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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1027 Session of  
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INTRODUCED BY FISHER, DAWIDA, TILGHMAN, BELAN, BELL, CORMAN,  
STAPLETON, SALVATORE AND HELFRICK, APRIL 27, 1993

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REFERRED TO PUBLIC HEALTH AND WELFARE, APRIL 27, 1993

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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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5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Blindness and  
9 Visual Impairment Act.

10 Section 2. 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 on Blindness and  
15 Visual Impairment.

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

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

22 Section 3. Establishment of commission.

23 The Pennsylvania Commission on Blindness and Visual  
24 Impairment is hereby established. The commission shall consist  
25 of nine members to be appointed by the Governor. At least four  
26 members of the commission shall be legally blind and one  
27 additional member shall be visually impaired. Persons appointed  
28 to the commission shall have qualifications or credentials which  
29 demonstrate an ability to administer an organization, and there  
30 shall be an attempt to maintain representation from a geographic

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

13 Section 4. Terms of appointment.

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

24 Section 5. Officers of commission.

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

30 Section 6. Responsibility.

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

4 Section 7. Meetings.

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

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

18 Section 8. Compensation.

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

26 Section 9. Assistants and staff.

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

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

14 Section 10. Clients of commission.

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

19 Section 11. Statewide database.

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

28 Section 12. Duty of commission.

29 It is the duty of the commission to:

30 (1) Act as a source of information and referral to all

1 persons who are blind or visually impaired in this  
2 Commonwealth.

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

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

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

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

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

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

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

30 (9) Gather information concerning the causes of

1 blindness and visual loss, directly provide for prevention of  
2 blindness services, seek to determine which causes are  
3 preventable and work with the other established agents of  
4 this Commonwealth to eliminate preventable causes.

5 (10) Establish adequate appeal and grievance procedures  
6 for clients of the commission.

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

13 Section 13. Federal funds.

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

21 Section 14. Gifts, contributions and bequests.

22 The commission is empowered to accept and use gifts,  
23 contributions and bequests made in accordance with the  
24 provisions of this act. These gifts shall be held, invested and  
25 reinvested, and the principal and interest may be used in  
26 accordance with the conditions of the gift. Funds under this  
27 section may be expended under the order or approval of the  
28 commission without specific appropriation. The commission shall  
29 not solicit bequests, gifts or contributions by the general  
30 public.

1 Section 15. Reports.

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

8 Section 16. Agency duties transferred.

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

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

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

30 (d) Regulations, orders, etc.--All orders, permits,



1 regulations, decisions and other actions of any department,  
2 board or commission abolished by this act or of any agency whose  
3 functions have been transferred by this act shall remain in full  
4 force and effect until modified, repealed, suspended, superseded  
5 or otherwise changed by appropriate action of the commission.

6 Section 17. Repeals.

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

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

12 Section 18. Effective date.

13 This act shall take effect in 60 days.