

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1594 Session of
2009

INTRODUCED BY MAHER, DeWEESE, PASHINSKI, 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, YOUNGBLOOD AND WATSON, JUNE 2, 2009

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 9, 2010

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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7 ESTABLISHING THE GOVERNOR'S CABINET FOR PEOPLE WITH DISABILITIES ←
8 AND THE GOVERNOR'S ADVISORY COMMITTEE FOR PEOPLE WITH
9 DISABILITIES; AND PROVIDING FOR THEIR POWERS AND DUTIES.

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

12 CHAPTER 1 ←

13 PRELIMINARY PROVISIONS

14 ~~Section 101. Short title.~~

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

17 ~~Section 102. Legislative policy and declaration.~~

18 ~~The General Assembly finds and declares as follows:~~

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

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

31 ~~(3) Persons with disabilities who could live and work in~~

1 ~~the community live in institutions at State expense due to~~
2 ~~inadequate funding for community support services. The result~~
3 ~~is a loss both to these individuals and to this Commonwealth.~~

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

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

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

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

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

26 ~~Section 103. Definitions.~~

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

30 ~~"Advisory committee." The Advisory Committee for People With~~

1 ~~Disabilities created in section 501.~~

2 ~~"Consumer control." The right of a person with a disability~~
3 ~~or an individual acting on behalf of a person with a disability~~
4 ~~to maintain power and authority over decisions affecting the~~
5 ~~provision of services, programs and community activities.~~

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

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

13 ~~(1) Mobility.~~

14 ~~(2) Communication.~~

15 ~~(3) Self care.~~

16 ~~(4) Work.~~

17 ~~(5) Recreation.~~

18 ~~(6) Independent living.~~

19 ~~(7) Learning.~~

20 ~~(8) Self direction.~~

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

22 ~~"Office." The Office for People with Disabilities created~~
23 ~~under section 301.~~

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

30 ~~CHAPTER 3~~

1 OFFICE FOR PEOPLE WITH DISABILITIES

2 ~~Section 301. Creation of office.~~

3 ~~The Office for People with Disabilities is hereby created~~
4 ~~within the Office of the Governor. The office shall be~~
5 ~~administered by the Office of the Governor.~~

6 ~~Section 302. Powers and duties of office.~~

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

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

12 ~~(2) Identify gaps in disability services and programs~~
13 ~~and funding shortages in collaboration with the advisory~~
14 ~~committee and report this information annually to the~~
15 ~~Governor and to the General Assembly.~~

16 ~~(3) Act as a system advocate to expand the availability~~
17 ~~of disability services and programs and access to generic~~
18 ~~services and programs.~~

19 ~~(4) Plan for Statewide improvements in services and~~
20 ~~programs for persons with disabilities and their families and~~
21 ~~guardians.~~

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

28 ~~(6) Employ an executive director to carry out the duties~~
29 ~~of this section.~~

30 ~~Section 303. Power to contract.~~

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

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

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

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

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

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

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

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

21 ~~(c) Voting.~~

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

25 ~~(2) The members appointed under subsection (b) shall~~
26 ~~hold voting privileges on all matters brought up for~~
27 ~~consideration by the committee.~~

28 ~~(d) Terms.~~

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

1 ~~(2) Members appointed under subsection (b) shall serve~~
2 ~~at the pleasure of the Governor as long as they represent the~~
3 ~~interest of the membership class for which they were~~
4 ~~appointed and shall serve until their successors are~~
5 ~~appointed.~~

6 ~~(c) Chairperson. The Governor shall appoint a~~
7 ~~nongovernmental member of the committee to serve as chairperson~~
8 ~~of the advisory committee.~~

9 ~~(f) Expenses of members. Members of the committee shall~~
10 ~~receive no payment for their services. Members who are not~~
11 ~~employees of State government shall be reimbursed for expenses~~
12 ~~incurred in the course of their official duties and in~~
13 ~~accordance with the Rehabilitation Act of 1973 (Public Law~~
14 ~~93 112, 29 U.S.C. § 701 et seq.).~~

15 ~~Section 503. Powers and duties of advisory committee.~~

16 ~~(a) Enumeration. The advisory committee shall have the~~
17 ~~power and its duties shall be to:~~

18 ~~(1) Make recommendations to the Governor on policies,~~
19 ~~procedures, regulations and legislation that aid persons with~~
20 ~~disabilities in Pennsylvania.~~

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

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

1 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE GOVERNOR'S
2 CABINET FOR PEOPLE WITH DISABILITIES ACT.

3 SECTION 2. DECLARATION OF POLICY.

4 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

5 (1) DISCRIMINATION AGAINST INDIVIDUALS OR GROUPS BY
6 REASON OF DISABILITY IS UNLAWFUL.

