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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2733 Session of  
2008

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INTRODUCED BY MAHER AND DeWEESE, AUGUST 7, 2008

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
AUGUST 7, 2008

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AN ACT

1 Relating to the delivery of services and programs to persons  
2 with disabilities; conferring powers and duties on the Office  
3 of the Governor; creating the Office for People with  
4 Disabilities and Advisory Committee for People with  
5 Disabilities; and providing for powers, duties and funding of  
6 the Office for People with Disabilities and the Advisory  
7 Committee for People with Disabilities.

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

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Office for  
10 People with Disabilities Act.

11 Section 102. Legislative policy and declaration.

12 The General Assembly finds and declares as follows:

13 (1) Persons with disabilities and their families and  
14 guardians should have access to the full range of services  
15 and programs, including equal access to all services and  
16 programs provided for persons without disabilities, as well  
17 as individualized and specialized services that meet the  
18 unique needs of persons without discrimination.

19 (2) Persons with disabilities and their families and  
20 guardians are often underserved. They have often been denied  
21 access to individualized and specialized services available  
22 to the community at large and have been denied services  
23 necessary to their health, well-being, independence and  
24 advancement.

25 (3) Persons with disabilities who could live and work in  
26 the community live in institutions at State expense due to  
27 inadequate funding for community support services. The result  
28 is a loss both to these individuals and to this Commonwealth  
29 as a whole.

30 (4) Persons with disabilities and their families and

1 guardians should have the opportunity to choose and direct  
2 the services and programs provided to them, and the community  
3 of persons with disabilities should direct the development  
4 and operation of the delivery system.

5 (5) Increased availability of community support services  
6 and programs will enable persons with disabilities and their  
7 families and guardians to be more independent and productive,  
8 to remain in their homes and communities and to more fully  
9 exercise their rights and responsibilities as citizens.

10 (6) Services and programs provided by the Commonwealth  
11 to persons with disabilities and their families and guardians  
12 should be provided in a manner that promotes independent  
13 living, enables people to obtain and maintain employment and  
14 supports people in their homes and communities.

15 (7) A State-level office and advisory committee is  
16 needed to advise and assist the Governor and the General  
17 Assembly in developing policies addressing the concerns of  
18 persons with disabilities and their families and guardians.

19 (8) Access to the office will enable people with  
20 disabilities and their families and guardians to have their  
21 concerns and issues addressed.

22 Section 103. Definitions.

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

26 "Advisory committee." The Advisory Committee for People with  
27 Disabilities created in section 501.

28 "Consumer control." The right of a person with a disability  
29 or an individual acting on behalf of a person with a disability  
30 to maintain power and authority over decisions affecting the

1 provision of services, programs and community activities.

2 "Disability services." Services and programs provided to  
3 persons with disabilities or their families or guardians to  
4 enhance the ability of adults or children with disabilities to  
5 live or work independently and to pursue their rights and  
6 responsibilities as citizens.

7 "Functional limitations." Those that affect one or more of  
8 the following activities of daily living:

9 (1) Mobility.

10 (2) Communication.

11 (3) Self-care.

12 (4) Work.

13 (5) Recreation.

14 (6) Independent living.

15 (7) Learning.

16 (8) Self-direction.

17 "Long-term." Likely to be of lifelong or extended duration.

18 "Office." The Office for People with Disabilities created in  
19 section 301.

20 "Person with a disability." A child or adult who has a  
21 severe chronic condition resulting in substantial functional  
22 limitation that is attributable to psychological, cognitive,  
23 developmental, physical or sensory impairment or a combination  
24 of psychological, cognitive, developmental, physical or sensory  
25 impairment and is likely to continue indefinitely.

26 CHAPTER 3

27 OFFICE FOR PEOPLE WITH DISABILITIES

28 Section 301. Creation of office.

29 The Office for People with Disabilities is hereby created  
30 within the Office of the Governor. The office shall be

1 administered by the Office of the Governor.

2 Section 302. Powers and duties of office.

3 The office shall have the power and its duty shall be to:

4 (1) Assure that all citizens of this Commonwealth who  
5 have disabilities and their families and guardians have  
6 access to adequate and coordinated quality services and  
7 programs.

8 (2) Establish interagency agreements and working  
9 relationships with other governmental bodies and public and  
10 private agencies to:

11 (i) Assure access to the full range of available  
12 services and programs for persons with disabilities and  
13 their families and guardians.

14 (ii) Advocate for consumer control.

15 (iii) Coordinate the delivery of nonduplicative  
16 disability services and programs to persons with  
17 disabilities and their families and guardians.

18 (3) Identify gaps in disability services and programs  
19 and funding shortages in collaboration with the advisory  
20 committee and report this information annually to the  
21 Governor and to the General Assembly.

22 (4) Act as a system advocate to expand the availability  
23 of disability services and programs and access to generic  
24 services and programs.

25 (5) Plan for Statewide improvements in services and  
26 programs for persons with disabilities and their families and  
27 guardians.

28 (6) Develop, within one year of the effective date of  
29 this act, and enforce all program requirements and  
30 regulations necessary and appropriate for the proper

1 accomplishment of the duties imposed by this act. Development  
2 of program requirements and regulations shall be accomplished  
3 in collaboration with the advisory committee.

