AN ACT

Relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Office of the Governor; establishing the Office for People with Disabilities and Advisory Committee for People with Disabilities; and providing for the powers and duties of the office and advisory committee and for funding of the office.

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

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

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

Section 102. Legislative policy and declaration.

The General Assembly finds and declares as follows:

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

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

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

(4) Persons with disabilities and their families and guardians should have the opportunity to choose and direct
the services and programs provided to them, and the community of persons with disabilities should direct the development and operation of the delivery system.

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

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

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

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

Section 103. Definitions.

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

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

"Consumer control." The right of a person with a disability or an individual acting on behalf of a person with a disability to maintain power and authority over decisions affecting the provision of services, programs and community activities.
"Disability services." Services and programs provided to persons with disabilities or their families or guardians to enhance the ability of adults or children with disabilities to live or work independently and to pursue their rights and responsibilities as citizens.

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

1. Mobility.
2. Communication.
5. Recreation.
7. Learning.
8. Self-direction.

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

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

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

CHAPTER 3
OFFICE FOR PEOPLE WITH DISABILITIES

Section 301. Establishment.

The Office for People with Disabilities is established within the Office of the Governor. The office shall be administered by the Office of the Governor.
Section 302. Powers and duties of office.

The office shall:

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

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

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

   (ii) Advocate for consumer control.

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

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

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

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

(6) Develop, within one year of the effective date of this section, and enforce all program requirements and regulations necessary and appropriate for the proper accomplishment of the duties imposed by this act. Development
of program requirements and regulations shall be accomplished
in collaboration with the advisory committee.

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

Section 303. Power to contract.

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

CHAPTER 5

ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES

Section 501. Establishment.

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

Section 502. Membership.

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

(1) Secretary of Human Services.
(2) Secretary of Labor and Industry.
(3) Secretary of Health.
(4) Secretary of Education.
(5) Secretary of Transportation.
(6) Secretary of the Budget.
(7) Secretary of Aging.
(8) Secretary of Policy and Planning.
(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 the Intra-Governmental Council on Long-Term Care.

(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 this Commonwealth.

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

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

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

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

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

CHAPTER 7
MISCELLANEOUS PROVISIONS

Section 701. Funding.

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

Section 702. Effective date.

This act shall take effect in 60 days.