

Senate Bill 383

By: Senators Davenport of the 44th, Jones of the 10th, Tate of the 38th, James of the 35th,
Rhett of the 33rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped
2 persons, so as to create the Commission for the Blind and Visually Impaired; to provide for
3 a short title; to provide for definitions; to provide for the purpose of the commission and the
4 policy of this state; to provide for the composition and appointment of commission members;
5 to provide for an executive director; to provide for duties and powers; to provide for an
6 annual report; to require the Georgia Vocational Rehabilitation Agency to consult with the
7 commission; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
12 amended by adding a new chapter to read as follows:

13 style="text-align:center">"CHAPTER 11

14 30-11-1.

15 This chapter shall be known and may be cited as the 'Commission for the Blind and
16 Visually Impaired Act.'

17 30-11-2.

18 As used in this chapter, the term:

19 (1) 'Blind or visually impaired' means a person:

20 (A) Having a central visual acuity of 20/200 in the better eye with the best corrective
21 lens, or a visual field of 20 degrees or less; or

22 (B) With a severe visual disability resulting in legal blindness verified by an eye
23 examination.

24 (2) 'Commission' means the Commission for the Blind and the Visually Impaired.

25 30-11-3.

26 (a) The purpose for the establishment of the commission is to serve as the principal entity
27 of the state to advocate on behalf of people who are blind or visually impaired so that they
28 have access from cradle to grave to quality services throughout the State of Georgia for
29 purposes of attaining independent living skills, maximizing successful career opportunities,
30 increasing independence and self-sufficiency, promoting the upward mobility of the
31 consumer as a viable member of the community, and addressing other needs necessary to
32 achieve the most positive outcome for the consumer.

33 (b) It is the policy of this state that all programs, projects, and activities of the state with
34 respect to programs and services for blind or visually impaired persons shall be carried out
35 in a manner consistent with the following principles:

36 (1) Respect for individual dignity, personal responsibility, self-determination, and pursuit
37 of meaningful careers, based on informed choice;

38 (2) Support for the involvement of an individual's representative if an individual
39 requests, desires, or needs such support;

40 (3) Respect for the individual's privacy and equal access, including the use of
41 information in accessible formats; and

42 (4) Integration and full participation of individuals who are blind or visually impaired
43 in society on equal terms with others.

44 30-11-4.

45 (a) The Commission for the Blind and Visually Impaired is hereby created. The
46 commission shall consist of a chairperson and five members. The Governor shall appoint
47 two members, the Speaker of the House shall appoint two members, and the President of
48 the Senate shall appoint two members. The chairperson and members shall be qualified
49 to serve based on knowledge and experience in rehabilitation and related services for the
50 blind or visually impaired. A majority of the members shall be blind or visually impaired.
51 No member of the commission shall be employed by the commission during the term of
52 such membership.

53 (b) The Governor, the Speaker of the House, and the President of the Senate shall consult
54 with consumer groups representing blind or visually impaired persons in this state to obtain
55 their recommendations of individuals to be appointed.

56 (c) The appointment of each member shall be for a term of three years, except for the
57 terms of the initially appointed members. One member appointed by each officer shall
58 serve for terms of two years and the chairperson and the other initial appointments shall

59 serve for terms of one year. Thereafter, all members shall be appointed for terms of three
 60 years.

61 (d) The commission shall meet quarterly and at such other times as it shall determine. The
 62 chairperson of the commission shall be elected by the members present and voting at the
 63 first meeting of the commission and annually thereafter. Commissioners shall receive no
 64 salary, but shall be allowed the usual mileage, subsistence, and per diem as authorized by
 65 law. A majority of the members of the commission shall constitute a quorum to transact
 66 business.

67 30-11-5.

68 (a) The commission shall appoint an executive director with knowledge and experience
 69 in rehabilitation and related services for the blind or visually impaired. The executive
 70 director shall serve as secretary to the commission and shall be the chief administrative
 71 officer of the commission. The executive director's appointment shall be for an indefinite
 72 period but may be terminated for cause as determined by a majority of the commission.
 73 Preference shall be given to employing an individual who is blind or visually impaired and
 74 meets the qualifications specified by the commission.

75 (b) The executive director shall employ such personnel as are needed and shall fix their
 76 compensation in a manner consistent with state law.

77 30-11-6.

