

House Bill 1146 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 30th, Carter of the 175th, Hatchett of the 143rd, Collins of the 27th, and Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 34 and 49 of the Official Code of Georgia Annotated, relating to labor and
2 industrial relations and social services, respectively, so as to create the Georgia Vocational
3 Rehabilitation Services Board; to provide for membership, terms, and compensation related
4 to the board; to provide for an executive director of the board; to create and establish the
5 Georgia Vocational Rehabilitation Agency; to transfer the Division of Rehabilitation
6 Services, including but not limited to the disability adjudication section and the Roosevelt
7 Warm Springs Institute for Rehabilitation, from the Department of Labor to the Georgia
8 Vocational Rehabilitation Agency; to provide for definitions; to provide for the transfer of
9 programs, institutions, and property; to provide for the transfer of funds, positions, officers,
10 employees, agents, and other personnel and for rights and benefits relating thereto; to provide
11 for consultations regarding certain changes and provide for availability of records and
12 information; to provide for powers, duties, and functions of the Georgia Vocational
13 Rehabilitation Agency; to provide for responsibility for accrued compensatory time; to
14 provide for service delivery regions; to provide for rules and regulations, policies, and orders
15 and for rights and duties under certain agreements; to provide for duties, power, and
16 functions of the board and the agency; to provide for the duties, functions, and compensation
17 of the director thereof; to provide for funding, agreements, budgeting, and appropriations;
18 to provide for gifts; to provide for rehabilitation services and financial assistance; to provide
19 for hearings and administrative procedure; to provide for rights and for subrogation and liens;
20 to provide for penalties; to provided for amendments and repeal and rights relating thereto;
21 to provide for vending facilities for certain person with disabilities; to amend Chapter 2 of
22 Title 30 of the Official Code of Georgia Annotated, relating to the Georgia Industries for the
23 Blind, so as to transfer the direction and supervision of such industries to the Georgia
24 Vocational Rehabilitation Agency; to provide for property and reserve funds of such
25 industries; to provide for compensation of workers in such industries; to specifically reserve
26 certain laws and amend various other provisions of the Official Code of Georgia Annotated
27 so as to conform related cross-references; to provide for related matters; to provide for an
28 effective date; to repeal conflicting laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 SECTION 1.

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

34 ~~"CHAPTER 15~~ CHAPTER 9

35 ARTICLE 1

36 ~~34-15-1.~~ 49-9-1.

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

38 (1) 'Agency' means the Georgia Vocational Rehabilitation Agency created pursuant to
39 Code Section 49-9-4.

40 ~~(1)~~(2) 'Blind person' means a person who has:

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

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

43 (3) 'Board' means the Georgia Vocational Rehabilitation Services Board created pursuant
44 to Code Section 49-9-2.

45 ~~(2) 'Commissioner' means the Commissioner of Labor.~~

46 ~~(3) 'Department' means the Department of Labor.~~

47 ~~(4) 'Director' means the official of the division who is charged with the administration~~
48 ~~of its functions under this chapter~~ agency executive director appointed pursuant to Code
49 Section 49-9-3.

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

53 ~~(6) 'Division' means the Division of Rehabilitation Services of the Department of Labor.~~

54 ~~(7)~~(6) 'Occupational license' means any license, permit, or other written authority
55 required by any governmental unit to be obtained in order to engage in an occupation.

56 ~~(8)~~(7) 'Person with disabilities' means an individual having a physical or mental
57 impairment that substantially limits one or more of the major life activities.

58 ~~(9)~~(8) 'Prosthetic appliance' means any artificial device necessary to support or take the
59 place of a part of the body or to increase the acuity of a sense organ.

60 ~~(10)~~(9) 'Regulations' means regulations made by the ~~Commissioner~~ director with the
61 approval of the board and promulgated in the manner prescribed by law.

62 ~~(11)~~(10) 'Rehabilitation center' means a facility operated for the purpose of assisting in
 63 the rehabilitation of persons with disabilities which provides one or more of the following
 64 types of services:

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

66 (B) Prevocational or conditioning therapy;

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

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

73 ~~(12)~~(11) 'Rehabilitation training' means all necessary training provided to a person with
 74 disabilities to compensate for his or her disability to employment, including, but not
 75 limited to, manual preconditioning, relating, vocational, and supplementary training and
 76 training provided for the purpose of developing occupational skills and capacities.

77 ~~(13)~~(12) 'Vocational rehabilitation' and 'vocational rehabilitation services' mean any
 78 service, provided directly or through public or private instrumentalities, found by the
 79 director to be necessary to compensate a person with disabilities for his or her disability
 80 to employment and to enable such individual to engage in a remunerative occupation.

81 ~~(14)~~(13) 'Workshop' means a place where any manufacture or handwork is carried on
 82 and which is operated for the primary purpose of providing rehabilitative activities,
 83 including the use of monetary rewards as an incentive practice for persons with
 84 disabilities unable to engage in the competitive labor market. Persons receiving services
 85 in workshops shall not be considered as employees of the state for workers'
 86 compensation, ~~retirement~~, or any other purposes.

87 49-9-2.

