

BLIND AND VISUALLY DISABLED PERSONS
Act 260 of 1978

AN ACT to revise and codify the laws relating to blind persons and persons with a visual disability; to create a commission; to prescribe its powers and duties and those of other state agencies relative to blind persons; to provide services, education, training, and assistance to blind persons; to regulate concessions operated by blind persons; to transfer powers, duties, functions, and appropriations; and to repeal acts and parts of acts.

History: 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1998, Act 44, Imd. Eff. Mar. 18, 1998.

The People of the State of Michigan enact:

393.351 Definitions.

Sec. 1. As used in this act:

(a) "Blind person" means an individual who has a visual acuity of 20/200 or less in the better eye with correction, or has a limitation of his or her field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees, as determined by the commission.

(b) "Commission" means the commission for the blind.

(c) "Concession" means equipment or location which is being used, or may be used to sell retail confections, tobaccos, papers, periodicals, and other like merchandise, coffee, milk, soft drinks, wrapped ice cream, wrapped sandwiches, wrapped baked goods, packaged salads and other similar food items. Concession includes the operation of "quickie lunch counters" for the dispensing of prepared foods in state buildings and vending facilities.

(d) "Department" means the department of labor.

(e) "Director" means the director of the commission.

(f) "Vending facility" means an automatic vending machine, cafeteria, snack bar, cart service, shelter, counter, or any other appropriate auxiliary equipment as the commission may prescribe by rule as being necessary for the sale of articles or services described in this act and which may be operated by a blind licensee.

History: 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1982, Act 224, Imd. Eff. Sept. 14, 1982.

Compiler's note: For transfer of powers and duties of the commission for the blind from the department of labor to the family independence agency, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

Administrative rules: R 393.101 et seq. of the Michigan Administrative Code.

393.352 Commission for blind; creation; appointment of members; chairperson; appointment and evaluation of director of commission; terms, compensation, and expenses of members; officers; quorum.

Sec. 2. (1) The commission for the blind is created in the department of labor. The commission consists of 5 members appointed by the governor by and with the advice and consent of the senate. Three of the members shall be blind persons. One of the members shall be designated by the governor to serve as the chairperson. The commission shall recommend to the director of the department a person to serve as director of the commission from a list of eligible persons certified and submitted by the department of civil service who shall be classified as a civil service employee, and the director of the department may appoint or reject that person. Should that person be rejected, the procedure shall be repeated until a director is appointed. The commission shall evaluate the performance of the director annually and submit its evaluation and recommendations to the director of the department.

(2) The members shall serve for terms of 3 years except of those members first appointed, 2 shall serve for terms of 3 years, 2 for 2 years, and 1 shall serve for 1 year. A vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(3) The compensation and the schedule of reimbursement of expenses shall be established annually by the legislature.

(4) The members shall elect their own officers as necessary.

(5) A majority of the members appointed constitutes a quorum.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For abolishment of the commission for the blind and the position of director of commission for the blind, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.353 Services for determining cause and prevention of blindness; examination to certify statutory blindness; treatment; cost; contract to provide eye examinations.

Sec. 3. (1) The commission shall establish and maintain services as needed for determining the cause and prevention of blindness. The examination to certify statutory blindness may be performed by either an ophthalmologist or physician skilled in the diseases of the eye; or a licensed optometrist, whichever the person shall select. When a blind or partially blind person can be benefited by treatment, the commission shall arrange for the necessary treatment, with the consent of the person, by an ophthalmologist or physician skilled in the diseases of the eye, a licensed optometrist, or both. An examination shall be provided without charge to the applicant for services to the blind. Unless other funds are available, the examination, and treatment if provided, shall be paid for by the commission.

(2) The commission may contract with the department of social services or the department of public health to provide eye examinations for applicants for aid to the blind.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.354 Services to assist persons with visual disability; fee; duties of commission generally.

Sec. 4. (1) The commission shall maintain a program of services to assist persons with a visual disability to overcome vocational disabilities and to obtain the maximum degree of self-support and self-care. Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of the services.

(2) The commission shall:

(a) Furnish diagnostic evaluation to determine the nature and scope of services to be provided.

(b) Provide physical restoration to eliminate or minimize the effects of the disability.

(c) Provide for special education or training in the professions, businesses, or trades under a vocational rehabilitation plan. The commission may furnish living maintenance during the period of the education or training within or without the state.

