

House Bill 963

By: Representatives Gilliard of the 162<sup>nd</sup> and Bruce of the 61<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"CHAPTER 11

30-11-1.

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

30-11-2.

As used in this chapter, the term:

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

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

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

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

30-11-3.

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

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

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

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

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

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

30-11-4.

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

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

(c) The appointment of each member shall be for a term of three years, except for the terms of the initially appointed members. One member appointed by each officer shall 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;

(6) Recommend to the Governor, General Assembly, commissioner of human services, and commissioner of community health legislation designed to improve the economic and social conditions of blind and visually impaired persons in this state;

(7) Propose solutions to problems of blind and visually impaired persons in the areas of education, employment, human rights, human services, health, housing, and other related programs;

(8) Work with other state and federal agencies and private organizations to promote economic development for blind and visually impaired persons; and

(9) Coordinate its efforts with other state and local agencies serving blind and visually impaired persons.

(b) The commission may:

(1) Participate, through the designation of the executive director or an appropriate staff member of the commission, on boards, commissions, or bodies which may exist or be established within this state for the purpose of coordination and planning of services;

(2) Conduct a review of consumer satisfaction with state programs relating to services for blind or visually impaired persons; and

(3) Apply for and receive money from any state or a federal agency to support programs relating to services for blind or visually impaired persons and receive on behalf of the state any gifts, donations, or bequests from any source to be used in supporting programs and services for blind or visually impaired persons.

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

30-11-7.

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

(1) Development and implementation of the state plan for vocational rehabilitation services for individuals who are blind or visually impaired pursuant to Section 101 of the federal Rehabilitation Act of 1973, as amended;

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

(3) Contracting with private agencies to provide services for the blind or visually impaired for prevocational and other training such as, but not limited to, instruction in Braille, orientation and mobility for independent travel, homemaking and home management skills, and communications skills, including the use of computer technology,

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

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

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

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

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

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

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

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

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

30-11-8.

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

30-11-9.

The Georgia Vocational Rehabilitation Agency shall consult with the commission on any programs or services relating to blind or visually impaired persons that are established, 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.