88 (a) There is created the Georgia Vocational Rehabilitation Services Board. The board
 89 shall consist of nine members who work or have worked in the area of vocational
 90 rehabilitation or who are a part of the vocational rehabilitation community; provided,
 91 however, that five members shall be persons with disabilities or family members of persons
 92 with disabilities.

93 (b) The members of the board shall be appointed by the Governor. The first such members
 94 shall be appointed by the Governor to take office on July 1, 2012, for initial terms as
 95 follows: Three such members shall be appointed for terms of one year; three such members
 96 shall be appointed for terms of two years; and three such members shall be appointed for
 97 terms of three years. Thereafter, the Governor shall appoint successors upon the expiration

98 of the respective terms of office for terms of three years. All such members shall serve
 99 until their successors are appointed and qualified. Such members shall be eligible for
 100 reappointment to successive terms of office as members of the board.

101 (c) Vacancies in office shall be filled by appointment by the Governor in the same manner
 102 as the appointment to the position on the board which becomes vacant. An appointment
 103 to fill a vacancy other than by expiration of a term of office shall be for the balance of the
 104 unexpired term.

105 (d) Members of the board may be removed from office under the same conditions for
 106 removal from office of members of professional licensing boards provided in Code
 107 Section 43-1-17.

108 (e) There shall be a chairperson of the board elected by and from the membership of the
 109 board who shall be the presiding officer of the board. The term of the chairperson shall be
 110 established by rules of the board.

111 (f) A quorum for transacting business shall be determined by the members of the board.

112 (g) The members of the board shall receive a per diem allowance and expenses as shall be
 113 set and approved by the Office of Planning and Budget in conformance with rates and
 114 allowances set for members of other state boards.

115 (h) In addition to the powers and duties set forth in this chapter, the board shall recommend
 116 to the Governor and the General Assembly changes in state programs, statutes, policies,
 117 budgets, and standards relating to vocational rehabilitation services, the improvement of
 118 coordination among state and local agencies that provide vocational rehabilitation services,
 119 and the improvement of the condition of citizens who are in need of vocational
 120 rehabilitation services.

121 ~~34-15-3.~~ 49-9-3.

122 (a) There shall be an executive director of the Georgia Vocational Rehabilitation Agency
 123 nominated by the Governor and approved by the board. The director shall serve during the
 124 term of the Governor by whom he or she is appointed and at the pleasure of the board. If
 125 the Governor's term expires and the incoming Governor has not made a nomination or such
 126 nomination has not been approved by the board, the current director shall serve until a
 127 replacement is nominated by the incoming Governor and approved by the board.

128 (b) In carrying out his or her duties under this chapter, the director of the ~~Division of~~
 129 ~~Rehabilitation Services of the Department of Labor~~ Georgia Vocational Rehabilitation
 130 Agency:

131 (1) Shall, with the approval of the ~~Commissioner~~ board, prepare such regulations for
 132 promulgation by the ~~Commissioner~~ board as he or she finds necessary to carry out the
 133 purposes of this chapter;

- 134 (2) Shall, with the approval of the ~~Commissioner~~ board, prepare such policies and
 135 procedures as he or she finds necessary for the purposes of this chapter and establish
 136 appropriate subordinate administrative units within the ~~division~~ agency;
- 137 (3) Shall recommend to the ~~Commissioner~~ board for appointment such personnel as he
 138 or she deems necessary for the efficient performance of the functions of the ~~division~~
 139 agency;
- 140 (4) Shall prepare and submit to the ~~Commissioner~~ board annual reports of activities and
 141 expenditures and, prior to each regular session of the General Assembly, estimates of
 142 sums required for carrying out this chapter and estimates of the amounts to be made
 143 available for this purpose from all sources;
- 144 (5) Shall make certification for disbursement, in accordance with regulations, of funds
 145 available for carrying out the purposes of this chapter;
- 146 (6) May, with the approval of the ~~Commissioner~~ board, delegate to any officer or
 147 employee of the ~~division~~ agency such of his or her powers and duties, except the making
 148 of regulations and the appointment of personnel, as he or she finds necessary to carry out
 149 the purposes of this chapter; and
- 150 (7) Is designated as the administrator of a program provided under Section 221 of the
 151 federal Social Security Act, relating to disability adjudication services. The director shall
 152 receive, notwithstanding any other provision of law and in addition to his or her regular
 153 compensation, such compensation and allowance as may be augmented from grants by
 154 the appropriate federal agency in such amount as is determined by the federal agency to
 155 be commensurate with the duties imposed by Section 221 of the federal Social Security
 156 Act.

