shall
 280 be submitted by the director to the ~~Commissioner~~ commissioner and, upon approval by the
 281 ~~Commissioner~~ commissioner, shall be included in the estimates made by the ~~Commissioner~~
 282 commissioner to the Office of Planning and Budget. In the event federal funds are available
 283 to the state for vocational rehabilitation purposes, the Division of Rehabilitation Services
 284 is authorized to comply with such requirements as may be necessary to obtain said federal
 285 funds in the maximum amount and most advantageous proportion possible insofar as this
 286 may be done without violating other provisions of the state law and Constitution. In the
 287 event Congress fails in any year to appropriate funds for grants-in-aid to the state for
 288 vocational rehabilitation purposes, the ~~Commissioner~~ commissioner shall include as a part
 289 of his or her budget a request for adequate state funds for vocational rehabilitation
 290 purposes.

291 ~~34-15-9:~~ 49-9-9.

292 The director is authorized and empowered, with the approval of the ~~Commissioner~~
 293 commissioner, to accept and use gifts made unconditionally, by will or otherwise, for
 294 carrying out the purposes of this chapter. Gifts made under such conditions as are proper
 295 and consistent with this chapter may be so accepted and shall be held, invested, reinvested,
 296 and used in accordance with the conditions of the gift.

297 ~~34-15-10:~~ 49-9-10.

298 (a) Vocational rehabilitation services shall be provided to any qualified individual who is
 299 a bona fide resident of the state.
 300 (b) The financial need of eligible persons with disabilities will be considered in the
 301 provision of vocational rehabilitation services to the extent allowed by federal or other state
 302 law.

303 ~~34-15-11:~~ 49-9-11.

304 The Division of Rehabilitation Services of the ~~Department of Labor~~ Department of Human
 305 Services is the designated state unit for the independent living program. The independent
 306 living program is authorized to provide or contract for the provision of such services as
 307 may be needed to enable persons with disabilities to attain the maximum degree of
 308 independent living. The powers delegated and authorized in this Code section for the
 309 division shall be in addition to those previously authorized by any other law. The

310 department is authorized to cooperate with any federal agency in the administration of such
311 a program.

312 ~~34-15-12.~~ 49-9-12.

313 Any individual applying for or receiving vocational rehabilitation services who is
314 aggrieved by any action or inaction of the division shall be entitled, in accordance with
315 regulations, to a hearing in accordance with Chapter 13 of Title 50, the 'Georgia
316 Administrative Procedure Act,' and in accordance with applicable federal laws and
317 regulations.

318 ~~34-15-13.~~ 49-9-13.

319 Any rights of persons with disabilities to maintenance under this chapter shall not be
320 transferable or assignable at law or in equity and shall be exempt from the claims of
321 creditors.

322 ~~34-15-14.~~ 49-9-14.

323 Where a person with disabilities who receives vocational rehabilitation services is covered
324 by a hospitalization or medical insurance policy, the Division of Rehabilitation Services
325 shall be subrogated to the rights of such person with disabilities to recover in an amount
326 not to exceed the cost of vocational rehabilitation services rendered by the Division of
327 Rehabilitation Services, exclusive of those services for which eligibility is not predicated
328 on the need for financial assistance. Where the person with disabilities receives vocational
329 rehabilitation services without disclosing that he or she is covered by a hospitalization or
330 medical insurance policy, he or she shall be liable therefor to the Division of Rehabilitation
331 Services in an amount not to exceed the cost of rehabilitation services rendered, exclusive
332 of those services for which eligibility is not predicated on the need for financial assistance,
333 or in an amount not to exceed the insurance reimbursement received, whichever is the
334 lesser.

335 ~~34-15-15.~~ 49-9-15.

336 Where a person with disabilities who receives vocational rehabilitation services is entitled
337 to recover damages for said injuries, the Division of Rehabilitation Services shall have a
338 lien, in an amount not to exceed the cost of rehabilitation services rendered, upon any and
339 all causes of action accruing to the individual to whom such services were furnished, or to
340 the legal representative of such individual, on account of injuries giving rise to such cause
341 of action and which necessitated such rehabilitation services, subject, however, to any
342 attorney's lien. In order to perfect such lien, the Division of Rehabilitation Services shall