(d) Provide services to blind persons in accordance with the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 701 to 707, 709 to 718b, 720 to 750, 753 to 753a, 760 to 762, 765, 770, 771a to 777b, 777d to 777f, 780, 781 to 785, 791 to 794e, 795 to 795r, 796 to 796f-6, 796j to 796l, and 797 to 797b.

(e) Establish, construct, or maintain rehabilitation centers, training centers, or workshops to teach persons with visual disabilities to prepare for and maintain trades or occupations when the training is feasible and will contribute to the efficiency or support of the persons with visual disabilities.

(f) Provide teacher-counselor services and teaching of subjects which will assist persons with visual disabilities in the ease and enjoyment of daily living.

(g) Place persons with visual disabilities in jobs or business enterprises in accordance with the abilities and interests of the applicant.

(h) Teach persons with visual disabilities trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries.

(i) Aid individual persons with visual disabilities or groups of persons with visual disabilities to engage in gainful occupations by furnishing materials, equipment, goods, or services to them, by providing financial assistance as necessary to encourage and equip them to reach an objective established with them by the commission.

(j) Provide rehabilitation services for blind persons who are senior citizens so that they may reside within a community.

(k) Provide other rehabilitative goods and services as appropriate to each individual circumstance.

History: 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1998, Act 44, Imd. Eff. Mar. 18, 1998.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.355 Additional duties of commission.

Sec. 5. The commission shall do all of the following:

(a) Cooperate with other departments, agencies, and institutions, both public and private, in providing for the rehabilitation of blind persons, in studying problems relative to blind persons, and in establishing, developing, and providing necessary programs, facilities, and services.

(b) Enter into reciprocal arrangements with other states to provide for the rehabilitation of residents of the states concerned.

(c) Conduct research and compile statistics relating to the rehabilitation of blind persons.

(d) Provide social adjustment, guidance, counsel, mobility training, and employment adjustment of blind persons in their home communities.

(e) Provide surveys of employment opportunities for blind persons and the placement of blind persons in employment not otherwise provided for.

(f) Regulate concessions reserved for operation by blind persons pursuant to this act.

(g) Promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, for the implementation and administration of this act.

History: 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1982, Act 224, Imd. Eff. Sept. 14, 1982.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

Administrative rules: R 393.101 et seq. and R 393.201 et seq. of the Michigan Administrative Code.

393.356 Employment and duties of educational consultants; assistance to students with visual disabilities; liaison and program coordination.

Sec. 6. (1) The commission may employ qualified educational consultants to assist public or private school teachers responsible for teaching students with visual disabilities. Educational consultants shall assist public and private school teachers by providing methods and materials for teaching students with visual disabilities. The superintendent of public instruction shall inform the commission of the schools in which students with visual disabilities are enrolled.

(2) The director or a person designated by the director shall be the liaison between the commission, the schools for the blind, and the superintendent of public instruction, and shall coordinate all programs affecting blind students.

History: 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1998, Act 44, Imd. Eff. Mar. 18, 1998.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.357 Contributions or gifts; acceptance; expenditure; stipulation of donor.

Sec. 7. The commission may accept contributions or gifts in cash or otherwise from persons, associations, or corporations. Contributions and gifts shall be expended as provided by law, in the same manner as moneys appropriated for implementing the purposes of this act. The donor of the gift may stipulate the manner in which the gift shall be expended within the guidelines of this act.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.358 Powers of commission pursuant to state-federal agreements.

Sec. 8. The commission, pursuant to state-federal agreements: may cooperate with the federal government in carrying out the purposes of a federal statute or regulation, not in conflict with state law, which pertains to rehabilitation of blind persons; may adopt methods of administration, not in conflict with state law, which are

necessary for the proper and efficient operation of the agreements or plans for rehabilitation of blind persons; and may comply with conditions, not in conflict with state law, which are necessary to secure the full benefits of federal statute.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

***** 393.359 THIS SECTION IS AMENDED EFFECTIVE AUGUST 21, 2018: See 393.359.amended *****

393.359 Concessions in state buildings or on state property; operation by blind persons; plans; location of concessions.

Sec. 9. A concession in a building or on property owned or occupied by this state shall be operated by a blind person, regardless of race, creed, color, sex, marital status, or religious preference, except in cases provided for in section 10. The building division of the department of management and budget shall submit plans relative to concessions in state buildings or on state property to the commission, which shall have the final authority relative to the location of concessions.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

***** 393.359.amended THIS AMENDED SECTION IS EFFECTIVE AUGUST 21, 2018 *****

393.359.amended Concessions in state building or on state property; operation by blind person; plans; location of concessions.