157 ~~34-15-2. 49-9-4.~~

158 (a)(1) ~~The Division of Rehabilitation Services within the Department of Human~~
 159 ~~Resources (now known as the Department of Human Services), including the disability~~
 160 ~~adjudication section and the Roosevelt Warm Springs Institute for Rehabilitation, is~~
 161 ~~transferred to the Department of Labor on July 1, 2001, and that division shall become~~
 162 ~~the Division of Rehabilitation Services of the Department of Labor on July 1, 2001. The~~
 163 ~~functions, duties, programs, institutions, and authority of the Division of Rehabilitation~~
 164 ~~Services which were vested in the Department of Human Resources on June 30, 2001,~~
 165 ~~are vested in the Department of Labor effective July 1, 2001. The Georgia Vocational~~
 166 ~~Rehabilitation Agency is created and established to perform the functions and assume the~~
 167 ~~duties, powers, and authority exercised on June 30, 2012, by the Division of~~
 168 ~~Rehabilitation Services within the Department of Labor including the disability~~
 169 ~~adjudication section and the Roosevelt Warm Springs Institute for Rehabilitation, and~~

170 such division shall be reconstituted as the Georgia Vocational Rehabilitation Agency
 171 effective July 1, 2012.

172 (2) The Georgia Vocational Rehabilitation Agency shall be assigned to the Department
 173 of Human Services for administrative purposes only, as prescribed in Code
 174 Section 50-4-3.

175 (3) On and after July 1, 2012, the powers, functions, duties, programs, institutions, and
 176 authority of the Georgia Vocational Rehabilitation Agency relating to the former Division
 177 of Rehabilitation Services within the Department of Labor shall be performed and
 178 exercised by the Georgia Vocational Rehabilitation Agency pursuant to this article. The
 179 Georgia Vocational Rehabilitation Agency shall take all necessary steps to ensure
 180 continuity of services for the vocational rehabilitation of persons with disabilities during
 181 such transfer.

182 (b) The ~~division~~ agency shall be administered by a director appointed by the
 183 Commissioner pursuant to Code Section 49-9-3. The policy-making functions which were
 184 vested in the Board of Human Resources (now known as the Board of Human Services)
 185 or the Department of Human Resources Department of Labor pertaining to the Division of
 186 Rehabilitation Services are vested in the Commissioner of Labor effective July 1, 2001
 187 Georgia Vocational Rehabilitation Agency effective July 1, 2012.

188 (c) Any proceedings or other matters pending before the Division of Rehabilitation
 189 Services of the Department of Labor on June 30, 2012, which relate to the functions
 190 transferred to the Georgia Vocational Rehabilitation Agency shall be transferred to the
 191 agency on July 1, 2012.

192 (b)(d) The ~~Department of Labor shall, from July 1, 2001,~~ Georgia Vocational
 193 Rehabilitation Agency shall, from July 1, 2012, assume possession and control of all
 194 records, papers, equipment, supplies, office space, and all other tangible property possessed
 195 and controlled by the ~~Department of Human Resources as of June 30, 2001, in the~~
 196 ~~Department of Human Resources'~~ Department of Labor as of June 30, 2012, in the
 197 Department of Labor's administration of the Division of Rehabilitation Services. All funds
 198 attributable to the Division of Rehabilitation Services and its programs and institutions
 199 from state, federal, and any other public or private source, shall be transferred to the
 200 Department of Labor on July 1, 2001 Georgia Vocational Rehabilitation Agency on July 1,
 201 2012.

202 (e) On July 1, 2012, the Georgia Vocational Rehabilitation Agency shall receive custody
 203 of any state owned real property in the custody of the Department of Labor on
 204 June 30, 2012, which pertains to the functions transferred from the Division of
 205 Rehabilitation Services to the Georgia Vocational Rehabilitation Agency.

206 ~~(e)(f) The Department of Human Resources~~ Prior to July 1, 2012, the Office of Planning
 207 and Budget shall calculate, in consultation with the Department of Labor, the amount of
 208 all funds of or attributable to the Division of Rehabilitation Services and its programs and
 209 institutions from any source that are used to provide administrative or other services within
 210 ~~the Department of Human Resources~~ Department of Labor, including funds from the
 211 disability adjudication section, the cost allocation system, and any indirect costs funding
 212 from the federal government or any other source. The amount calculated shall be
 213 transferred to the ~~Department of Labor on July 1, 2001~~ agency on July 1, 2012. Any
 214 changes or amendments made to the structure or placement of division programs and
 215 institutions, the allocation and expenditure of division funds, division rules, regulations,
 216 policies and procedures, or the administrative orders of the Department of Human
 217 Resources pertaining to the division, between May 1, 2000, and July 1, 2001, shall be made
 218 in consultation with the Commissioner of Labor. In addition, on and after May 1, 2000,
 219 the Department of Human Resources shall make available to the Department of Labor all
 220 records and information of the Department of Human Resources and the Division of
 221 Rehabilitation Services which relate to the functions, duties, and administration of the
 222 division, to assist in the orderly transfer of the division to the Department of Labor.

