

Senate Bill 108

By: Senators Davenport of the 44th, Butler of the 55th, Anderson of the 43rd, Sims of the 12th, Jones of the 10th and others

AS PASSED SENATE

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 the Visually Impaired; to transfer
3 the direction and supervision of Georgia Industries for the Blind from the Georgia Vocational
4 Rehabilitation Agency to the commission; to provide for a short title; to provide for
5 definitions; to provide for legislative intent; to provide for the transfer of functions to the
6 commission; to provide for the composition and appointment of commission members; to
7 provide for an executive director; to provide for duties and powers of the commission; to
8 authorize the commission to license blind persons to operate vending facilities; to transfer
9 the oversight of the delivery of deaf-blind services and techniques that lead to maximum
10 independence and employment for individuals with both a hearing and a vision loss to the
11 commission; to provide for an annual report; to provide for a complaint process; to amend
12 Chapter 9 of Title 49 of the Official Code of Georgia Annotated, relating to the transfer of
13 the Division of Rehabilitation Services to the Department of Labor, so as to establish the role
14 of the commission in facilitating the operation by blind persons and other persons with
15 disabilities of vending facilities on state property; to provide for related matters; to provide
16 for an effective date; to repeal conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

S. B. 108

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18

SECTION 1.

19 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
20 amended by revising Code Section 30-2-3, relating to supervision of Georgia Industries for
21 the Blind by Georgia Vocational Rehabilitation Agency and acquisition of property, as
22 follows:

23 "30-2-3.

24 (a) The industries shall be state institutions under the direction and supervision of the
25 ~~Georgia Vocational Rehabilitation Agency~~ Commission for the Blind and the Visually
26 Impaired.

27 (b) The ~~Georgia Vocational Rehabilitation Agency~~ Commission for the Blind and the
28 Visually Impaired is authorized to provide the property necessary for the industries. The
29 ~~Georgia Vocational Rehabilitation Agency~~ Commission for the Blind and the Visually
30 Impaired may acquire real property through the State Properties Commission pursuant to
31 Code Section 50-16-38 or the ~~agency~~ commission may enter into rental agreements in order
32 to acquire the needed space."

33

SECTION 2.

34 Said title is further amended by revising Code Section 30-2-4, relating to superintendents for
35 industries, operation of industries generally, and purchase of goods manufactured at
36 industries by state institutions, as follows:

37 "30-2-4.

38 (a) There shall be superintendents for the industries. Preference shall be given to blind
39 persons with the skill and experience to perform such jobs. The ~~department~~ Commission
40 for the Blind and the Visually Impaired shall provide for the equipment, maintenance, and
41 management of the industries; shall provide for the selection and eligibility of applicants
42 for admission to an industry; shall provide for the sale of supplies manufactured at the
43 industries to the departments of the state, its subdivisions, and institutions, and to the

44 federal government and other states and to individual and corporate dealers in such
45 supplies; shall provide for housing, rationing, hours of labor, scale of pay, or division of
46 profits, subject to this chapter; and shall provide all other rules for the proper management
47 of the industries not in conflict with this chapter. The ~~department~~ Commission for the
48 Blind and the Visually Impaired shall procure necessary machinery, equipment, and
49 furnishings for the industries; shall make contracts for power, lighting, and heating; and
50 shall arrange for all other things necessary and proper for the conduct of the industries.

51 (b) All departments, subdivisions, and institutions of the State of Georgia are directed to
52 give preference in purchases to goods manufactured at the industries, provided said goods
53 are of equal quality and competitive in price."

54

SECTION 3.

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

57 "30-2-7.

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

63 (b) All workers in the industries shall observe all holidays observed by other departments
64 and agencies of the state government and shall receive their proportionate compensation
65 for each holiday so observed. If any worker shall be compensated in such a manner that
66 his or her daily compensation is not fixed, but rather is based upon a production basis, he
67 or she shall receive by way of compensation for such observance of state holidays the
68 average daily production compensation received by him or her during the immediately
69 preceding 30 day period, holidays and Sundays excluded. The ~~Georgia Vocational~~

70 ~~Rehabilitation Agency~~ Commission for the Blind and the Visually Impaired is authorized
71 and directed to pay such compensation from the funds appropriated to and available for the
72 agency commission."

73 **SECTION 4.**

74 Said title is further amended by adding a new chapter to the end of such title to read as
75 follows:

76 "CHAPTER 11

77 30-11-1.

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

80 30-11-2.

81 As used in this chapter, the term:

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

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

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

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

88 30-11-3.