343 file in the office of the clerk of the superior court of the county wherein the individual
 344 resides; a verified statement setting forth the name and address of such individual; the name
 345 and address of the Division of Rehabilitation Services; the amount claimed to be due for
 346 such vocational rehabilitation services; and, to the best of claimant's knowledge, the names
 347 and addresses of all persons, firms, or corporations claimed by such injured individual, or
 348 the legal representative of such individual, to be liable for damages arising from such
 349 injuries. The Division of Rehabilitation Services shall also, within one day after the filing
 350 of such claim or lien, mail a copy thereof to any person, firm, or corporation so claimed to
 351 be liable for such damages to the addresses as given in such statement. The filing of such
 352 claim or lien shall be notice thereof to all persons, firms, or corporations liable for such
 353 damages, whether or not they are named in such claim or lien. The clerk of the court shall
 354 endorse thereon the date and hour of filing in the hospital lien book, along with the name
 355 of the claimant, the injured person, the amount claimed, and the names and addresses of
 356 those claimed to be liable for damages. Such information shall be recorded in the name of
 357 the injured individual. The clerk shall be paid \$1.00 as his or her fee for such filing. No
 358 release for such cause or causes of action or any judgment thereon, or any covenant not to
 359 sue thereon, shall be valid or effectual as against such lien unless the holder thereof shall
 360 join therein or execute a release of such lien; and the claimant of such lien may enforce the
 361 lien by an action against the person, firm, or corporation liable for such damages.

362 ~~34-15-16.~~ 49-9-16.

363 The division is authorized to retain title to any property, tools, instruments, training
 364 supplies, equipment, or other items of value acquired for use of persons with disabilities
 365 and to repossess and transfer them for the use of other persons with disabilities. The
 366 ~~Commissioner~~ commissioner is authorized to offer for sale any items acquired in the
 367 operation of the program under this chapter when they are no longer necessary or to
 368 exchange them for necessary items which may be used to greater advantage. When any
 369 such surplus equipment is sold or exchanged, a receipt for it shall be taken from the
 370 purchaser showing the consideration given for such equipment and shall be forwarded to
 371 the Office of the State Treasurer; and any funds received by the division pursuant to any
 372 such transactions shall be deposited in the state treasury in the appropriate federal or state
 373 rehabilitation account and shall be available for expenditures for any purposes consistent
 374 with this chapter.

375 ~~34-15-17.~~ 49-9-17.

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

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

383 ~~34-15-18.~~ 49-9-18.

384 Employees of the department engaged in functions under this chapter shall be governed by
 385 the prohibitions in the rules and regulations of the State Personnel Board and the federal
 386 Office of Personnel Management from participation in political activity.

387 ~~34-15-19.~~ 49-9-19.

388 The General Assembly reserves the right to amend or repeal all or any part of this chapter
 389 at any time, and there shall be no vested private right of any kind against such amendment
 390 or repeal. All the rights, privileges, or immunities conferred by this chapter or by acts done
 391 pursuant thereto shall exist subject to the power of the legislature to amend or repeal this
 392 chapter at any time.

393 ~~34-15-20.~~ 49-9-20.

394 (a) The Division of Rehabilitation Services of the ~~Department of Labor~~ Department of
 395 Human Services shall oversee the delivery of deaf-blind services and techniques provided
 396 by an organization pursuant to subsection (c) of this Code section that lead to maximum
 397 independence and employment for individuals with both a hearing and a vision loss. These
 398 services shall include, but not be limited to, transition of deaf-blind youth from education
 399 to the work force; identification of deaf-blind individuals in Georgia; communication
 400 access for varying groups of individuals and their unique needs; training deaf-blind
 401 individuals in orientation and mobility, rehabilitation, and Braille; utilization of support
 402 service providers to function as sighted guides, communication facilitators, and providers
 403 of transportation; support and increase in the number of qualified sign language interpreters
 404 working with deaf-blind individuals; use of adaptive technologies, such as computers,
 405 telebrailers, and TTY devices; strategies and techniques to assist deaf-blind individuals in
 406 obtaining the highest level of independence possible; and peer support which provides
 407 access to information, people, and places.

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

412 (c) Subject to appropriations by the General Assembly, the Division of Rehabilitation
 413 Services shall retain an organization knowledgeable on deaf-blind issues to provide the
 414 services and techniques included in subsection (a) of this Code section to deaf-blind
 415 individuals and to provide comprehensive training to division staff on such services and
 416 techniques required pursuant to subsection (a) of this Code section. Such organization
 417 shall be retained no later than six months after funding from appropriations by the General
 418 Assembly has been made available for expenditure by the department.

419 ARTICLE 2

420 ~~34-15-40.~~ 49-9-40.

421 As used in this article, the term:

422 (1) 'State property' means any building, land, or other real property owned, leased, or
 423 occupied by any department, commission, board, bureau, agency, public corporation, or
 424 other instrumentality of the state, including, but not limited to, the Georgia Building
 425 Authority, and any other real property in which the state has a legal or beneficial interest;
 426 provided, however, the term 'state property' shall not include any property, real or
 427 personal, owned or leased or otherwise under the jurisdiction of the Board of Regents of
 428 the University System of Georgia, the Georgia Education Authority (University), or any
 429 county or independent school system of this state.