223 ~~(d)(g)~~ All officers, employees, and agents of the Division of Rehabilitation Services who,
 224 on ~~June 30, 2001~~ June 30, 2012, are engaged in the performance of a function or duty
 225 which shall be vested in the ~~Division of Rehabilitation Services of the Department of Labor~~
 226 ~~on July 1, 2001~~ Georgia Vocational Rehabilitation Agency on July 1, 2012, by this chapter,
 227 shall be automatically transferred to the ~~Department of Labor on July 1, 2001~~ Georgia
 228 Vocational Rehabilitation Agency on July 1, 2012. An equivalent number of positions or
 229 funds of the ~~Department of Human Resources~~ Department of Labor which provide
 230 administrative support to the Division of Rehabilitation Services shall be transferred to the
 231 ~~Department of Labor on July 1, 2001~~ Georgia Vocational Rehabilitation Agency on July 1,
 232 2012. Such persons shall be subject to the employment practices and policies of the
 233 ~~Department of Labor on and after July 1, 2001~~ Georgia Vocational Rehabilitation Agency
 234 on and after July 1, 2012, but consistent with the compensation and benefits of other
 235 employees of that department holding positions substantially the same as the transferred
 236 employees, the compensation and benefits of such transferred employees shall not be
 237 reduced. Employees who are subject to the State Personnel Administration and who are
 238 transferred to the ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia
 239 Vocational Rehabilitation Agency shall retain all existing rights under the State Personnel
 240 Administration. Retirement rights of such transferred employees existing under the
 241 ~~Employees' Retirement System of Georgia or other public retirement systems on June 30,~~
 242 ~~2001, shall not be impaired or interrupted by the transfer of such employees, and~~

243 membership in any such retirement system shall continue in the same status possessed by
 244 the transferred employees on June 30, 2001. Accrued annual and sick leave shall be
 245 retained by said employees as employees of the Department of Labor Georgia Vocational
 246 Rehabilitation Agency. The ~~Department of Human Resources~~ Department of Labor shall
 247 be responsible for payment of the accrued Fair Labor Standards Act compensatory time
 248 possessed by said employees. Such accrued compensatory time shall be used by or paid
 249 to said employees prior to ~~July 1, 2001~~ July 1, 2012.

250 ~~(e)(1)(h)(1)~~ (1) The ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia
 251 Vocational Rehabilitation Agency is the designated state unit for the vocational
 252 rehabilitation program.

253 (2) The ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia
 254 Vocational Rehabilitation Agency shall conform to federal standards in all respects
 255 necessary for receiving federal grants and the ~~Commissioner of the Department of Labor~~
 256 director of the Georgia Vocational Rehabilitation Agency is authorized and empowered
 257 to effect such changes as may, from time to time, be necessary in order to comply with
 258 such standards.

259 (3) The Georgia Vocational Rehabilitation Agency shall take all necessary steps to
 260 secure at a minimum the same level of benefits provided pursuant to relevant federal
 261 statutes and appropriations received by the Division of Rehabilitation Services of the
 262 Department of Labor prior to June 30, 2012. The department shall also amend the state
 263 plan if necessary to meet federal funding requirements.

264 ~~(3)(4)~~ (4) The ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia
 265 Vocational Rehabilitation Agency is authorized to employ, on a full or part-time basis,
 266 such medical, psychiatric, social work, supervisory, institutional, and other professional
 267 personnel and such clerical and other employees as may be necessary to discharge the
 268 duties of the ~~division~~ agency under this chapter. The ~~division~~ agency is also authorized
 269 to contract for such professional services as may be necessary.

270 ~~(4)(5)~~ (5) Classified employees of the ~~Division of Rehabilitation Services of the Department~~
 271 ~~of Labor~~ Georgia Vocational Rehabilitation Agency under this chapter shall in all
 272 instances be employed and dismissed in accordance with rules and regulations of the
 273 State Personnel Administration.

274 (5) ~~All personnel of the Division of Rehabilitation Services of the Department of Labor~~
 275 ~~are authorized to be members of the Employees' Retirement System of Georgia as~~
 276 ~~provided in Chapter 2 of Title 47. All rights, credits, and funds in that retirement system~~
 277 ~~which are possessed by state personnel transferred by provisions of this chapter to the~~
 278 ~~Department of Labor, or otherwise had by persons at the time of employment with that~~
 279 ~~department, are continued and preserved, it being the intention of the General Assembly~~

280 that such persons shall not lose any rights, credits, or funds to which they may be entitled
 281 prior to becoming employees of the ~~Division of Rehabilitation Services of the~~
 282 ~~Department of Labor.~~

283 ~~(f)(i)~~ (i) The ~~Department of Labor~~ Georgia Vocational Rehabilitation Agency shall succeed
 284 to all rules, regulations, policies, procedures, and administrative orders of the ~~Department~~
 285 ~~of Human Resources~~ Department of Labor which are in effect on ~~June 30, 2001~~
 286 June 30, 2012, and which relate to the functions of the Division of Rehabilitation Services.
 287 Such rules, regulations, policies, procedures, and administrative orders shall remain in
 288 effect until amended, repealed, superseded, or nullified by proper authority or as otherwise
 289 provided by law.

