

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 711 Session of
1997

INTRODUCED BY GLADECK, FAIRCHILD, HERSHEY, BAKER, YEWIC,
FICHTER, BUNT, BARD, ROONEY, L. I. COHEN, WALKO, YOUNGBLOOD,
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RAMOS AND ROSS, MARCH 11, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 7, 1997

AN ACT

1 Amending the act of December 16, 1986 (P.L.1621, No.184),
2 entitled "An act establishing and imposing powers and duties
3 on the Office for the Deaf and Hearing Impaired in the
4 Department of Labor and Industry; and establishing and
5 providing powers and duties for the Advisory Council for the
6 Deaf and Hearing Impaired in the Department of Labor and
7 Industry," redesignating the Office for the Deaf and Hearing
8 Impaired and the Advisory Council for the Deaf and Hearing
9 Impaired; further providing for expiration; and making
10 editorial changes.

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

13 Section 1. The title and sections 1, 2, 3 and 4 of the act
14 of December 16, 1986 (P.L.1621, No.184), entitled "An act
15 establishing and imposing powers and duties on the Office for
16 the Deaf and Hearing Impaired in the Department of Labor and
17 Industry; and establishing and providing powers and duties for
18 the Advisory Council for the Deaf and Hearing Impaired in the
19 Department of Labor and Industry," are amended to read:

20 AN ACT

1 Establishing and imposing powers and duties on the Office for
2 the Deaf and Hard of Hearing [Impaired] in the Department of
3 Labor and Industry; and establishing and providing powers and
4 duties for the Advisory Council for the Deaf and Hard of
5 Hearing [Impaired] in the Department of Labor and Industry.

6 Section 1. Legislative findings.

7 (a) Acknowledgment.--The General Assembly acknowledges the
8 lack of coordination of services for the handicapped in this
9 Commonwealth and supports the concept of a State Commission for
10 the Handicapped to coordinate service delivery and to increase
11 access to services for all handicapped citizens. The development
12 of such a concept currently is under legislative study.

13 (b) Immediate need.--Notwithstanding the support of a State
14 Commission for the Handicapped, the General Assembly finds an
15 immediate need to create an Office for the Deaf and Hard of
16 Hearing [Impaired] to address the specific needs of this
17 population because:

18 (1) Public services to deaf persons, such as medical
19 services, mental health services, social services, welfare
20 services, employment services, legal services, etc., are
21 often inaccessible, fragmented and of poor quality due to
22 communication barriers.

23 (2) These problems can be addressed by providing a
24 special focus on services for the deaf and hard of hearing
25 [impaired] by implementing and coordinating communication
26 assistance, training, information and referral services for
27 those with hearing handicaps and for those who provide
28 services to the hard of hearing [impaired].

29 (3) It has been estimated that approximately 82,000 deaf
30 and 244,000 hard of hearing persons reside in Pennsylvania.

1 Since 1971, 22 states have legislatively established a
2 commission, office, council or board for the deaf and hard of
3 hearing [impaired].

4 (c) Intent.--It is the intent of the General Assembly that
5 the Advisory Council for the Deaf and Hard of Hearing [Impaired]
6 and the Office for the Deaf and Hard of Hearing [Impaired]
7 established pursuant hereto become integral units of the State
8 Commission for the Handicapped when such commission is
9 established by the General Assembly.

10 Section 2. Office established.

11 (a) Office.--There is established within the Department of
12 Labor and Industry an Office for the Deaf and Hard of Hearing
13 [Impaired].

14 (b) Director.--The Secretary of Labor and Industry, on
15 recommendation of the Advisory Council for the Deaf and Hard of
16 Hearing [Impaired], shall appoint a qualified individual as the
17 Director of the Office for the Deaf and Hard of Hearing
18 [Impaired]. The director shall, in turn, appoint such other
19 staff, with the approval of the Secretary of Labor and Industry,
20 as necessary to carry out the functions of the office.