Sec. 9. (1) Except as provided in sections 10 and 10a, a concession in a building or on property owned or occupied by this state must be operated by a blind person, regardless of race, creed, color, sex, marital status, or religious preference.

(2) The department of technology, management, and budget shall submit plans relative to concessions in state buildings or on state property to the commission, which has the final authority relative to the location of concessions.

History: 1978, Act 260, Eff. Oct. 1, 1978;—Am. 2018, Act 159, Eff. Aug. 21, 2018.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.360 Act inapplicable to certain concessions; sighted person operating concession under contract or lease, or operating concession not applied for by blind person.

Sec. 10. (1) This act shall not apply to a concession operated in connection with the state fair, with the use of state fairgrounds, with a state educational institution, state penal institution, military establishment, armory, or state park.

(2) A sighted person operating a concession under contract or lease at the time this act becomes effective shall not be required to surrender the rights before the contract or lease expires.

(3) A sighted person operating a concession which has not been applied for by a blind person may be permitted to continue in charge until the concession is applied for and a qualified blind person is chosen to operate the concession.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

***** 393.360a.added THIS ADDED SECTION IS EFFECTIVE AUGUST 21, 2018 *****

393.360a.added Building larger than 1,000,000 square feet; automated vending machine; rental rate.

Sec. 10a. (1) Except as provided in subsection (2), section 9 does not apply to a building or part of a building owned or occupied by this state if the building is larger than 1,000,000 square feet.

(2) The commission shall exercise its authority under section 9 to provide for automated vending machine concessions in a building described in subsection (1).

(3) The department of technology, management, and budget shall provide 1,700 square feet of space to the commission at the same rental rate provided to state agency tenants in buildings described in subsection (1).

History: Add. 2018, Act 159, Eff. Aug. 21, 2018.

393.361 Concessions; qualifications of applicant; limitation on number.

Sec. 11. The qualifications of an applicant to operate a concession shall be determined according to qualifications established by the commission. A blind person shall not operate more than 1 concession.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.362 Contract or lease of veteran with service-connected disability not affected.

Sec. 12. This act shall not be construed to affect the contract or lease of world war I, world war II, Spanish-American war, Korean conflict, or Vietnam era conflict veteran having a service-connected disability recognized by the veterans' administration of the federal government, or a renewal of that contract or lease.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.363 Implementation of Randolph-Sheppard vending stand act.

Sec. 13. The commission shall be the state agency for implementing the Randolph-Sheppard vending stand act, 20 U.S.C. 107 to 107f.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For transfer of powers and duties relating to final agency decisions from commission for the blind to director of department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.364 Repealed. 1984, Act 335, Eff. Oct. 1, 1985.

Compiler's note: The repealed section pertained to identification cards for legally blind persons.

393.365 Conducting business at public meeting; notice; availability of writings to public.

Sec. 15. (1) The business which the commission or any committee appointed under this act may perform shall be conducted at a public meeting of the commission or committee held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing

and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.366 Transfer of personnel, equipment, and unexpended appropriations; transfer of powers, duties, and functions.

Sec. 16. (1) The personnel serving in and the equipment and unexpended appropriations of the office of services to the blind in the department of social services is transferred to the commission.

(2) All powers, duties, and functions vested by law in the department of social services relative to the office of services to the blind are transferred to the commission.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

Administrative rules: R 393.101 et seq. of the Michigan Administrative Code.

393.367 Repeal of MCL 393.251 to 393.258, 393.271 to 393.276, and 393.301 to 393.303.

Sec. 17. Act No. 140 of the Public Acts of 1911, being sections 393.251 to 393.258 of the Compiled Laws of 1970, Act No. 14 of the Public Acts of 1939, being sections 393.271 to 393.276 of the Compiled Laws of 1970 and Act No. 95 of the Public Acts of 1967, being sections 393.301 to 393.303 of the Compiled Laws of 1970, are repealed.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.368 Effective date.

Sec. 18. This act shall take effect October 1, 1978.

History: 1978, Act 260, Eff. Oct. 1, 1978.

Compiler's note: For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

393.369 Repealed. 1983, Act 141, Imd. Eff. July 18, 1983.

Compiler's note: The repealed section pertained to the expiration of the act.