89 (a) The purpose for the establishment of a commission for the blind and the visually
90 impaired is to ensure that people who are blind, visually impaired, or deaf-blind have
91 access, from cradle to grave, to quality services throughout the State of Georgia so that they

92 may attain independent living skills, maximize successful career opportunities, and
93 increase independence and self-sufficiency to promote the upward mobility of the
94 consumer as a viable member of the community and to do whatever is deemed necessary
95 to achieve the most positive outcome for the consumer.

96 (b) It is the policy of this state that all programs, projects, and activities of the commission
97 shall be carried out in a manner consistent with the following principles:

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

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

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

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

106 30-11-4.

107 (a) The Commission for the Blind and the Visually Impaired is hereby created and
108 established to perform the functions and duties set out in this chapter and to assume the
109 duties, powers, and authority exercised on June 30, 2021, by the Georgia Vocational
110 Rehabilitation Agency with respect to blind or visually impaired persons.

111 (b) On and after July 1, 2021, the powers, functions, duties, programs, and authority of the
112 Georgia Vocational Rehabilitation Agency relating to blind or visually impaired persons
113 shall be performed and exercised by the commission. The commission shall take all
114 necessary steps to ensure continuity of services for blind or visually impaired persons
115 during such transfer.

116 (c) The commission shall be assigned to the Department of Human Services for
117 administrative purposes only, as prescribed in Code Section 50-4-3.

118 30-11-5.

119 (a) The commission shall consist of a chairperson and five members. The Governor shall
120 appoint the chairperson and one member, the Speaker of the House shall appoint two
121 members, and the President of the Senate shall appoint two members. The chairperson and
122 members shall be qualified to serve based on knowledge and experience in rehabilitation
123 and related services for the blind or visually impaired. A majority of the members shall be
124 blind or visually impaired. No member of the commission shall be employed by the
125 commission during the term of such membership.

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

129 (c) The appointment of each member shall be for a term of three years, except for the
130 terms of the initially appointed members. One member appointed by each officer shall
131 serve for terms of two years, and the chairperson and the other initial appointments shall
132 serve for terms of one year. Thereafter, all members shall be appointed for terms of three
133 years.

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

140 30-11-6.

141 (a) The commission shall appoint an executive director with knowledge and experience
142 in rehabilitation and related services for the blind or visually impaired. The executive
143 director shall serve as secretary to the commission and shall be the chief administrative

144 officer of the commission. The executive director's appointment shall be for an indefinite
145 period but may be terminated for cause as determined by a majority of the commission.
146 Preference shall be given to employing an individual who is blind or visually impaired and
147 meets the qualifications specified by the commission.

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

150 30-11-7.

151 (a) The commission shall:

152 (1) Develop and carry out a state plan for vocational rehabilitation services for
153 individuals who are blind or visually impaired pursuant to Section 101 of the federal
154 Rehabilitation Act of 1973, as amended;

155 (2) Provide independent living services for blind or visually impaired individuals,
156 including services for older individuals who are blind or visually impaired, pursuant to
157 Title VII of the federal Rehabilitation Act of 1973, as amended;

158 (3) Contract with private agencies that provide services for the blind or visually impaired
159 to provide prevocational and other training such as, but not limited to, instruction in
160 Braille, orientation and mobility for independent travel, homemaking and
161 home-management skills, and communications skills, including the use of computer
162 technology, to prepare blind and visually impaired persons for eventual vocational
163 training, job placement, higher education, home skills such as reading of mail and letter
164 writing, and independence;

165 (4) Establish and carry out a business enterprises program and serve as the state licensing
166 agency for blind and visually impaired individuals pursuant to the federal
167 Randolph-Sheppard Act;

168 (5) Establish and administer an industries for the blind program and serve as the state
169 licensing agency;

- 170 (6) Establish and administer a state-wide program to certify individuals who are qualified
171 to teach Braille to blind or visually impaired individuals, including individuals attending
172 elementary and secondary schools, using performance criteria based on the National
173 Literary Braille competency examination administered by the Library of Congress;
- 174 (7) Purchase and distribute specialized equipment, devices, and technology, including
175 low-vision aids, obtained directly from specialty vendors without state centralized
176 purchasing procedures;
- 177 (8) Provide library services to persons who are blind or visually impaired and persons
178 with physical disabilities in cooperation with the Library of Congress;
- 179 (9) Create and maintain an instructional media center for the production, purchase,
180 distribution, reallocation, and warehousing of accessible materials for blind or visually
181 impaired children and adults;
- 182 (10) Provide technical assistance in cooperation with other appropriate agencies to assist
183 the Department of Education and local boards of education in the provision of auxiliary
184 aids and services to blind or visually impaired students and their parents by complying
185 with the federal Americans with Disabilities Act, as amended, and the federal Individuals
186 with Disabilities Education Act, as amended;
- 187 (11) Provide technical assistance to agencies within this state in order to ensure that
188 information technology purchased or used by such agencies is accessible to and usable
189 by individuals who are blind or visually impaired at the time the technology is purchased
190 or used;
- 191 (12) Participate, through the designation of the executive director or an appropriate staff
192 member of the commission, on boards, commissions, or bodies which may exist or be
193 established within this state for the purpose of coordination and planning of services;
- 194 (13) Conduct a review of consumer satisfaction with programs of the commission and
195 perform other functions of the state-wide rehabilitation council specified in Section
196 105(c) of the federal Rehabilitation Act of 1973, as amended;