4 (7) Employ an executive director to carry out the duties  
5 of this section.

6 Section 303. Power to contract.

7 The office may contract with Statewide disability-related  
8 organizations to carry out the provisions of this act, provided  
9 the contracts place control over contract activities under the  
10 direction and control of consumers with disabilities.

11 CHAPTER 5

12 ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES

13 Section 501. Creation of advisory committee.

14 The Advisory Committee for People with Disabilities is hereby  
15 created within the Office for People with Disabilities and shall  
16 serve in an advisory capacity to the office in matters regarding  
17 persons with disabilities in this Commonwealth. The advisory  
18 committee shall be administered by the Office for People with  
19 Disabilities.

20 Section 502. Membership.

21 (a) Public official members.--The advisory committee shall  
22 consist of the following members, who shall serve by virtue of  
23 their public position:

24 (1) The Secretary of Public Welfare.

25 (2) The Secretary of Labor and Industry.

26 (3) The Secretary of Health.

27 (4) The Secretary of Education.

28 (5) The Secretary of Transportation.

29 (6) The Secretary of the Budget.

30 (7) The Secretary of Aging.

- 1           (8) The Secretary of Policy and Planning.
- 2           (9) The Adjutant General.
- 3           (10) The Secretary of State.
- 4           (11) The Director of the Governor's Office of Health
- 5       Care Reform.
- 6           (12) The Chairperson of the Pennsylvania Human Relations
- 7       Commission.
- 8           (13) The Executive Director of the Pennsylvania Housing
- 9       Finance Agency.
- 10          (14) The Executive Director of the Pennsylvania
- 11       Developmental Disabilities Council.
- 12          (15) The Executive Director of the Office for People
- 13       with Disabilities.
- 14          (16) The Executive Director of the Governor's Long-Term
- 15       Care, Intra-Governmental Council.

16       (b) Nongovernmental members.--The advisory committee shall  
17       consist of nongovernmental members to be appointed by the  
18       Governor as follows:

19           (1) The Governor shall appoint persons with  
20       disabilities, including individuals from existing stakeholder  
21       groups, in such number as the Governor deems appropriate.

22           (2) At a minimum, 60% of these members shall be persons  
23       with disabilities or family members of persons with  
24       disabilities.

25           (3) Advisory committee members shall be selected based  
26       upon an evaluation of information received through formal  
27       application.

28       (c) Voting.--

29           (1) The members appointed under subsection (a) shall not  
30       hold voting privileges on any matter brought up for

consideration by the advisory committee.

(2) The members appointed under subsection (b) shall hold voting privileges on all matters brought up for consideration by the advisory committee.

(d) Terms.--

(1) The terms of the members under subsection (a) shall be concurrent with their holding of public office.

(2) Members appointed under subsection (b) shall serve at the pleasure of the Governor as long as they represent the interest of the membership class for which they were appointed and shall serve until their successors are appointed.

(e) Chairperson.--The Governor shall appoint a nongovernmental member of the committee to serve as a chairperson of the advisory committee.

(f) Expenses of members.--Members of the advisory committee shall receive no payment for their services. Members who are not employees of State government shall be reimbursed for expenses incurred in the course of their official duties and in accordance with the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

Section 503. Powers and duties of advisory committee.

(a) Enumeration.--The advisory committee shall have the power and its duties shall be to:

(1) Make recommendations to the Governor on policies, procedures, regulations and legislation that aid persons with disabilities in Pennsylvania.

(2) Serve as the Governor's liaison to persons with disabilities on policies procedures, regulations and legislation that affect persons with disabilities in order to



1 ensure that State government is accessible, accountable and  
2 responsive to persons with disabilities.

3 (3) Serve as a resource to all departments, commissions  
4 and agencies under the Governor's jurisdiction to ensure that  
5 these government entities are cognizant of the needs of  
6 persons with disabilities and their respective services and  
7 programs are accessible to those individuals.

8 (4) Work with the Governor and the agencies under the  
9 Governor's jurisdiction to monitor the hiring, retention and  
10 promotion practices of the Commonwealth relating to the  
11 employment of people with disabilities in order to ensure  
12 that there are no discriminatory practices within the  
13 Commonwealth.

14 (5) To perform such other duties as the Governor may  
15 assign in planning for services and programs for persons with  
16 disabilities and their families.

17 (b) Studies and reports.--The advisory committee may conduct  
18 studies and issue reports upon request and as it deems necessary  
19 on issues affecting persons with disabilities in Pennsylvania.

20 (c) Workgroups.--Nothing in this section shall prevent the  
21 advisory committee from establishing ad hoc workgroups or local  
22 committees to assist in research and other duties necessary to  
23 carry out the mission of the office.

## 24 CHAPTER 21

### 25 MISCELLANEOUS PROVISIONS

26 Section 2101. Funding.

27 The Office of the Governor shall use Federal funds where  
28 possible for the administration of the Office for People with  
29 Disabilities and the Advisory Committee for People with  
30 Disabilities and shall expend Federal funds, on appropriation by

1 the General Assembly, prior to expending any State  
2 appropriations for the same or similar purpose. The Office of  
3 the Governor shall utilize any available private funds to carry  
4 out the provisions of this act.

5 Section 2102. Effective date.

6 This act shall take effect in 60 days.