
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1594 Session of
2009

INTRODUCED BY MAHER, DeWEESE, BAKER, BEYER, BRADFORD, BRENNAN, BRIGGS, BROWN, BURNS, CALTAGIRONE, CASORIO, COHEN, CUTLER, DAY, DENLINGER, GEIST, GEORGE, GODSHALL, GROVE, HARHAI, HESS, HORNAMAN, JOSEPHS, KILLION, KORTZ, KULA, LENTZ, LONGIETTI, MAHONEY, MARKOSEK, MARSHALL, MENSCH, MILNE, MURT, MUSTIO, M. O'BRIEN, O'NEILL, PHILLIPS, PICKETT, PYLE, RAPP, READSHAW, REICHLEY, SANTONI, SEIP, SIPTROTH, K. SMITH, SONNEY, SWANGER, J. TAYLOR, VULAKOVICH, WATERS AND YOUNGBLOOD, JUNE 2, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 2, 2009

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

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

8 CHAPTER 1

9 PRELIMINARY PROVISIONS

10 Section 101. Short title.

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

13 Section 102. Legislative policy and declaration.

14 The General Assembly finds and declares as follows:

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

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

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

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

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

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

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

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

23 Section 103. Definitions.

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

27 "Advisory committee." The Advisory Committee for People With
28 Disabilities created in section 501.

29 "Consumer control." The right of a person with a disability
30 or an individual acting on behalf of a person with a disability

1 to maintain power and authority over decisions affecting the
2 provision of services, programs and community activities.

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

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

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

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

19 "Office." The Office for People with Disabilities created
20 under section 301.

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

27 CHAPTER 3

28 OFFICE FOR PEOPLE WITH DISABILITIES

29 Section 301. Creation of office.

30 The Office for People with Disabilities is hereby created

1 within the Office of the Governor. The office shall be
2 administered by the Office of the Governor.

3 Section 302. Powers and duties of office.

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

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

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

13 (3) Act as a system advocate to expand the availability
14 of disability services and programs and access to generic
15 services and programs.

16 (4) Plan for Statewide improvements in services and
17 programs for persons with disabilities and their families and
18 guardians.

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

25 (6) Employ an executive director to carry out the duties
26 of this section.

27 Section 303. Power to contract.

28 The office may contract with Statewide disability-related
29 organizations to carry out the provisions of this act, provided
30 the contracts place contract activities under the direction and

1 control of consumers with disabilities.

2 CHAPTER 5

3 ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES

4 Section 501. Creation of committee.

5 The Advisory Committee for People with Disabilities is hereby
6 created within the Office for People with Disabilities and shall
7 serve in an advisory capacity to the office in matters regarding
8 persons with disabilities in this Commonwealth. The advisory
9 committee shall be administered by the Office for People with
10 Disabilities.

11 Section 502. Membership.

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

- 15 (1) Secretary of Public Welfare.
- 16 (2) Secretary of Labor and Industry.
- 17 (3) Secretary of Health.
- 18 (4) Secretary of Education.
- 19 (5) Secretary of Transportation.
- 20 (6) Secretary of the Budget.
- 21 (7) Secretary of Aging.
- 22 (8) Secretary of Policy and Planning.
- 23 (9) Adjutant General.
- 24 (10) Secretary of the Commonwealth.
- 25 (11) Director of the Office of Health Care Reform.
- 26 (12) Chairperson of the Pennsylvania Human Relations
27 Commission.
- 28 (13) Executive Director of the Pennsylvania Housing
29 Finance Agency.
- 30 (14) Executive Director of the Pennsylvania

1 Developmental Disabilities Planning Council.

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

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

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

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

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

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

18 (c) Voting.--

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

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

25 (d) Terms.--

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

28 (2) Members appointed under subsection (b) shall serve
29 at the pleasure of the Governor as long as they represent the
30 interest of the membership class for which they were

1 appointed and shall serve until their successors are
2 appointed.

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

6 (f) Expenses of members.--Members of the committee shall
7 receive no payment for their services. Members who are not
8 employees of State government shall be reimbursed for expenses
9 incurred in the course of their official duties and in
10 accordance with the Rehabilitation Act of 1973 (Public Law
11 93-112, 29 U.S.C. § 701 et seq.).
12 Section 503. Powers and duties of advisory committee.

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

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

18 (2) Serve as the Governor's liaison to persons with
19 disabilities on policies, procedures, regulations and
20 legislation that affect persons with disabilities in order to
21 ensure that State government is accessible, accountable and
22 responsive to persons with disabilities.

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

28 (4) Work with the Governor and the agencies under the
29 Governor's jurisdiction to monitor the hiring, retention and
30 promotion practices of the Commonwealth relating to the

1 employment of people with disabilities in order to ensure
2 that there are no discriminatory practices within the
3 Commonwealth.

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

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

10 (c) Workgroups.--Nothing in this section shall prevent the
11 committee from establishing ad hoc workgroups or local
12 committees to assist in research and other duties necessary to
13 carry out the mission of the office.

14 CHAPTER 21

15 MISCELLANEOUS PROVISIONS

16 Section 2101. Funding.

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

25 Section 2102. Effective date.

26 This act shall take effect in 60 days.