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

434 ~~34-15-41.~~ 49-9-41.

435 To effectuate the purposes of this article, it is declared to be public policy of the state that
 436 on any state property where the ~~Commissioner of Labor~~ commissioner of human services
 437 determines it to be feasible to establish a vending facility to be operated by a licensed
 438 operator as provided in this article and where the agency or department or custodian of
 439 such property determines that such facility can be established without undue inconvenience
 440 to the operation being carried on in such state building or property, the preference accorded
 441 in this article shall require that such vending facility site not be deemed available for letting
 442 to competitive bidders for revenue-producing purposes unless the ~~Commissioner~~
 443 commissioner declines to establish on such site a vending facility for blind persons or other
 444 persons with disabilities. The income to the agency controlling the space for such facility
 445 sites shall generally not be expected to exceed reimbursement for the cost of providing

446 such facility site space and the services connected therewith; but in any case where such
 447 income exceeds those purposes, it shall be paid into the state treasury, subject to
 448 certification and audit.

449 ~~34-15-42:~~ 49-9-42.

450 For the purpose of providing blind persons or other persons with disabilities with
 451 remunerative employment, enlarging their economic opportunities, and stimulating them
 452 to greater effort in striving to make themselves self-supporting, such blind persons or other
 453 persons with disabilities who are licensed by the Division of Rehabilitation Services of the
 454 ~~Department of Labor~~ Department of Human Services shall be authorized to operate
 455 vending facilities on any state property where such vending facilities may be properly and
 456 satisfactorily operated by blind persons or other persons with disabilities. In authorizing
 457 the operation of vending facilities on state property, preference shall be given, so far as
 458 feasible, to blind persons or other persons with disabilities licensed by the Division of
 459 Rehabilitation Services of the ~~Department of Labor~~ Department of Human Services as
 460 provided in this article; and the head of each department or agency in control of the
 461 maintenance, operation, and protection of state property shall, after consultation with the
 462 ~~Commissioner~~ commissioner and with the approval of the Governor, prescribe regulations
 463 designed to assure such preference (including assignment of vending machine income to
 464 achieve and protect such preference) for such licensed blind persons or other persons with
 465 disabilities without unduly inconveniencing such departments and agencies or adversely
 466 affecting the interests of the state."

467 **SECTION 2.**

468 Said Title 34 is further amended by reserving the Chapter 15 designation.

469 **SECTION 3.**

470 The Official Code of Georgia Annotated is amended by revising the following Code sections
 471 by striking the term "Division of Rehabilitation Services of the Department of Labor"
 472 wherever such term occurs and inserting in its place the term "Division of Rehabilitation of
 473 Services of the Department of Human Services":

- 474 (1) Code Section 15-11-63, relating to designated felony acts, definitions, restrictive
 475 custody disposition, procedure and notice to schools;
- 476 (2) Code Section 15-21-143, relating to appointment of members and personnel relative to
 477 the Brain and Spinal Injury Trust Fund Commission and agencies;
- 478 (3) Code Section 30-6-4, relating to authority of Division of Rehabilitation Services to
 479 establish program;

- 480 (4) Code Section 30-6-5, relating to standards of certain personal assistance programs;
 481 (5) Code Section 31-15-3, relating to functions of the Cancer Advisory Committee,
 482 membership, terms of office, and vacancies;
 483 (6) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory
 484 Committee, membership, terms of office, vacancies, and compensation and reimbursement
 485 of expenses;
 486 (7) Code Section 45-18-5.1, relating to licensed blind or otherwise seriously disabled
 487 vendors;
 488 (8) Code Section 45-18-5.2, relating to sheltered employment center employees;
 489 (9) Code Section 49-4A-9, relating to sentence of youthful offenders, modification of order,
 490 review, and participation in programs; and
 491 (10) Code Section 49-5-225, relating to local interagency committees, membership, and
 492 function of committees.

493 **SECTION 4.**

494 Chapter 2 of Title 30 of the Official Code of Georgia Annotated, relating to the Georgia
 495 Industries for the Blind, is amended by revising Code Section 30-2-3, relating to supervision
 496 of industries by Department of Labor and acquisition of property, as follows:

497 "30-2-3.

498 (a) The industries shall be state institutions under the direction and supervision of the
 499 ~~Department of Labor~~ Department of Human Services.