197 (14) Apply for and receive money from any state or federal agency to support the
198 programs of the commission and receive on behalf of this state any gifts, donations, or
199 bequests from any source to be used in carrying out the commission's duties as described
200 in this chapter; and

201 (15) Develop and administer any other program which will further the provision of
202 services to the blind or visually impaired and is determined by the commission to fall
203 within its scope of responsibility.

204 (b) The commission may carry out any of the powers and duties enumerated in this Code
205 section by contract or cooperative agreement or by the direct administration of any
206 program.

207 (c) The commission shall promulgate such rules and regulations as are necessary for the
208 execution of its functions under this chapter.

209 30-11-8.

210 The commission is authorized to license blind persons to operate vending facilities under
211 its supervision and control, subject to rules and regulations promulgated by the
212 commission, on:

213 (1) State property;

214 (2) County or municipal property;

215 (3) Federal property, pursuant to delegation of authority under the Randolph-Sheppard
216 Act, 20 U.S.C. Section 107(b), and any amendment thereto or any act of Congress
217 relating to this subject; and

218 (4) Private property.

219 30-11-9.

220 (a) The commission shall oversee the delivery of deaf-blind services and techniques
221 provided by an organization pursuant to subsection (c) of this Code section that lead to

222 maximum independence and employment for individuals with both a hearing and a vision
223 loss. These services shall include, but not be limited to, transition of deaf-blind youth from
224 education to the work force; identification of deaf-blind individuals in Georgia;
225 communication access for varying groups of individuals and their unique needs; training
226 deaf-blind individuals in orientation and mobility, rehabilitation, and Braille; utilization of
227 support service providers to function as sighted guides, communication facilitators, and
228 providers of transportation; support and increase in the number of qualified sign language
229 interpreters working with deaf-blind individuals; use of adaptive technologies, such as
230 computers, telebrailers, and TTY devices; strategies and techniques to assist deaf-blind
231 individuals in obtaining the highest level of independence possible; and peer support which
232 provides access to information, people, and places.

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

237 (c) Subject to appropriations by the General Assembly, the commission shall retain an
238 organization knowledgeable on deaf-blind issues to provide the services and techniques
239 included in subsection (a) of this Code section to deaf-blind individuals and to provide
240 comprehensive training to commission staff on such services and techniques required
241 pursuant to subsection (a) of this Code section. Such organization shall be retained no later
242 than six months after funding from appropriations by the General Assembly has been made
243 available for expenditure by the commission.

244 30-11-10.

245 The commission shall publish an annual report including a list of accomplishments,
246 findings, and recommendations for improvement based on its activities and performance

247 during the year. The report shall contain information needed to evaluate the progress of
248 the commission in meeting the needs of blind or visually impaired individuals in this state.

249 30-11-11.

250 (a) Any applicant for or recipient of services from the commission who is dissatisfied with
251 any action taken or decision made regarding such services may file a complaint, setting
252 forth the basis for the dissatisfaction and the remedy sought. Upon receipt of the
253 complaint, the executive director shall inform the individual of the voluntary process
254 available for mediation of the dispute. The mediation, if chosen by the individual, shall be
255 conducted by a qualified and impartial mediator, and the cost shall be paid by the
256 commission.

257 (b) If the dispute cannot be resolved by mediation or other informal means, the executive
258 director shall, upon request of the individual, convene an arbitration panel which shall give
259 notice, conduct a hearing, and render a decision. The arbitration panel shall be composed
260 of three members as follows:

261 (1) One individual designated by the individual filing the complaint;

262 (2) One individual designated by the executive director; and

263 (3) One individual who is an impartial hearing officer, as defined in Section 102 of the
264 federal Rehabilitation Act of 1973, agreed upon jointly by the individuals designated
265 pursuant to paragraphs (1) and (2) of this subsection. Such individual shall serve as
266 chairperson of the arbitration panel and issue the decision.

267 (c) The commission shall promulgate rules and regulations sufficient to regulate all
268 proceedings conducted pursuant to this Code section and to ensure the rights of all parties
269 participating therein."

270

SECTION 5.

