

House Bill 1376

By: Representatives Flourney of the 74th, Lupton of the 83rd, Ali of the 106th, Baker of the 64th, and Beckles of the 96th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 49 of the Official Code of Georgia Annotated, relating to the
2 Georgia Vocational Rehabilitation Agency, so as to establish the Commission for the Blind
3 and Visually Impaired; to provide for the composition of the commission; to provide for an
4 executive director; to provide for duties; to provide for an annual report; to require the
5 Georgia Vocational Rehabilitation Agency to consult with the commission; to provide for
6 related matters; to provide a short title; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Commission for the Blind and Visually
10 Impaired Act."

11 **SECTION 2.**

12 Chapter 9 of Title 49 of the Official Code of Georgia Annotated, relating to the Georgia
13 Vocational Rehabilitation Agency, is amended by adding a new article to read as follows:

14 "ARTICLE 315 49-9-50.16 As used in this article, the term:17 (1) 'Blind or visually impaired' means a person:18 (A) Having a central visual acuity of 20/200 in the better eye with the best corrective
19 lens, or a visual field of 20 degrees or less; or20 (B) With a severe visual disability resulting in legal blindness verified by an eye
21 examination.22 (2) 'Commission' means the Commission for the Blind and Visually Impaired established
23 pursuant to this Code section.24 49-9-51.25 (a) The board shall establish the Commission for the Blind and Visually Impaired, the
26 membership of which shall be composed of:27 (1) One representative from the program authorized by paragraph (4) of Code
28 Section 49-9-5;29 (2) Two representatives from nonprofit consumer organizations for the blind and visually
30 impaired; provided, however, that such representatives shall not represent the same
31 organization;32 (3) One representative of the deaf-blind community;33 (4) One individual who is blind or visually impaired and is a consumer of vocational
34 rehabilitation services;35 (5) One parent or guardian of a child who is blind or visually impaired;36 (6) One representative from the department; and37 (7) One representative from the Department of Education.

38 (b) The commission shall meet quarterly and at such other times as it shall determine. The
39 chairperson of the commission shall be elected by the members present and voting at the
40 first meeting of the commission and annually thereafter. A majority of the members of the
41 commission shall constitute a quorum to transact business.

42 (c) Members of the commission who are state employees shall receive no compensation
43 for their services on the commission, but they may be reimbursed for expenses incurred by
44 them in the performance of their duties as members of the commission in the same manner
45 as they are reimbursed for expenses in their capacities as state employees. Citizen
46 members of the commission shall receive a daily expense allowance as provided in
47 subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance
48 authorized for state employees.

49 49-9-52.

50 (a) The commission shall appoint an executive director with knowledge and experience
51 in rehabilitation and related services for the blind or visually impaired. The executive
52 director shall serve as secretary to the commission and shall be the chief administrative
53 officer of the commission. The executive director's appointment shall be for an indefinite
54 period but may be terminated for cause as determined by a majority of the commission.
55 Preference shall be given to employing an individual who is blind or visually impaired and
56 meets the qualifications specified by the commission.

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

59 49-9-53.

60 (a) The commission shall advise the agency and any other appropriate state entity on the:

- 61 (1) Development and implementation of the state plan for vocational rehabilitation
62 services for individuals who are blind or visually impaired pursuant to Section 101 of the
63 federal Rehabilitation Act of 1973, as amended;
- 64 (2) Provision of independent living services for blind or visually impaired individuals,
65 including services for older individuals who are blind or visually impaired, pursuant to
66 Title VII of the federal Rehabilitation Act of 1973, as amended;
- 67 (3) Contracting with private agencies to provide services for the blind or visually
68 impaired for prevocational and other training such as, but not limited to, instruction in
69 Braille, orientation and mobility for independent travel, homemaking and home
70 management skills, and communications skills, including the use of computer technology,
71 to prepare blind and visually impaired persons for eventual vocational training, job
72 placement, higher education, home usage such as reading of mail and letter writing, and
73 independence;
- 74 (4) Establishment and implementation of a business enterprises program pursuant to the
75 federal Randolph-Sheppard Act;
- 76 (5) Establishment and administration of the Industries for the Blind Program;
- 77 (6) Establishment and administration of a state-wide program to certify individuals who
78 are qualified to teach Braille to blind or visually impaired individuals, including
79 individuals attending elementary and secondary schools, using performance criteria based
80 on the National Literary Braille competency examination administered by the Library of
81 Congress;
- 82 (7) Purchase and distribution of specialized equipment, devices, and technology,
83 including low-vision aids, obtained directly from specialty vendors without state
84 centralized purchasing procedures;
- 85 (8) Provision of library services to persons who are blind or visually impaired and
86 persons with physical disabilities in cooperation with the Library of Congress;

- 87 (9) Creation and maintenance of an instructional media center for the production,
88 purchase, distribution, reallocation, and warehousing of accessible materials for blind or
89 visually impaired children and adults;
- 90 (10) Provision of technical assistance in cooperation with other appropriate agencies to
91 assist the Department of Education and local boards of education in the provision of
92 auxiliary aids and services to blind or visually impaired students and their parents by
93 complying with the federal Americans with Disabilities Act, as amended, and the federal
94 Individuals with Disabilities Education Act, as amended; and
- 95 (11) Provision of technical assistance to agencies within this state in order to ensure that
96 information technology purchased or used by such agencies is accessible to and useable
97 by individuals who are blind or visually impaired at the time the technology is purchased
98 or used.
- 99 (b) The commission shall be authorized to:
- 100 (1) Participate, through the designation of the executive director or an appropriate staff
101 member of the commission, on boards, commissions, or bodies which may exist or be
102 established within this state for the purpose of coordination and planning of services;
- 103 (2) Conduct a review of consumer satisfaction with state programs relating to services
104 for blind or visually impaired persons; and
- 105 (3) Apply for and receive money from any state or a federal agency to support programs
106 relating to services for blind or visually impaired persons and receive on behalf of the
107 state any gifts, donations, or bequests from any source to be used in supporting programs
108 and services for blind or visually impaired persons.
- 109 (c) The commission shall be authorized to carry out any of the powers and duties
110 enumerated in this Code section by contract or cooperative agreement or by the direct
111 administration of any program.

112 49-9-54.

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

115 49-9-55.

116 The Georgia Vocational Rehabilitation Agency shall consult with the commission on any
117 programs or services relating to blind or visually impaired persons that are established,
118 revised, or discontinued prior to taking any such action. This shall include, but not be
119 limited to, licensing of blind persons or other persons with disabilities to operate vending
120 facilities pursuant to paragraph (4) of Code Section 49-9-5 and the delivery of deaf-blind
121 services and techniques pursuant to Code Section 49-9-21."

122 **SECTION 3.**

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

125 **SECTION 4.**

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