21 Section 3. Powers and duties of the office.

22 The Office for the Deaf and Hard of Hearing [Impaired], with
23 the advice of the Advisory Council for the Deaf and Hard of
24 Hearing [Impaired], and as directed by the Secretary of Labor
25 and Industry, shall:

26 (1) Advocate and promote the accessibility to all
27 governmental services to deaf and hard of hearing [impaired]
28 citizens in this Commonwealth, including those with multiple
29 disabilities.

30 (2) Advocate and promote the establishment of a

1 directory of agencies, both public and private, which provide
2 community services, evaluate the extent to which they make
3 services available to deaf and hard of hearing [impaired]
4 people, and cooperate with the agencies in coordinating and
5 extending these services.

6 (3) Advocate and promote the establishment of regional
7 service centers for the deaf and hard of hearing [impaired].

8 (4) Advocate and promote the mutual exchange of ideas
9 and information on services for deaf and hard of hearing
10 [impaired] people among Federal, State and local governmental
11 agencies and private organizations.

12 (5) Advocate and promote the use of qualified
13 interpreters for the deaf and hard of hearing [impaired].

14 (6) Collect, systematize and make available for other
15 agencies information in regard to deaf persons and other
16 persons who are hard of [impaired] hearing in this
17 Commonwealth, including their numbers and characteristics,
18 such as the nature, causes and severity of their hearing
19 losses, their educational and economic status, and any other
20 relevant information.

21 (7) Maintain a listing of persons qualified in various
22 types of interpreting for deaf and hard of hearing [impaired]
23 persons and make this information available to local, State,
24 Federal and private agencies.

25 (8) Act as a source of information for the deaf and hard
26 of hearing [impaired] to State agencies and public
27 institutions providing services to the deaf and hard of
28 hearing [impaired] and to local agencies and programs.

29 (9) The Office for the Deaf and Hard of Hearing
30 [Impaired] shall act as an advocate for and promote the

1 interests of the deaf and hard of hearing [impaired] before
2 any department, division, board, bureau, commission or agency
3 of the Commonwealth, or of any political subdivision thereof,
4 as might be needed to enable it to properly carry out its
5 activities under this section.

6 (10) Perform the duties and responsibilities outlined in
7 this section only to the extent that they do not conflict
8 with or duplicate services currently provided by the Office
9 of Vocational Rehabilitation.

10 Section 4. Establishment of regional service centers.

11 (a) Plan for regional services.--Within two years of the
12 effective date of this act, the Director of the Office for the
13 Deaf and Hard of Hearing [Impaired] shall, based on
14 recommendations by the Advisory Council for the Deaf and Hard of
15 Hearing [Impaired], develop a plan for implementing regional
16 services for the hard of hearing [impaired] in accordance with
17 the guidelines expressed in this section.

18 (b) Purpose of regional offices.--The purpose of the
19 regional offices for the hard of hearing [impaired] shall be to:

20 (1) Inform deaf and other hard of hearing [impaired]
21 persons and their families of services offered locally and
22 elsewhere and to coordinate their referral to the appropriate
23 public or private agencies.

24 (2) Coordinate communication between deaf and other hard
25 of hearing [impaired] persons and the desired agencies or
26 organizations and to promote the accessibility of community
27 services to hard of hearing [impaired] persons.

28 (3) Coordinate the provision of interpreting services to
29 hard of hearing [impaired] persons.

30 (4) Promote expanded adult educational opportunities for

1 hard of hearing [impaired] persons.

2 (5) Coordinate the provision of instruction in sign
3 language to persons in community agencies.

4 (6) Inform interested staff of community and
5 professional organizations about the nature of deafness and
6 hearing impairments and the capabilities of deaf and other
7 hard of hearing [impaired] persons.

8 (7) Serve as an advocate for the rights and needs of
9 people with hearing impairments, including deaf and hard of
10 hearing [impaired] persons having multiple disabilities
11 (e.g., deaf-blind).

12 (8) Perform the duties and responsibilities outlined in
13 this section only to the extent that they do not conflict
14 with or duplicate services currently provided by the Office
15 of Vocational Rehabilitation.