271 Chapter 9 of Title 49 of the Official Code of Georgia Annotated, relating to the transfer of
272 the Division of Rehabilitation Services to the Department of Labor, is amended by revising
273 Code Section 49-9-5, relating to provision of services to persons with disabilities, as follows:

274 "49-9-5.

275 The agency shall provide the services authorized by this chapter to persons with disabilities
276 determined to be eligible therefor; and, in carrying out the purposes of this chapter, the
277 agency is authorized, among other things:

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

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

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

287 (4) To license ~~blind persons or other persons with disabilities, other than blind persons,~~
288 to operate vending facilities under its supervision and control, subject to the terms and
289 conditions provided in regulations, policies, and procedures issued pursuant to Code
290 Section 49-9-3, on:

291 (A) State property;

292 (B) County or municipal property;

293 (C) Federal property, pursuant to delegation of authority under the Randolph-Sheppard
294 Act, 20 U.S.C. Section 107(b), and any amendment thereto or any act of Congress
295 relating to this subject; and

296 (D) Private property; and

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

299 **SECTION 6.**

300 Said chapter is further amended by repealing Code Section 49-9-21, relating to delivery of
301 deaf-blind services and techniques leading to maximum independence and integration, in its
302 entirety.

303 **SECTION 7.**

304 Said chapter is further amended by revising Article 2, relating to vending facilities on state
305 property, as follows:

306 "ARTICLE 2

307 49-9-40.

308 As used in this article, the term:

309 (1) 'State property' means any building, land, or other real property owned, leased, or
310 occupied by any department, commission, board, bureau, agency, public corporation, or
311 other instrumentality of the state, including, but not limited to, the Georgia Building
312 Authority, and any other real property in which the state has a legal or beneficial interest;
313 provided, however, that the term 'state property' shall not include any property, real or
314 personal, owned or leased or otherwise under the jurisdiction of the Board of Regents of
315 the University System of Georgia, the Georgia Education Authority (University), or any
316 county or independent school system of this state.

317 (2) 'Vending facility' means vending stands, vending machines, snack bars, cart service,
318 shelters, counters, and such other appropriate facilities and equipment as may be
319 necessary for the sale of articles or services by ~~licensed~~ blind persons licensed by the

320 Commission for the Blind and the Visually Impaired or other persons with disabilities
321 licensed by the agency, as prescribed by rules and regulations adopted by the
322 Commission for the Blind and the Visually Impaired and the agency, respectively.

323 49-9-41.

324 To effectuate the purposes of this article, it is declared to be public policy of the state that
325 on any state property where the Commission for the Blind and the Visually Impaired or the
326 board determines it to be feasible to establish a vending facility to be operated by a licensed
327 operator as provided in this article and where the agency or department or custodian of
328 such property determines that such facility can be established without undue inconvenience
329 to the operation being carried on in such state building or property, the preference accorded
330 in this article shall require that such vending facility site not be deemed available for letting
331 to competitive bidders for revenue-producing purposes unless the Commission for the
332 Blind and the Visually Impaired or the board declines to establish on such site a vending
333 facility for blind persons or other persons with disabilities. The income to the agency or
334 department or custodian controlling the space for such facility sites shall generally not be
335 expected to exceed reimbursement for the cost of providing such facility site space and the
336 services connected therewith; but in any case where such income exceeds those purposes,
337 it shall be paid into the state treasury, subject to certification and audit.

338 49-9-42.

339 For the purpose of providing blind persons or other persons with disabilities with
340 remunerative employment, enlarging their economic opportunities, and stimulating them
341 to greater effort in striving to make themselves self-supporting, such blind persons who are
342 licensed by the Commission for the Blind and the Visually Impaired pursuant to Code
343 Section 30-11-7 or other persons with disabilities who are licensed by the Georgia
344 Vocational Rehabilitation Agency pursuant to Code Section 49-9-5 shall be authorized to

345 operate vending facilities on any state property where such vending facilities may be
346 properly and satisfactorily operated by blind persons or other persons with disabilities. In
347 authorizing the operation of vending facilities on state property, preference shall be given,
348 so far as feasible, to blind persons licensed by the Commission for the Blind and the
349 Visually Impaired or other persons with disabilities licensed by the Georgia Vocational
350 Rehabilitation Agency as provided in this article; and the head of each department or
351 agency in control of the maintenance, operation, and protection of state property shall, after
352 consultation with the Commission for the Blind and the Visually Impaired and the board
353 and with the approval of the Governor, prescribe regulations designed to assure such
354 preference (including assignment of vending machine income to achieve and protect such
355 preference) for such licensed blind persons or other persons with disabilities without
356 unduly inconveniencing such departments and agencies or adversely affecting the interests
357 of the state."

358 **SECTION 8.**

359 This Act shall become effective on July 1, 2021.

360 **SECTION 9.**

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