

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 234 Session of 2011

INTRODUCED BY TARTAGLIONE, WASHINGTON, FONTANA, ERICKSON,  
RAFFERTY, KITCHEN, BREWSTER AND COSTA, JANUARY 24, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 24, 2011

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; establishing the Office for People with  
4 Disabilities and Advisory Committee for People with  
5 Disabilities; and providing for their powers, duties and  
6 funding.

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2 Section 702. Effective date.

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

5 CHAPTER 1

6 PRELIMINARY PROVISIONS

7 Section 101. Short title.

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

10 Section 102. Legislative policy and declaration.

11 The General Assembly finds and declares as follows:

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

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

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

28 (4) Persons with disabilities and their families and  
29 guardians should have the opportunity to choose and direct  
30 the services and programs provided to them, and the community

1 of persons with disabilities should direct the development  
2 and operation of the delivery system.

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

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

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

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

20 Section 103. Definitions.

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

24 "Advisory committee." The Advisory Committee for People With  
25 Disabilities established by this act.

26 "Consumer control." The right of a person with a disability  
27 or an individual acting on behalf of a person with a disability  
28 to maintain power and authority over decisions affecting the  
29 provision of services, programs and community activities.

30 "Disability services." Services and programs provided to

1 persons with disabilities or their families or guardians to  
2 enhance the ability of adults or children with disabilities to  
3 live or work independently and to pursue their rights and  
4 responsibilities as citizens.

5 "Functional limitations." Limitations that affect one or  
6 more of the following activities of daily living:

- 7 (1) Mobility.
- 8 (2) Communication.
- 9 (3) Self-care.
- 10 (4) Work.
- 11 (5) Recreation.
- 12 (6) Independent living.
- 13 (7) Learning.
- 14 (8) Self-direction.

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

16 "Office." The Office for People with Disabilities  
17 established by this act.

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

24 CHAPTER 3

25 OFFICE FOR PEOPLE WITH DISABILITIES

26 Section 301. Establishment.

27 The Office for People with Disabilities is established within  
28 the Office of the Governor. The office shall be administered by  
29 the Office of the Governor.

30 Section 302. Powers and duties of office.

1 The office shall:

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

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

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

12 (ii) Advocate for consumer control.

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

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

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

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

26 (6) Develop, within one year of the effective date of  
27 this act, and enforce all program requirements and  
28 regulations necessary and appropriate for the proper  
29 accomplishment of the duties imposed by this act. Development  
30 of program requirements and regulations shall be accomplished

1 in collaboration with the advisory committee.

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

4 Section 303. Power to contract.

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

9 CHAPTER 5

10 ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES

11 Section 501. Establishment.

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

18 Section 502. Membership.

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

22 (1) Secretary of Public Welfare.

23 (2) Secretary of Labor and Industry.

24 (3) Secretary of Health.

25 (4) Secretary of Education.

26 (5) Secretary of Transportation.

27 (6) Secretary of the Budget.

28 (7) Secretary of Aging.

29 (8) Secretary of Policy and Planning.

30 (9) Adjutant General.

(10) Secretary of the Commonwealth.

(11) Director of the Office of Health Care Reform.

(12) Chairperson of the Pennsylvania Human Relations Commission.

(13) Executive Director of the Pennsylvania Housing Finance Agency.

(14) Executive Director of the Pennsylvania Developmental Disabilities Planning Council.

(15) Executive Director of the Office for People with Disabilities.

(16) Executive Director of Intra-Governmental Long-Term Care Council.

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

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

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

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

(c) Voting.--

(1) The members appointed under subsection (a) shall not hold voting privileges on any matter brought up for consideration by the committee.

(2) The members appointed under subsection (b) shall hold voting privileges on all matters brought up for

consideration by the 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 chairperson of the advisory committee.

(f) Expenses of members.--Members of the committee shall receive no compensation 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) General rule.--The advisory committee shall:

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

(3) Serve as a resource to all departments, commissions and agencies under the Governor's jurisdiction to ensure that



1       these government entities are cognizant of the needs of  
2       persons with disabilities and their respective services and  
3       programs are accessible to those individuals.

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

10          (5) Perform such other duties as the Governor may assign  
11       in planning for services and programs for persons with  
12       disabilities and their families.

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

16       (c) Construction.--Nothing in this section shall be  
17       construed to prevent the committee from establishing ad hoc work  
18       groups or local committees to assist in research and other  
19       duties necessary to carry out the mission of the office.

## 20                               CHAPTER 7

### 21                               MISCELLANEOUS PROVISIONS

#### 22       Section 701. Funding.

23       The Office of the Governor shall use Federal funds where  
24       possible for the administration of the Office for People with  
25       Disabilities and the Advisory Committee for People with  
26       Disabilities and shall expend Federal funds, on appropriation by  
27       the General Assembly, prior to expending any State  
28       appropriations for the same or similar purpose. The Office of  
29       the Governor shall utilize any available private funds to carry  
30       out the provisions of this act.

1 Section 702. Effective date.

2 This act shall take effect in 60 days.