290 ~~(g)(j)~~ (j) The rights, privileges, entitlements, and duties of parties to contracts, leases,
 291 agreements, and other transactions entered into before ~~July 1, 2001, by the Department of~~
 292 ~~Human Resources~~ July 1, 2012, by the Department of Labor or the Division of
 293 Rehabilitation Services pertaining to the Division of Rehabilitation Services transferred to
 294 the ~~Department of Labor~~ Georgia Vocational Rehabilitation Agency by this chapter shall
 295 continue to exist; and none of these rights, privileges, entitlements, obligations, and duties
 296 are impaired or diminished by reason of the transfer of the functions to the ~~Department of~~
 297 ~~Labor~~ Georgia Vocational Rehabilitation Agency. In all such instances, the ~~Department~~
 298 ~~of Labor~~ Georgia Vocational Rehabilitation Agency shall be substituted for the ~~Department~~
 299 ~~of Human Resources~~ Department of Labor or the Division of Rehabilitation Services, and
 300 the ~~Department of Labor~~ Georgia Vocational Rehabilitation Agency shall succeed to the
 301 rights, privileges, entitlements, and duties under such contracts, leases, agreements, and
 302 other transactions.

303 ~~(h)(k)~~ (k) The ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia
 304 Vocational Rehabilitation Agency shall conform all service delivery regions to the state
 305 service delivery regions provided in subsection (a) of Code Section 50-4-7.

306 ~~34-15-4. 49-9-5.~~

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

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

- 315 (2) To enter into reciprocal agreements with other states to provide for the services
 316 authorized by this chapter to residents of the state concerned;
- 317 (3) To conduct research and compile statistics relating to the provision of services or the
 318 need of services by persons with disabilities;
- 319 (4) To license blind persons or other persons with disabilities to operate vending
 320 facilities under its supervision and control, subject to the terms and conditions provided
 321 in regulations, policies, and procedures issued pursuant to ~~paragraphs (1) and (2)~~ of Code
 322 Section ~~34-15-3~~ 49-9-3, on:
- 323 (A) State property;
- 324 (B) County or municipal property;
- 325 (C) Federal property, pursuant to delegation of authority under the Randolph-Sheppard
 326 Act (20 U.S. Code, Section 107b)(49 Stat. 1559) and any amendment thereto or any act
 327 of Congress relating to this subject; and
- 328 (D) Private property; and
- 329 (5) To provide for the establishment, supervision, and control of suitable business
 330 enterprises to be operated by persons with disabilities.

331 ~~34-15-5.~~ 49-9-6.

332 The ~~Division of Rehabilitation Services~~ agency is authorized to utilize funds made
 333 available from appropriations by Congress, by gifts or grants from private sources, by
 334 appropriations of the General Assembly, or by transfer of funds from other state
 335 departments for the purpose of establishing and operating rehabilitation centers and
 336 workshops.

337 ~~34-15-6.~~ 49-9-7.

338 The ~~department, through the division,~~ agency is empowered and directed to cooperate,
 339 pursuant to agreements with the federal government, in carrying out the purposes of any
 340 federal statutes pertaining to the purposes of this chapter. The ~~department~~ agency is
 341 authorized to adopt such methods of administration as are found by the federal government
 342 to be necessary for the proper and efficient operation of such agreements and to comply
 343 with such conditions as may be necessary to secure the full benefits of such federal statutes
 344 and appropriations, to administer any legislation pursuant thereto enacted by this state, to
 345 direct the disbursement and administer the use of all funds provided by the federal
 346 government or this state for the purposes of this chapter, and to do all things necessary to
 347 ensure the vocational rehabilitation of persons with disabilities.

348 ~~34-15-7.~~ 49-9-8.

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

354 ~~34-15-8.~~ 49-9-9.

355 Budget estimates of the amount of appropriations needed each fiscal year for vocational
 356 rehabilitation services and for the administration of the programs under this chapter shall
 357 be submitted by the director to the ~~Commissioner~~ board and, upon approval by the
 358 ~~Commissioner~~ board, shall be included in the estimates made by the ~~Commissioner~~ board
 359 to the Office of Planning and Budget. In the event federal funds are available to the state
 360 for vocational rehabilitation purposes, the ~~Division of Rehabilitation Services~~ Georgia
 361 Vocational Rehabilitation Agency is authorized to comply with such requirements as may
 362 be necessary to obtain said federal funds in the maximum amount and most advantageous
 363 proportion possible insofar as this may be done without violating other provisions of the
 364 state law and Constitution. In the event Congress fails in any year to appropriate funds for
 365 grants-in-aid to the state for vocational rehabilitation purposes, the ~~Commissioner~~ board
 366 shall include as a part of ~~his or her~~ its budget a request for adequate state funds for
 367 vocational rehabilitation purposes.

368 ~~34-15-9.~~ 49-9-10.

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

374 ~~34-15-10.~~ 49-9-11.

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

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

380 ~~34-15-11.~~ 49-9-12.

381 ~~The Division of Rehabilitation Services of the Department of Labor~~ Georgia Vocational
 382 Rehabilitation Agency is the designated state unit for the independent living program. The
 383 independent living program is authorized to provide or contract for the provision of such
 384 services as may be needed to enable persons with disabilities to attain the maximum degree
 385 of independent living. The powers delegated and authorized in this Code section for the
 386 ~~division~~ agency shall be in addition to those previously authorized by any other law. The
 387 ~~department~~ agency is authorized to cooperate with any federal agency in the administration
 388 of such a program.