500 (b) The ~~Department of Labor~~ Department of Human Services is authorized to provide the
 501 property necessary for the industries. The ~~Department of Labor~~ Department of Human
 502 Services may acquire real property through the State Properties Commission pursuant to
 503 Code Section 50-16-38 or the department may enter into rental agreements in order to
 504 acquire the needed space. ~~The acquisition of such property is not deemed to be~~
 505 ~~'administrative space' within the meaning of Article 2 of Chapter 5 of Title 50, the 'State~~
 506 ~~Space Management Act of 1976.'~~"

507 **SECTION 5.**

508 Said chapter is further amended by revising Code Section 30-2-7, relating to compensation
 509 of workers and observance of and payment for state holidays, as follows:

510 "30-2-7.

511 (a) Each worker in an industry who is otherwise entitled to share in the benefits provided
 512 for blind persons under Articles 1 and 3 of Chapter 4 of Title 49 shall, in addition to the
 513 amount received as compensation for his or her services in the industry, receive from the

514 Department of Human Services such amount of public assistance as shall be determined
515 in accordance with the regulations approved by the commissioner of human services.

516 (b) All workers in the industries shall observe all holidays observed by other departments
517 and agencies of the state government and shall receive their proportionate compensation
518 for each holiday so observed. If any worker shall be compensated in such a manner that
519 his or her daily compensation is not fixed, but rather is based upon a production basis, he
520 or she shall receive by way of compensation for such observance of state holidays the
521 average daily production compensation received by him or her during the immediately
522 preceding 30 day period, holidays and Sundays excluded. ~~The Department of Labor~~
523 Department of Human Services is authorized and directed to pay such compensation from
524 the funds appropriated to and available for the department."

525 **SECTION 6.**

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

528 "(e) Gateway Center may be a 'welcome center, tourist center, and safety rest area' for
529 purposes of Code Section ~~34-15-42~~ 49-9-42, and the preference given by Code Sections
530 ~~34-15-41 and 34-15-42~~ 49-9-41 and 49-9-42 shall apply to and affect Gateway Center."

531 **SECTION 7.**

532 Part 1 of Article 1 of Chapter 18 of Title 45, relating to State Employees' Health Insurance
533 Plan, is amended by revising Code Section 45-18-5.1, relating to licensed blind or otherwise
534 seriously disabled vendors, as follows:

535 "45-18-5.1.

536 ~~The Department of Labor~~ Department of Human Services is authorized to contract with the
537 Georgia Cooperative Services for the Blind, Inc., a nominee agent designated by the
538 Division of Rehabilitation Services of the ~~Department of Labor~~ Department of Human
539 Services, for the inclusion of licensed blind persons or other persons with disabilities
540 operating a vending facility in accordance with ~~Article 2 of Chapter 15 of Title 34~~ Article
541 2 of Chapter 9 of Chapter 49 within any health insurance plan or plans established under
542 this part. In the event any contract is entered into, it shall be the duty of the Georgia
543 Cooperative Services for the Blind, Inc., to deduct the payment required under the plan
544 from the earnings or other compensation of licensed blind persons or other persons with
545 disabilities and remit it to the ~~Department of Labor~~ Department of Human Services for
546 inclusion in the health insurance fund. In addition, it shall be the duty of the Georgia
547 Cooperative Services for the Blind, Inc., to make the employer contributions required for
548 the operation of such plan or plans. Should the Georgia Cooperative Services for the Blind,

549 Inc., fail to remit such deductions or such employer contributions through the ~~Department~~
550 ~~of Labor~~ Department of Human Services, the commissioner may, upon written notice to
551 the Georgia Cooperative Services for the Blind, Inc., terminate the coverage for such
552 employees as of the day following the last day for which such deductions or such employer
553 contributions were remitted to the board. Coverage may be reinstated upon the tender of
554 any such deductions or employer contributions not previously remitted."

555 **SECTION 8.**

556 Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to
557 general provisions relative to public property, is amended by revising Code Section 50-16-4,
558 relating to use and keeper of capitol building and grounds, as follows:

559 "50-16-4.

560 The use of the capitol building and grounds shall be limited to departments of the state
561 government and to state and national political organizations, and the keeper of public
562 buildings and grounds shall not grant the use of either the capitol buildings or grounds for
563 any other purposes, except that the Georgia Building Authority as keeper of public
564 buildings and grounds is authorized to provide space in the capitol building for use as a
565 vending stand, as described by ~~Article 2 of Chapter 15 of Title 34~~ Article 2 of Chapter 9
566 of Title 49, for the use of state officials and employees and their invited guests."

567 **SECTION 9.**

568 This Act shall become effective upon its approval by the Governor or upon its becoming law
569 without such approval.

570 **SECTION 10.**

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