78 (a) The commission shall:

79 (1) Assist blind and visually impaired persons and parents of such persons who are
 80 students in advocating for equal access to services, programs, and opportunities;

81 (2) Advise the Governor, General Assembly, commissioner of human services, and
 82 commissioner of community health on the development of policies, programs, and
 83 services affecting blind and visually impaired persons and on the use of appropriate
 84 federal and state moneys for such purposes;

85 (3) Create a public awareness of the special needs and potential of blind and visually
 86 impaired persons;

87 (4) Provide the Governor, General Assembly, commissioner of human services, and
 88 commissioner of community health with a review of ongoing services, programs, and
 89 proposed legislation affecting blind and visually impaired persons;

90 (5) Advise the Governor, General Assembly, commissioner of human services, and
 91 commissioner of community health on statutes, rules, and policies necessary to ensure
 92 that blind and visually impaired persons have equal access to benefits and services
 93 provided to individuals in this state;

- 94 (6) Recommend to the Governor, General Assembly, commissioner of human services,
 95 and commissioner of community health legislation designed to improve the economic and
 96 social conditions of blind and visually impaired persons in this state;
 97 (7) Propose solutions to problems of blind and visually impaired persons in the areas of
 98 education, employment, human rights, human services, health, housing, and other related
 99 programs;
 100 (8) Work with other state and federal agencies and private organizations to promote
 101 economic development for blind and visually impaired persons; and
 102 (9) Coordinate its efforts with other state and local agencies serving blind and visually
 103 impaired persons.
- 104 (b) The commission may:
- 105 (1) Participate, through the designation of the executive director or an appropriate staff
 106 member of the commission, on boards, commissions, or bodies which may exist or be
 107 established within this state for the purpose of coordination and planning of services;
 108 (2) Conduct a review of consumer satisfaction with state programs relating to services
 109 for blind or visually impaired persons; and
 110 (3) Apply for and receive money from any state or a federal agency to support programs
 111 relating to services for blind or visually impaired persons and receive on behalf of the
 112 state any gifts, donations, or bequests from any source to be used in supporting programs
 113 and services for blind or visually impaired persons.
- 114 (c) The commission may carry out any of the powers and duties enumerated in this Code
 115 section by contract or cooperative agreement or by the direct administration of any
 116 program.

117 30-11-7.

118 The commission shall advise the Georgia Vocational Rehabilitation Agency and any other
 119 appropriate state entity on the:

- 120 (1) Development and implementation of the state plan for vocational rehabilitation
 121 services for individuals who are blind or visually impaired pursuant to Section 101 of the
 122 federal Rehabilitation Act of 1973, as amended;
 123 (2) Provision of independent living services for blind or visually impaired individuals,
 124 including services for older individuals who are blind or visually impaired, pursuant to
 125 Title VII of the federal Rehabilitation Act of 1973, as amended;
 126 (3) Contracting with private agencies to provide services for the blind or visually
 127 impaired for prevocational and other training such as, but not limited to, instruction in
 128 Braille, orientation and mobility for independent travel, homemaking and home
 129 management skills, and communications skills, including the use of computer technology,

130 to prepare blind and visually impaired persons for eventual vocational training, job
131 placement, higher education, home usage such as reading of mail and letter writing, and
132 independence;

133 (4) Establishment and implementation of a business enterprises program pursuant to the
134 federal Randolph-Sheppard Act;

135 (5) Establishment and administration of the Industries for the Blind Program;

136 (6) Establishment and administration of a state-wide program to certify individuals who
137 are qualified to teach Braille to blind or visually impaired individuals, including
138 individuals attending elementary and secondary schools, using performance criteria based
139 on the National Literary Braille competency examination administered by the Library of
140 Congress;

141 (7) Purchase and distribution of specialized equipment, devices, and technology,
142 including low-vision aids, obtained directly from specialty vendors without state
143 centralized purchasing procedures;

144 (8) Provision of library services to persons who are blind or visually impaired and
145 persons with physical disabilities in cooperation with the Library of Congress;

146 (9) Creation and maintenance of an instructional media center for the production,
147 purchase, distribution, reallocation, and warehousing of accessible materials for blind or
148 visually impaired children and adults;

149 (10) Provision of technical assistance in cooperation with other appropriate agencies to
150 assist the Department of Education and local boards of education in the provision of
151 auxiliary aids and services to blind or visually impaired students and their parents by
152 complying with the federal Americans with Disabilities Act, as amended, and the federal
153 Individuals with Disabilities Education Act, as amended; and

154 (11) Provision of technical assistance to agencies within this state in order to ensure that
155 information technology purchased or used by such agencies is accessible to and useable
156 by individuals who are blind or visually impaired at the time the technology is purchased
157 or used.

158 30-11-8.

159 The commission shall publish an annual report to evaluate the success of state programs
160 and services in meeting the needs of blind or visually impaired individuals in this state.

161 30-11-9.

162 The Georgia Vocational Rehabilitation Agency shall consult with the commission on any
163 programs or services relating to blind or visually impaired persons that are established,
164 revised, or discontinued prior to taking any such action. This shall include, but not be

165 limited to, licensing of blind persons or other persons with disabilities to operate vending
166 facilities pursuant to paragraph (4) of Code Section 49-9-5 and the delivery of deaf-blind
167 services and techniques pursuant to Code Section 49-9-21."

168 **SECTION 2.**

169 This Act shall become effective on July 1, 2020.

170 **SECTION 3.**

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