389 ~~34-15-12.~~ 49-9-13.

390 Any individual applying for or receiving vocational rehabilitation services who is
 391 aggrieved by any action or inaction of the ~~division~~ agency shall be entitled, in accordance
 392 with regulations, to a hearing in accordance with Chapter 13 of Title 50, the 'Georgia
 393 Administrative Procedure Act,' and in accordance with applicable federal laws and
 394 regulations.

395 ~~34-15-13.~~ 49-9-14.

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

399 ~~34-15-14.~~ 49-9-15.

400 Where a person with disabilities who receives vocational rehabilitation services is covered
 401 by a hospitalization or medical insurance policy, the ~~Division of Rehabilitation Services~~
 402 Georgia Vocational Rehabilitation Agency shall be subrogated to the rights of such person
 403 with disabilities to recover in an amount not to exceed the cost of vocational rehabilitation
 404 services rendered by the ~~Division of Rehabilitation Services~~ Georgia Vocational
 405 Rehabilitation Agency, exclusive of those services for which eligibility is not predicated
 406 on the need for financial assistance. Where the person with disabilities receives vocational
 407 rehabilitation services without disclosing that he or she is covered by a hospitalization or
 408 medical insurance policy, he or she shall be liable therefor to the ~~Division of Rehabilitation~~
 409 ~~Services~~ Georgia Vocational Rehabilitation Agency in an amount not to exceed the cost
 410 of rehabilitation services rendered, exclusive of those services for which eligibility is not
 411 predicated on the need for financial assistance, or in an amount not to exceed the insurance
 412 reimbursement received, whichever is the lesser.

413 ~~34-15-15:~~ 49-9-16.

414 Where a person with disabilities who receives vocational rehabilitation services is entitled
415 to recover damages for said injuries, the ~~Division of Rehabilitation Services~~ Georgia
416 Vocational Rehabilitation Agency shall have a lien, in an amount not to exceed the cost of
417 rehabilitation services rendered, upon any and all causes of action accruing to the
418 individual to whom such services were furnished, or to the legal representative of such
419 individual, on account of injuries giving rise to such cause of action and which necessitated
420 such rehabilitation services, subject, however, to any attorney's lien. In order to perfect
421 such lien, the ~~Division of Rehabilitation Services~~ Georgia Vocational Rehabilitation
422 Agency shall file in the office of the clerk of the superior court of the county wherein the
423 individual resides; a verified statement setting forth the name and address of such
424 individual; the name and address of the ~~Division of Rehabilitation Services~~ Georgia
425 Vocational Rehabilitation Agency; the amount claimed to be due for such vocational
426 rehabilitation services; and, to the best of claimant's knowledge, the names and addresses
427 of all persons, firms, or corporations claimed by such injured individual, or the legal
428 representative of such individual, to be liable for damages arising from such injuries. The
429 ~~Division of Rehabilitation Services~~ Georgia Vocational Rehabilitation Agency shall also,
430 within one day after the filing of such claim or lien, mail a copy thereof to any person, firm,
431 or corporation so claimed to be liable for such damages to the addresses as given in such
432 statement. The filing of such claim or lien shall be notice thereof to all persons, firms, or
433 corporations liable for such damages, whether or not they are named in such claim or lien.
434 The clerk of the court shall endorse thereon the date and hour of filing in the hospital lien
435 book, along with the name of the claimant, the injured person, the amount claimed, and the
436 names and addresses of those claimed to be liable for damages. Such information shall be
437 recorded in the name of the injured individual. The clerk shall be paid \$1.00 as his or her
438 fee for such filing. No release for such cause or causes of action or any judgment thereon,
439 or any covenant not to sue thereon, shall be valid or effectual as against such lien unless
440 the holder thereof shall join therein or execute a release of such lien; and the claimant of
441 such lien may enforce the lien by an action against the person, firm, or corporation liable
442 for such damages.

443 ~~34-15-16:~~ 49-9-17.

444 The ~~division~~ agency is authorized to retain title to any property, tools, instruments, training
445 supplies, equipment, or other items of value acquired for use of persons with disabilities
446 and to repossess and transfer them for the use of other persons with disabilities. The
447 ~~Commissioner~~ board is authorized to offer for sale any items acquired in the operation of
448 the program under this chapter when they are no longer necessary or to exchange them for

449 necessary items which may be used to greater advantage. When any such surplus
 450 equipment is sold or exchanged, a receipt for it shall be taken from the purchaser showing
 451 the consideration given for such equipment and shall be forwarded to the Office of the
 452 State Treasurer; and any funds received by the ~~division~~ agency pursuant to any such
 453 transactions shall be deposited in the state treasury in the appropriate federal or state
 454 rehabilitation account and shall be available for expenditures for any purposes consistent
 455 with this chapter.

456 ~~34-15-17.~~ 49-9-18.

457 It shall be unlawful, except for purposes directly connected with the administration of the
 458 vocational rehabilitation program and in accordance with regulations, policies, and
 459 procedures, for any person or persons to solicit, disclose, receive, or make use of or
 460 authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names
 461 of, or any information concerning persons applying for or receiving vocational
 462 rehabilitation, directly or indirectly derived from the records. Any person who violates any
 463 provision of this Code section shall be guilty of a misdemeanor.