16 Section 2. Section 5 of the act, amended December 20, 1991
17 (P.L.437, No.52), is amended to read:

18 Section 5. Advisory Council for the Deaf and Hard of Hearing
19 [Impaired].

20 (a) Council.--The Advisory Council for the Deaf and Hard of
21 Hearing [Impaired, herein referred to as council,] is created
22 within the Department of Labor and Industry and shall consist of
23 17 members as follows: the Secretary of Public Welfare, the
24 Secretary of Health, the Secretary of Education, the Secretary
25 of Labor and Industry, the Secretary of Aging, or their
26 designees; the Governor, or his designee; one member of the
27 House of Representatives to be appointed by the Speaker of the
28 House; one member of the Senate to be appointed by the President
29 pro tempore; and nine members of the public to be appointed by
30 the Governor.

1 (b) Members.--The nine appointed public members shall be
2 individuals selected from schools, organizations and non-State
3 agencies which render services to or represent persons [having]
4 who are hard of hearing [impairments]. At least four of the
5 public members shall be deaf or hard of hearing [impaired].
6 Initially, the Governor shall designate two of the public
7 members to serve one-year terms, two to serve two-year terms,
8 two to serve three-years terms and two to serve four-year terms.
9 Thereafter, all appointed members shall serve for four years.
10 The council members from State offices shall serve during their
11 tenure in office and shall remain on the council until such time
12 as a replacement is named and qualified. The legislative members
13 of the council shall serve two-year terms commencing with the
14 first Tuesday in January of odd-numbered years and may be
15 reappointed upon reelection to office.

16 (c) Vacancies.--Vacancies occurring other than by expiration
17 of a term of office shall be filled by the appropriate
18 appointing authority for the unexpired term of office.

19 (d) Compensation.--Members of the council shall serve
20 without compensation but shall be entitled to receive necessary
21 traveling and other expenses actually incurred in the
22 performance of their duties. The council shall meet at the call
23 of the chairman but not less than four times a year.

24 (e) Election of officers.--The council shall biennially
25 elect, from its own members, a chairman and such other officers
26 it deems necessary. It shall make rules for its own government
27 not inconsistent with those of the Department of Labor and
28 Industry or other departments of the Commonwealth.

29 Section 3. Section 6 of the act is amended to read:
30 Section 6. Powers and duties of Advisory Council for the Deaf

1 and Hard of Hearing [Impaired].

2 The Advisory Council for the Deaf and Hard of Hearing
3 [Impaired] shall have the following powers and duties:

4 (1) Make recommendations in accordance with such policy
5 and practice to the several executive and administrative
6 departments, boards and commissions of the Commonwealth and
7 to any public or private agencies therein which may be in any
8 way concerned with work with or for the deaf or hard of
9 hearing [impaired].

10 (2) Advocate services affecting hard of hearing
11 [impaired] individuals in the areas of public services, job
12 training and placement, health care and educational
13 opportunity.

14 (3) Act as a bureau of information for the deaf and hard
15 of hearing [impaired] to State agencies and public
16 institutions providing services to the deaf and hard of
17 hearing [impaired] and to local agencies and programs.

18 Section 4. Section 7 of the act, amended December 20, 1991
19 (P.L.437, No.52), is amended to read:

20 [Section 7. Sunset.

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21 The Advisory Council for the Deaf and ~~Hard of~~ Hearing
22 ~~{~~Impaired shall continue together with its statutory functions
23 and duties until December 31, 2001, when it~~}~~ shall terminate
24 ~~{~~and go out of existence unless reestablished or continued by
25 the General Assembly. The evaluation, review, termination,
26 reestablishment and continuation of the agency shall be
27 conducted pursuant to the provisions of the act of December 22,
28 1981 (P.L.508, No.142), known as the Sunset Act.] ~~on December~~
29 ~~31, 2001.~~

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30 Section 5. A statutory or regulatory reference to the Office

1 for the Deaf and Hearing Impaired shall be deemed a reference to
2 the Office for the Deaf and Hard of Hearing. A statutory or
3 regulatory reference to the Advisory Council for the Deaf and
4 Hearing Impaired shall be deemed a reference to the Advisory
5 Council for the Deaf and Hard of Hearing.

6 Section 6. This act shall take effect in 60 days.