
THE GENERAL ASSEMBLY OF PENNSYLVANIA

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BOSCOLA, PRESTON AND COY, APRIL 17, 1997

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 17, 1997

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.

4 TABLE OF CONTENTS

- 5 Section 1. Short title.
- 6 Section 2. Definitions.
- 7 Section 3. Establishment of commission.
- 8 Section 4. Terms of appointment.
- 9 Section 5. Officers of commission.
- 10 Section 6. Responsibility.
- 11 Section 7. Meetings.
- 12 Section 8. Compensation.
- 13 Section 9. Assistants and staff.
- 14 Section 10. Clients of commission.
- 15 Section 11. Statewide data base.
- 16 Section 12. Duty of commission.

1 Section 13. Federal funds.

2 Section 14. Gifts, contributions and bequests.

3 Section 15. Blindness and Visual Impairment Fund.

4 Section 16. Reports.

5 Section 17. Agency duties transferred.

6 Section 18. Repeals.

7 Section 19. Funding.

8 Section 20. Effective date.

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

11 Section 1. Short title.

12 This act shall be known and may be cited as the Blindness and
13 Visual Impairment Act.

14 Section 2. Definitions.

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

18 "Commission." The Pennsylvania Commission on Blindness and
19 Visual Impairment.

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

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

26 Section 3. Establishment of commission.

27 The Pennsylvania Commission on Blindness and Visual
28 Impairment is hereby established. The commission shall consist
29 of nine members to be appointed by the Governor. At least four
30 members of the commission shall be legally blind and one

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

17 Section 4. Terms of appointment.

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

29 Section 5. Officers of commission.

30 The commission shall establish the number sufficient to

1 constitute a quorum and shall adopt necessary bylaws by which to
2 govern itself. At the first meeting of the commission and
3 annually thereafter, the commission shall elect a chairman, a
4 vice chairman and a secretary.

5 Section 6. Responsibility.

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

9 Section 7. Meetings.

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

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

23 Section 8. Compensation.

24 None of the commissioners shall receive salary or
25 compensation for their service. Members of the commission may be
26 reimbursed for travel expenses and expenses incurred as part of
27 their duties as members of the commission. The expenses shall be
28 reimbursed from available State funds and in accordance with the
29 rules and regulations of the Executive Board applicable to
30 agencies and departments of the Commonwealth.

1 Section 9. Assistants and staff.

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

6 (b) Transfers.--The director of the commission shall have
7 unclassified service under the act of August 5, 1941 (P.L.752,
8 No.286), known as the Civil Service Act. Employees of the
9 Department of Public Welfare and other persons who now serve
10 people who are blind or visually handicapped and whose services
11 are deemed necessary to the adequate and proper functioning of
12 the commission shall be transferred to the commission and shall
13 retain any classified service under the Civil Service Act, any
14 retirement, seniority or other rights, and their terms of office
15 shall not be deemed to be interrupted. All employees currently
16 represented by collective bargaining agreements or memoranda of
17 agreement shall be transferred to the commission without loss of
18 pay, seniority, benefits or any other attribute of the current
19 position. The commission shall establish adequate and proper
20 appeal and grievance procedures for staff.

21 Section 10. Clients of commission.

22 Clients of the commission shall be persons who are blind or
23 visually impaired who, by reason of a loss of vision, have
24 substantial difficulty in achieving an adequate economic and
25 social adjustment.

26 Section 11. Statewide data base.

27 The commission shall compile a central data base of blind and
28 visually impaired persons in this Commonwealth, which shall
29 describe the cause of each individual's visual loss, the
30 individual's capacity for educational, vocational and industrial

1 training, a census of employed persons who are blind or visually
2 impaired, factors relating to employment of blind or visually
3 impaired persons and such other factors as the commission shall
4 deem of value.

5 Section 12. Duty of commission.

6 It is the duty of the commission to:

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

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

12 (3) Provide maximum vocational rehabilitation and
13 adjustment training for persons who are blind or visually
14 impaired.

