

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 697 Session of
1997

INTRODUCED BY ARMSTRONG, MARCH 13, 1997

REFERRED TO LABOR AND INDUSTRY, MARCH 13, 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; and making editorial changes.

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

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

AN ACT

20 Establishing and imposing powers and duties on the Office for
21 the Deaf and Hard of Hearing [Impaired] in the Department of

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

4 Section 1. Legislative findings.

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

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

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

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

27 (3) It has been estimated that approximately 82,000 deaf
28 and 244,000 hard of hearing persons reside in Pennsylvania.
29 Since 1971, 22 states have legislatively established a
30 commission, office, council or board for the deaf and hard of

1 hearing [impaired].

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

8 Section 2. Office established.

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

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

19 Section 3. Powers and duties of the office.

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

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

28 (2) Advocate and promote the establishment of a
29 directory of agencies, both public and private, which provide
30 community services, evaluate the extent to which they make

1 services available to deaf and hard of hearing [impaired]
2 people, and cooperate with the agencies in coordinating and
3 extending these services.

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

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

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

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

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

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

27 (9) The Office for the Deaf and Hard of Hearing
28 [Impaired] shall act as an advocate for and promote the
29 interests of the deaf and hard of hearing [impaired] before
30 any department, division, board, bureau, commission or agency

1 of the Commonwealth, or of any political subdivision thereof,
2 as might be needed to enable it to properly carry out its
3 activities under this section.

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

8 Section 4. Establishment of regional service centers.

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

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

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

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

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

28 (4) Promote expanded adult educational opportunities for
29 hard of hearing [impaired] persons.

30 (5) Coordinate the provision of instruction in sign

1 language to persons in community agencies.

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

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

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

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

16 Section 5. Advisory Council for the Deaf and Hard of Hearing
17 [Impaired].

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

29 (b) Members.--The nine appointed public members shall be
30 individuals selected from schools, organizations and non-State

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

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

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

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

27 Section 3. Section 6 of the act is amended to read:

28 Section 6. Powers and duties of Advisory Council for the Deaf
29 and Hard of Hearing [Impaired].

30 The Advisory Council for the Deaf and Hard of Hearing

1 [Impaired] shall have the following powers and duties:

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

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

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

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

18 [Section 7. Sunset.

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

27 Section 5. A statutory or regulatory reference to the Office
28 for the Deaf and Hearing Impaired shall be deemed a reference to
29 the Office for the Deaf and Hard of Hearing. A statutory or
30 regulatory reference to the Advisory Council for the Deaf and

- 1 Hearing Impaired shall be deemed a reference to the Advisory
- 2 Council for the Deaf and Hard of Hearing.
- 3 Section 6. This act shall take effect in 60 days.