
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1027

Session of
1993

INTRODUCED BY FISHER, DAWIDA, TILGHMAN, BELAN, BELL, CORMAN,
STAPLETON, SALVATORE, HELFRICK AND LEMMOND, APRIL 27, 1993

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 1994

AN ACT

1 Establishing the Pennsylvania Commission on Blindness and Visual
2 Impairment and providing for its powers and duties;
3 transferring certain functions; and making repeals.

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6 Section ~~18~~ 19. Effective date.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Blindness and
11 Visual Impairment Act.

12 Section 2. Definitions.

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

16 "Commission." The Pennsylvania Commission on Blindness and
17 Visual Impairment.

18 "Legally blind." A visual acuity of 20/200 vision in the
19 better eye with best correction and/or a visual field that
20 subtends an angle of 20 degrees.

21 "Visually impaired." A visual acuity of 20/70 vision in the
22 better eye with best correction and/or a field loss of 50% or
23 more and/or a prognosis of significantly deteriorating vision.

24 Section 3. Establishment of commission.

25 The Pennsylvania Commission on Blindness and Visual
26 Impairment is hereby established. The commission shall consist
27 of nine members to be appointed by the Governor. At least four
28 members of the commission shall be legally blind and one
29 additional member shall be visually impaired. Persons appointed
30 to the commission shall have qualifications or credentials which

1 demonstrate an ability to administer an organization, and there
2 shall be an attempt to maintain representation from a geographic
3 balance of this Commonwealth. The Governor shall, when
4 appointing a person, request lists of qualified persons from the
5 various organized communities of the blind, agencies for the
6 blind and professional organizations in the field of blindness.
7 No person appointed to this commission shall serve on it while
8 serving as an official or paid employee of any workshop, school
9 or agency whose stated purpose and function is service to the
10 blind. In addition, no person having a contract for services to
11 the blind and/or who is an official or paid employee of an
12 organization of the blind which has a contract with the
13 Commonwealth for services to the blind may serve on the
14 commission.

15 Section 4. Terms of appointment.

16 The term of a commissioner shall be for three years, and no
17 member of the commission shall serve more than two consecutive
18 three-year terms. After the completion of two three-year terms,
19 a commissioner may be reappointed to the commission after one
20 year of nonservice. Within 60 days after the passage of this
21 act, the Governor shall appoint three commissioners for one-year
22 terms, three commissioners for two-year terms and three
23 commissioners for three-year terms. Only those commissioners
24 appointed for one-year terms are eligible to serve two
25 additional three-year terms before the required year of absence.

26 Section 5. Officers of commission.

27 The commission shall establish the number sufficient to
28 constitute a quorum and shall adopt necessary bylaws by which to
29 govern itself. At the first meeting of the commission and
30 annually thereafter, the commission shall elect a chairman, a

1 vice chairman and a secretary.

2 Section 6. Responsibility.

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

6 Section 7. Meetings.

7 (a) Quarterly meetings.--The commission shall meet quarterly
8 during the months of March, June, September and December.
9 Special meetings may be called, when needed, by the chairman of
10 the commission or by joint resolution of any three members of
11 the commission.

12 (b) Location.--Quarterly meetings shall be held in different
13 sections of this Commonwealth, with provisions made for blind
14 and visually impaired people of the area, agencies and
15 professional organizations for the blind to present ideas and
16 problem areas to the commission. The commission shall notify the
17 various organized blind communities at least 30 days before such
18 meetings. In addition, the commission shall hold at least one
19 meeting each year in the State Capitol.

20 Section 8. Compensation.

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

28 Section 9. Assistants and staff.

29 (a) Authorization.--The commission shall employ a director
30 and such assistants and staff as may be necessary to carry out

1 the provisions of this act, with primary consideration being
2 given to qualified blind persons.

3 (b) Transfers.--The director of the commission shall not be
4 included in civil service. Employees of the Department of Public
5 Welfare and other persons who now serve people who are blind or
6 visually handicapped and whose services are deemed necessary to
7 the adequate and proper functioning of the commission shall be
8 transferred to the commission without impairment of civil
9 service, retirement, seniority or other rights, and their terms
10 of office shall not be deemed to be interrupted. All employees
11 currently represented by collective bargaining agreements or
12 memoranda of agreement shall be transferred to the commission
13 without loss of pay, seniority, benefits or any other attribute
14 of the current position. The commission shall establish adequate
15 and proper appeal and grievance procedures for staff.

16 Section 10. Clients of commission.

17 Clients of the commission shall be persons who are blind or
18 visually impaired who, by reason of a loss of vision, have
19 substantial difficulty in achieving an adequate economic and
20 social adjustment.

21 Section 11. Statewide database.

22 The commission shall compile a central database of blind and
23 visually impaired persons in this Commonwealth, which shall
24 describe the cause of each individual's visual loss, the
25 individual's capacity for educational, vocational and industrial
26 training, a census of employed persons who are blind or visually
27 impaired, factors relating to employment of blind or visually
28 impaired persons and such other factors as the commission shall
29 deem of value.

