

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2058

Session of
1989

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OCTOBER 24, 1989

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 12, 1990

AN ACT

1 Establishing the Pennsylvania Commission of the Blind and
2 providing for its powers and duties; transferring certain
3 functions; and making repeals.

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8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commission." The Pennsylvania Commission of the Blind
15 established by this act.

16 Section 2. Establishment of commission.

17 The Pennsylvania Commission of the Blind is hereby
18 established. The commission shall consist of seven members as
19 shall be appointed by the Governor. At least four members of the
20 commission shall be blind AND SHALL HAVE QUALIFICATIONS OR
21 CREDENTIALS WHICH DEMONSTRATE AN ABILITY TO ADMINISTER AN
22 ORGANIZATION; and the Governor shall, when appointing a blind
23 person, request lists of qualified blind persons from the
24 various organized communities of the blind. No person appointed
25 to this commission shall serve thereon while serving as an
26 official or paid employee of any workshop, school or agency
27 whose stated purpose and function is service to the blind.

28 Section 3. Terms of appointment.

29 The term of a commissioner shall be for six years, and no
30 member of the commission shall serve more than two consecutive

1 six-year terms. Within 60 days after the passage of this act,
2 the Governor shall appoint two commissioners for two-year terms,
3 two commissioners for four-year terms and three commissioners
4 for six-year terms.

5 Section 4. Officers of commission.

6 At the first meeting of the commission and annually
7 thereafter, the commission shall elect a chairman, a vice-
8 chairman and a secretary.

9 Section 5. Responsibility.

10 The commission shall be directly responsible to the Governor
11 and shall not be assigned to any other existing department,
12 commission, board or section of the State government.

13 Section 6. Meetings.

14 (a) Quarterly meetings.--The commission shall meet quarterly
15 during the months of March, June, September and December.
16 Special meetings may be called, when needed, by the chairman of
17 the commission, by joint resolution of any two commissioners or
18 by any three members of the commission.

19 (b) Location.--Quarterly meetings shall be held in different
20 sections of this Commonwealth, with provisions made for blind
21 people of the area to present ideas and problem areas to the
22 commission. The commission shall notify the various organized
23 blind communities at least 30 days before such meetings.

24 Section 7. Compensation.

25 No member of the commission shall receive salary or
26 compensation for his service, although members of the commission
27 shall be reimbursed for travel expenses and expenses incurred as
28 part of their duties as members of the commission. Reimbursement
29 of these expenses shall come from State funds and shall be
30 subjected to the same regulations governing similar expenditures

1 of State funds.

2 Section 8. Assistants and staff.

3 (a) Authorization.--The commission shall employ a director
4 and such assistants and staff as may be necessary to carry out
5 the provisions of this act, with primary consideration being
6 given to qualified blind persons.

7 (b) Transfers.--The director of the commission shall not be
8 included in civil service. Employees of the Department of Public
9 Welfare and the Department of Education and other persons who
10 now serve the blind and whose services are deemed necessary to
11 the adequate and proper functioning of the commission shall be
12 transferred to the commission without impairment of civil
13 service, retirement, seniority or other rights, and their terms
14 of office shall not be deemed to be interrupted. ALL EMPLOYEES <—
15 CURRENTLY REPRESENTED BY COLLECTIVE BARGAINING AGREEMENTS OR
16 MEMORANDA OF AGREEMENT SHALL BE TRANSFERRED TO THE COMMISSION
17 WITHOUT LOSS OF PAY, SENIORITY, BENEFITS OR ANY OTHER ATTRIBUTE
18 OF THE CURRENT POSITION. The commission shall establish adequate
19 and proper appeal and grievance procedures for staff.

20 Section 9. Clients of commission.

21 Clients of the commission shall be ~~those~~ LEGALLY BLIND <—
22 persons who by reason of a loss of vision have substantial
23 difficulty in achieving an adequate economic and social
24 adjustment, ~~and those persons~~ whose central visual acuity with <—
25 correction does not exceed 20/200 in the better eye or whose
26 vision in the better eye is restricted to a field which subtends
27 an angle no greater than 20 degrees AND THE VISUALLY IMPAIRED <—
28 WHO ARE NOT LEGALLY BLIND.

29 Section 10. Registry.

30 (a) Compilation.--The commission shall compile a central

1 registry of the blind in Pennsylvania, which shall describe the
2 cause of each individual's blindness, the individual's capacity
3 for educational, vocational and industrial training, a census of
4 the employed blind, factors relating to employment of blind
5 persons and such other factors as the commission shall deem of
6 value.

7 (b) Reports.--Whenever, upon examination in a clinic,
8 hospital or other institution, or elsewhere by a physician or
9 optometrist, a person is found to be included within the
10 definition of blindness established in this act, such reports
11 shall be filed with the commission within 30 days after the
12 examination. A VIOLATION OF THIS SUBSECTION IS A SUMMARY
13 OFFENSE. <—

14 Section 11. Duty of commission.

15 It is the duty of the commission to:

16 (1) Act as a source of information and referral to all
17 blind persons in this Commonwealth.

18 (2) Improve the condition of blind persons by promoting
19 business to them in their homes for the purpose of
20 instruction and for such other lawful purpose as the
21 commission deems expedient.