464 ~~34-15-18.~~ 49-9-19.

465 Employees of the ~~department~~ agency engaged in functions under this chapter shall be
 466 governed by the prohibitions in the rules and regulations of the State Personnel Board and
 467 the federal Office of Personnel Management from participation in political activity.

468 ~~34-15-19.~~ 49-9-20.

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

474 ~~34-15-20.~~ 49-9-21.

475 (a) ~~The Division of Rehabilitation Services of the Department of Labor~~ Georgia
 476 Vocational Rehabilitation Agency shall oversee the delivery of deaf-blind services and
 477 techniques provided by an organization pursuant to subsection (c) of this Code section that
 478 lead to maximum independence and employment for individuals with both a hearing and
 479 a vision loss. These services shall include, but not be limited to, transition of deaf-blind
 480 youth from education to the work force; identification of deaf-blind individuals in Georgia;
 481 communication access for varying groups of individuals and their unique needs; training

482 deaf-blind individuals in orientation and mobility, rehabilitation, and Braille; utilization of
 483 support service providers to function as sighted guides, communication facilitators, and
 484 providers of transportation; support and increase in the number of qualified sign language
 485 interpreters working with deaf-blind individuals; use of adaptive technologies, such as
 486 computers, telebrailers, and TTY devices; strategies and techniques to assist deaf-blind
 487 individuals in obtaining the highest level of independence possible; and peer support which
 488 provides access to information, people, and places.

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

493 (c) Subject to appropriations by the General Assembly, the ~~Division of Rehabilitation~~
 494 ~~Services~~ Georgia Vocational Rehabilitation Agency shall retain an organization
 495 knowledgeable on deaf-blind issues to provide the services and techniques included in
 496 subsection (a) of this Code section to deaf-blind individuals and to provide comprehensive
 497 training to ~~division~~ agency staff on such services and techniques required pursuant to
 498 subsection (a) of this Code section. Such organization shall be retained no later than six
 499 months after funding from appropriations by the General Assembly has been made
 500 available for expenditure by the ~~department~~ agency.

501 ARTICLE 2

502 ~~34-15-40:~~ 49-9-40.

503 As used in this article, the term:

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

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

517 ~~34-15-41:~~ 49-9-41.

518 To effectuate the purposes of this article, it is declared to be public policy of the state that
 519 on any state property where the ~~Commissioner of Labor~~ board determines it to be feasible
 520 to establish a vending facility to be operated by a licensed operator as provided in this
 521 article and where the agency or department or custodian of such property determines that
 522 such facility can be established without undue inconvenience to the operation being carried
 523 on in such state building or property, the preference accorded in this article shall require
 524 that such vending facility site not be deemed available for letting to competitive bidders for
 525 revenue-producing purposes unless the ~~Commissioner~~ board declines to establish on such
 526 site a vending facility for blind persons or other persons with disabilities. The income to
 527 the agency or department or custodian controlling the space for such facility sites shall
 528 generally not be expected to exceed reimbursement for the cost of providing such facility
 529 site space and the services connected therewith; but in any case where such income exceeds
 530 those purposes, it shall be paid into the state treasury, subject to certification and audit.

531 ~~34-15-42:~~ 49-9-42.

532 For the purpose of providing blind persons or other persons with disabilities with
 533 remunerative employment, enlarging their economic opportunities, and stimulating them
 534 to greater effort in striving to make themselves self-supporting, such blind persons or other
 535 persons with disabilities who are licensed by the ~~Division of Rehabilitation Services of the~~
 536 ~~Department of Labor~~ Georgia Vocational Rehabilitation Agency shall be authorized to
 537 operate vending facilities on any state property where such vending facilities may be
 538 properly and satisfactorily operated by blind persons or other persons with disabilities. In
 539 authorizing the operation of vending facilities on state property, preference shall be given,
 540 so far as feasible, to blind persons or other persons with disabilities licensed by the
 541 ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia Vocational
 542 Rehabilitation Agency as provided in this article; and the head of each department or
 543 agency in control of the maintenance, operation, and protection of state property shall, after
 544 consultation with the ~~Commissioner~~ board and with the approval of the Governor, prescribe
 545 regulations designed to assure such preference (including assignment of vending machine
 546 income to achieve and protect such preference) for such licensed blind persons or other
 547 persons with disabilities without unduly inconveniencing such departments and agencies
 548 or adversely affecting the interests of the state."