15 (4) Vigorously pursue the commercial, industrial and
16 competitive placement of persons who are blind or visually
17 impaired.

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

22 (6) Provide social services to an individual who is
23 blind or visually impaired, and support services to the
24 spouse, parent or other members of the individual's family,
25 to bring about the maximum utilization of all services of the
26 commission by the blind or visually impaired individual.

27 (7) Advocate for and assist with the maximum education
28 of persons who are blind or visually impaired and of multiply
29 handicapped persons where loss of vision is a further
30 significant handicap, from preschool age to the conclusion of

1 education, and provide for the education of an adult who is
2 newly blinded.

3 (8) Negotiate with Federal, State or other governmental
4 organizations and the private agencies offering services
5 required by an individual served by this act, and purchase
6 such services when needed.

7 (9) Gather information concerning the causes of
8 blindness and visual loss, directly provide for prevention of
9 blindness services, seek to determine which causes are
10 preventable and work with the other established agents of
11 this Commonwealth to eliminate preventable causes.

12 (10) Establish adequate appeal and grievance procedures
13 for clients of the commission.

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

20 (12) Make loans and grants for the purchase or lease of
21 technical equipment which facilitates reading and
22 communicating. This equipment includes computers and related
23 equipment. Loans made under this paragraph shall have an
24 interest rate of 1% per annum. Loans and grants shall also be
25 made available for service contracts and insurance on
26 equipment.

27 Section 13. Federal funds.

28 The commission shall be the designated State vocational
29 rehabilitative agency for the blind and visually impaired and
30 shall receive all funding concomitant with that designation. The

1 commission shall actively seek funding under the Rehabilitation
2 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) as well
3 as other available sources of Federal funds necessary to
4 implement and carry out the programs of the commission.

5 Section 14. Gifts, contributions and bequests.

6 The commission is empowered to accept and use gifts,
7 contributions and bequests made in accordance with the
8 provisions of this act. These gifts shall be deposited into the
9 Blindness and Visual Impairment Fund, and shall be invested and
10 reinvested as provided by law. The principal and interest on
11 such gifts may be used in accordance with the conditions of the
12 gift. The commission shall not solicit bequests, gifts or
13 contributions from the general public.

14 Section 15. Blindness and Visual Impairment Fund.

15 There is hereby established in the State Treasury a special
16 fund to be known as the Blindness and Visual Impairment Fund.
17 All gifts accepted by and other money made available to the
18 commission shall be deposited into this fund, and all money in
19 the fund is appropriated to the commission on a continuing basis
20 to carry out the provisions of this act.

21 Section 16. Reports.

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

28 Section 17. Agency duties transferred.

29 (a) Functions.--The functions of the Department of Public
30 Welfare relating to the blind and visually impaired are hereby

1 abolished if those functions are transferred to the commission
2 under this act.

3 (b) Personnel, appropriations, etc.--All personnel,
4 allocations, appropriations, equipment, files, records,
5 contracts, agreements, obligations and other materials which are
6 used, employed or expended in connection with the powers, duties
7 or functions transferred by this act to the commission are
8 hereby transferred to the commission with the same force and
9 effect as if the appropriations had been made to and the items
10 had been the property of the commission in the first instance
11 and as if the contracts, agreements and obligations had been
12 incurred or entered into by the commission.

13 (c) Additional provisions.--The personnel, appropriations,
14 equipment and other items and materials transferred by this
15 section shall include an equivalent portion of the general
16 administrative, overhead and supporting personnel,
17 appropriations, equipment and other materials of the commission
18 and shall also include, where applicable, Federal grants and
19 funds and other benefits from any Federal program.

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

26 Section 18. Repeals.

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

30 (b) All other acts and parts of acts are repealed insofar as

1 they are inconsistent with this act.

2 Section 19. Funding.

3 This act shall be funded by moneys which the General Assembly
4 shall from time to time appropriate.

5 Section 20. Effective date.

6 This act shall take effect in 60 days.