22 (3) Assist in marketing products of blind workers of
23 this Commonwealth.

24 (4) Provide vocational training for blind persons
25 whenever the commission considers it advisable and necessary.

26 (5) If the commission finds it advisable, establish
27 workshops for the employment of the blind, paying suitable
28 wages for work under such employment. Temporary lodging or
29 support of persons receiving training may be provided or paid
30 for by the commission.

1 (6) Use any receipts or earnings that accrue from the
2 operation of workshops and provide the Auditor General with
3 the detailed monthly statement of the receipts, earnings and
4 expenditures.

5 (7) Vigorously pursue the commercial, industrial and
6 competitive placement of the blind.

7 ~~(8) Develop standards for instruction and services for~~ <—
8 ~~all public and private agencies which receive any part of~~
9 ~~their funding from the State government and whose purpose and~~
10 ~~function is the education, treatment, rehabilitation,~~
11 ~~boarding, nursing or other care of individuals eligible for~~
12 ~~service under this act.~~

13 ~~(9)~~ (8) Establish, manage and control a special <—
14 training, orientation and adjustment center or centers for
15 blind persons who are 16 years of age or older. Maintenance,
16 upkeep, repair and alterations to any grounds or buildings
17 designated as centers for the blind under the commission
18 shall be provided for by the commission. The commission shall
19 also be empowered to provide whatever personnel, materials,
20 equipment and special devices are necessary for carrying out
21 the functions of these centers. Such powers shall include the
22 power to spend funds appropriated by the Commonwealth for
23 this purpose, or to spend funds obtained through gifts,
24 bequests and contributions as set forth in this act.

25 ~~(10) Provide services to all persons of any age who are~~ <—
26 ~~multiply handicapped where the lack of vision is a further~~
27 ~~significant handicap, and establish whatever facilities are~~
28 ~~necessary for these services as deemed necessary by the~~
29 ~~commission.~~

30 (9) PROVIDE ADVISORY AND REFERRAL SERVICES TO PERSONS <—

1 WHO ARE MULTIPLY HANDICAPPED WHERE THE LACK OF VISION IS A
2 FURTHER SIGNIFICANT HANDICAP.

3 ~~(11)~~ (10) Provide social services to the blind <—
4 individual, as well as to his spouse or parent or other
5 members of his family, to bring about the maximum utilization
6 of all services of the commission by the blind individual.

7 ~~(12)~~ (11) Provide for the maximum education of blind <—
8 persons and their families, and of multiply handicapped
9 persons where blindness is a further significant handicap and
10 their families, from preschool age to the conclusion of
11 education, and provide for the education of a newly blinded
12 adult when such education is deemed necessary by the
13 commission.

14 ~~(13)~~ (12) Negotiate with Federal, State or other <—
15 governmental organizations and the private agencies offering
16 services required by an individual served by this act, and
17 purchase such services when needed.

18 ~~(14) Provide the blind pension to eligible persons in <—~~
19 ~~accordance with current standards now carried out by the~~
20 ~~Department of Public Welfare, formulate future policies~~
21 ~~concerning Federal State and State blind pension, and explore~~
22 ~~any other income possibilities.~~

23 ~~(15) Provide and/or purchase medical or surgical care~~
24 ~~and other necessary services or aids to persons covered by~~
25 ~~this act.~~

26 ~~(16)~~ (13) Gather information concerning the causes of <—
27 blindness, seek to determine which causes are preventable and
28 work with the other established agents of the State to
29 eliminate preventable causes.

30 ~~(17)~~ (14) Establish adequate appeal and grievance <—

1 procedures for clients of the commission.

2 ~~(18)~~ (15) Provide a business enterprise program, <—
3 including management, supervision and development services.

4 Section 12. Federal funds.

5 The commission shall actively seek all FUNDING UNDER THE <—
6 VOCATIONAL REHABILITATION ACT (PUBLIC LAW 99-506, 29 U.S.C. §
7 701 ET SEQ.) AS WELL AS OTHER available sources of Federal funds
8 necessary to implement and carry out the programs of the
9 commission.

10 Section 13. Gifts, contributions and bequests.

11 The commission is empowered to accept and use gifts,
12 contributions and bequests made in accordance with the purpose
13 of this act. These gifts shall be held, invested and reinvested,
14 and the principal and interest may be used in accordance with
15 the conditions of the gift. Funds under this section may be
16 expended under the order or approval of the commission without
17 specific appropriation.

18 Section 14. Reports.

19 The commission shall make a detailed report to the General
20 Assembly and the Governor before January 1 of each year. This
21 report shall show all appropriations received and how they were
22 expended and how the responsibilities of the commission have
23 been discharged and shall make recommendations concerning the
24 improvement of the commission in the forthcoming year.

25 Section 15. Repeals.

26 (a) Specific.--The act of June 13, 1967 (P.L.31, No.21),
27 known as the Public Welfare Code, is repealed insofar as it is
28 inconsistent with the provisions of this act.

29 (b) All other acts and parts of acts are repealed insofar as
30 they are inconsistent with the provisions of this act.

1 Section 16. Effective date.

2 This act shall take effect in 60 days.