549 **SECTION 2.**

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

551 **SECTION 3.**

552 The Official Code of Georgia Annotated is amended by revising the following Code sections
 553 by striking the term "Division of Rehabilitation Services of the Department of Labor"
 554 wherever such term occurs and inserting in its place the term "Georgia Vocational
 555 Rehabilitation Agency":

556 (1) Code Section 15-11-63, relating to designated felony acts, definitions, restrictive
 557 custody disposition, procedure and notice to schools;

558 (2) Code Section 15-21-143, relating to appointment of members and personnel relative to
 559 the Brain and Spinal Injury Trust Fund Commission and agencies;

560 (3) Code Section 30-6-4, relating to authority of Division of Rehabilitation Services to
 561 establish program;

562 (4) Code Section 30-6-5, relating to standards of certain personal assistance programs;

563 (5) Code Section 31-15-3, relating to functions of the Cancer Advisory Committee,
 564 membership, terms of office, and vacancies;

565 (6) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory
 566 Committee, membership, terms of office, vacancies, and compensation and reimbursement
 567 of expenses;

568 (7) Code Section 45-18-5.1, relating to licensed blind or otherwise seriously disabled
 569 vendors;

570 (8) Code Section 45-18-5.2, relating to sheltered employment center employees;

571 (9) Code Section 49-4A-9, relating to sentence of youthful offenders, modification of order,
 572 review, and participation in programs; and

573 (10) Code Section 49-5-225, relating to local interagency committees, membership, and
 574 function of committees.

575 **SECTION 4.**

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

579 "30-2-3.

580 (a) The industries shall be state institutions under the direction and supervision of the
 581 ~~Department of Labor~~ Georgia Vocational Rehabilitation Agency.

582 (b) The ~~Department of Labor~~ Georgia Vocational Rehabilitation Agency is authorized to
 583 provide the property necessary for the industries. The ~~Department of Labor~~ Georgia
 584 Vocational Rehabilitation Agency may acquire real property through the State Properties
 585 Commission pursuant to Code Section 50-16-38 or the ~~department~~ agency may enter into
 586 rental agreements in order to acquire the needed space. ~~The acquisition of such property~~

587 is not deemed to be 'administrative space' within the meaning of Article 2 of Chapter 5 of
 588 Title 50, the 'State Space Management Act of 1976.'

589 **SECTION 5.**

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

592 "30-2-7.

593 (a) Each worker in an industry who is otherwise entitled to share in the benefits provided
 594 for blind persons under Articles 1 and 3 of Chapter 4 of Title 49 shall, in addition to the
 595 amount received as compensation for his or her services in the industry, receive from the
 596 Department of Human Services such amount of public assistance as shall be determined
 597 in accordance with the regulations approved by the commissioner of human services.

598 (b) All workers in the industries shall observe all holidays observed by other departments
 599 and agencies of the state government and shall receive their proportionate compensation
 600 for each holiday so observed. If any worker shall be compensated in such a manner that
 601 his or her daily compensation is not fixed, but rather is based upon a production basis, he
 602 or she shall receive by way of compensation for such observance of state holidays the
 603 average daily production compensation received by him or her during the immediately
 604 preceding 30 day period, holidays and Sundays excluded. ~~The Department of Labor~~
 605 Georgia Vocational Rehabilitation Agency is authorized and directed to pay such
 606 compensation from the funds appropriated to and available for the ~~department~~ agency."

607 **SECTION 6.**

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

610 "(e) Gateway Center may be a 'welcome center, tourist center, and safety rest area' for
 611 purposes of Code Section ~~34-15-42~~ 49-9-42, and the preference given by Code Sections
 612 ~~34-15-41 and 34-15-42~~ 49-9-41 and 49-9-42 shall apply to and affect Gateway Center."

613 **SECTION 7.**

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

617 "45-18-5.1.

618 ~~The Department of Labor~~ Georgia Vocational Rehabilitation Agency is authorized to
 619 contract with the Georgia Cooperative Services for the Blind, Inc., a nominee agent
 620 designated by the ~~Division of Rehabilitation Services of the Department of Labor~~ Georgia

621 Vocational Rehabilitation Agency, for the inclusion of licensed blind persons or other
 622 persons with disabilities operating a vending facility in accordance with ~~Article 2 of~~
 623 ~~Chapter 15 of Title 34~~ Article 2 of Chapter 9 of Chapter 49 within any health insurance
 624 plan or plans established under this part. In the event any contract is entered into, it shall
 625 be the duty of the Georgia Cooperative Services for the Blind, Inc., to deduct the payment
 626 required under the plan from the earnings or other compensation of licensed blind persons
 627 or other persons with disabilities and remit it to the ~~Department of Labor~~ Georgia
 628 Vocational Rehabilitation Agency for inclusion in the health insurance fund. In addition,
 629 it shall be the duty of the Georgia Cooperative Services for the Blind, Inc., to make the
 630 employer contributions required for the operation of such plan or plans. Should the
 631 Georgia Cooperative Services for the Blind, Inc., fail to remit such deductions or such
 632 employer contributions through the ~~Department of Labor~~ Georgia Vocational
 633 Rehabilitation Agency, the ~~commissioner~~ board may, upon written notice to the Georgia
 634 Cooperative Services for the Blind, Inc., terminate the coverage for such employees as of
 635 the day following the last day for which such deductions or such employer contributions
 636 were remitted to the board. Coverage may be reinstated upon the tender of any such
 637 deductions or employer contributions not previously remitted."

638 **SECTION 8.**

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

642 "50-16-4.

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

650 **SECTION 9.**

651 This Act shall become effective on July 1, 2012.

652 **SECTION 10.**

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