30 Section 12. Duty of commission.

1 It is the duty of the commission to:

2 (1) Act as a source of information and referral to all
3 persons who are blind or visually impaired in this
4 Commonwealth.

5 (2) Assist in marketing products of blind or visually
6 impaired workers of this Commonwealth.

7 (3) Provide maximum vocational rehabilitation and
8 adjustment training for persons who are blind or visually
9 impaired.

10 (4) Vigorously pursue the commercial, industrial and
11 competitive placement of persons who are blind or visually
12 impaired.

13 (5) Provide advisory and referral services to persons
14 who are multiply handicapped where the lack of vision is a
15 further significant handicap, and advocate for and arrange
16 for whatever facilities are necessary for these services.

17 (6) Provide social services to an individual who is
18 blind or visually impaired, and support services to the
19 spouse, parent or other members of the individual's family,
20 to bring about the maximum utilization of all services of the
21 commission by the blind or visually impaired individual.

22 (7) Advocate for and assist with the maximum education
23 of persons who are blind or visually impaired and of multiply
24 handicapped persons where loss of vision is a further
25 significant handicap, from preschool age to the conclusion of
26 education, and provide for the education of an adult who is
27 newly blinded.

28 (8) Negotiate with Federal, State or other governmental
29 organizations and the private agencies offering services
30 required by an individual served by this act, and purchase

1 such services when needed.

2 (9) Gather information concerning the causes of
3 blindness and visual loss, directly provide for prevention of
4 blindness services, seek to determine which causes are
5 preventable and work with the other established agents of
6 this Commonwealth to eliminate preventable causes.

7 (10) Establish adequate appeal and grievance procedures
8 for clients of the commission.

9 (11) Provide a business enterprise program, including
10 management, supervision and development services, in
11 accordance with the provisions of the Randolph-Sheppard Act
12 (49 Stat. 1559, 20 U.S.C. § 107 et seq.) and the act of
13 December 16, 1986 (P.L.1641, No.187), known as the Little
14 Randolph-Sheppard Act.

15 Section 13. Federal funds.

16 The commission shall be the designated State vocational
17 rehabilitative agency for the blind and visually impaired and
18 shall receive all funding concomitant with that designation. The
19 commission shall actively seek funding under the Rehabilitation
20 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) as well
21 as other available sources of Federal funds necessary to
22 implement and carry out the programs of the commission.

23 Section 14. Gifts, contributions and bequests.

24 The commission is empowered to accept and use gifts,
25 contributions and bequests made in accordance with the
26 provisions of this act. These gifts shall be held, invested and
27 reinvested, and the principal and interest may be used in
28 accordance with the conditions of the gift. Funds under this
29 section may be expended under the order or approval of the
30 commission without specific appropriation. The commission shall

1 not solicit bequests, gifts or contributions by the general
2 public.

3 Section 15. Reports.

4 The commission shall make a detailed report to the General
5 Assembly and the Governor before January 1 of each year. This
6 report shall show all appropriations received and how they were
7 expended and how the responsibilities of the commission have
8 been discharged and shall make recommendations concerning the
9 improvement of the commission in the forthcoming year.

10 Section 16. Agency duties transferred.

11 (a) Functions.--The functions of the Department of Public
12 Welfare relating to the blind and visually impaired are hereby
13 abolished if those functions are transferred to the commission
14 under this act.

15 (b) Personnel, appropriations, etc.--All personnel,
16 allocations, appropriations, equipment, files, records,
17 contracts, agreements, obligations and other materials which are
18 used, employed or expended in connection with the powers, duties
19 or functions transferred by this act to the commission are
20 hereby transferred to the commission with the same force and
21 effect as if the appropriations had been made to and the items
22 had been the property of the commission in the first instance
23 and as if the contracts, agreements and obligations had been
24 incurred or entered into by the commission.

25 (c) Additional provisions.--The personnel, appropriations,
26 equipment and other items and materials transferred by this
27 section shall include an equivalent portion of the general
28 administrative, overhead and supporting personnel,
29 appropriations, equipment and other materials of the commission
30 and shall also include, where applicable, Federal grants and

1 funds and other benefits from any Federal program.

2 (d) Regulations, orders, etc.--All orders, permits,
3 regulations, decisions and other actions of any department,
4 board or commission abolished by this act or of any agency whose
5 functions have been transferred by this act shall remain in full
6 force and effect until modified, repealed, suspended, superseded
7 or otherwise changed by appropriate action of the commission.

8 Section 17. Repeals.

9 (a) Article VIII of the act of June 13, 1967 (P.L.31,
10 No.21), known as the Public Welfare Code is repealed insofar as
11 it is inconsistent with this act.

12 (b) All other acts and parts of acts are repealed insofar as
13 they are inconsistent with this act.

14 SECTION 18. EXPIRATION.

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15 THIS ACT SHALL EXPIRE JUNE 30, 1998, UNLESS EXTENDED BY THE
16 GENERAL ASSEMBLY.

17 Section ~~18~~ 19. Effective date.

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18 This act shall take effect ~~in 60 days~~ JULY 1, 1995.

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