7 (2) DISCRIMINATION BASED UPON DISABILITY THREATENS THE
8 RIGHTS AND PRIVILEGES OF RESIDENTS OF THIS COMMONWEALTH.

9 (3) THE DENIAL OF EQUAL EMPLOYMENT, HOUSING AND PUBLIC
10 ACCOMMODATION OPPORTUNITIES BECAUSE OF DISCRIMINATION BASED
11 UPON DISABILITY, AND THE FAILURE TO USE THE PRODUCTIVE
12 ABILITIES OF INDIVIDUALS TO THEIR FULLEST EXTENT, DEPRIVE
13 PEOPLE WITH DISABILITIES FROM OPPORTUNITIES TO ENHANCE THEIR
14 STANDARD OF LIVING.

15 (4) THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE
16 COMMONWEALTH IS PROMOTED BY PROVIDING EQUAL OPPORTUNITIES FOR
17 ALL INDIVIDUALS, REGARDLESS OF DISABILITY, TO PUBLIC
18 ACCOMMODATION AND SECURE, ACCESSIBLE, AFFORDABLE HOUSING
19 ACCOMMODATION AND COMMERCIAL PROPERTY.

20 (5) SERVICES AND PROGRAMS PROVIDED BY THE COMMONWEALTH
21 FOR INDIVIDUALS WITH DISABILITIES AND THEIR FAMILIES AND
22 GUARDIANS SHOULD BE PROVIDED IN A TIMELY MANNER THAT PROMOTES
23 INDEPENDENT LIVING, ENABLES PEOPLE TO OBTAIN AND MAINTAIN
24 EMPLOYMENT AND SUPPORTS PEOPLE WITH DISABILITIES IN THE LEAST
25 RESTRICTIVE ENVIRONMENT.

26 (6) THE COMMONWEALTH SHOULD STRIVE TO PROMOTE THE
27 EMPLOYMENT OF ALL INDIVIDUALS IN ACCORDANCE WITH THEIR
28 FULLEST ABILITIES TO SAFEGUARD THEIR RIGHT TO OBTAIN AND HOLD
29 EMPLOYMENT WITHOUT DISCRIMINATION.

30 (7) A STATE-LEVEL OFFICE IS NEEDED TO ADVISE AND ASSIST

1 THE OFFICE OF THE GOVERNOR AND DEPARTMENTS WITHIN STATE
2 GOVERNMENT IN DEVELOPING POLICIES ADDRESSING THE CONCERNS OF
3 INDIVIDUALS WITH DISABILITIES.

4 (8) ACCESS TO THE OFFICE WILL ENABLE INDIVIDUALS WITH
5 DISABILITIES AND THEIR FAMILIES AND GUARDIANS TO HAVE THEIR
6 CONCERNS AND ISSUES ADDRESSED.

7 SECTION 3. DEFINITIONS.

8 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
9 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
10 CONTEXT CLEARLY INDICATES OTHERWISE:

11 "CABINET." THE GOVERNOR'S CABINET FOR PEOPLE WITH
12 DISABILITIES ESTABLISHED IN SECTION 4.

13 "COMMITTEE." THE GOVERNOR'S ADVISORY COMMITTEE FOR PEOPLE
14 WITH DISABILITIES ESTABLISHED IN SECTION 5.

15 SECTION 4. GOVERNOR'S CABINET FOR PEOPLE WITH DISABILITIES.

16 (A) ESTABLISHMENT.--THE GOVERNOR'S CABINET FOR PEOPLE WITH
17 DISABILITIES IS ESTABLISHED.

18 (B) EXECUTIVE DIRECTOR.--THE GOVERNOR SHALL APPOINT AN
19 EXECUTIVE DIRECTOR OF THE CABINET.

20 (C) MEMBERSHIP.--THE CABINET SHALL CONSIST OF THE FOLLOWING
21 MEMBERS, WHO SHALL SERVE BY VIRTUE OF THEIR PUBLIC POSITIONS:

22 (1) THE SECRETARY OF PUBLIC WELFARE, WHO SHALL SERVE AS
23 CHAIR OF THE CABINET.

24 (2) THE SECRETARY OF LABOR AND INDUSTRY.

25 (3) THE SECRETARY OF HEALTH.

26 (4) THE SECRETARY OF EDUCATION.

27 (5) THE SECRETARY OF TRANSPORTATION.

28 (6) THE SECRETARY OF THE BUDGET.

29 (7) THE SECRETARY OF AGING.

30 (8) THE SECRETARY OF POLICY AND PLANNING.

1 (9) THE DIRECTOR OF THE OFFICE OF HEALTH CARE REFORM.

2 (10) THE ADJUTANT GENERAL OF MILITARY AND VETERANS
3 AFFAIRS.

4 (11) THE CHAIRPERSON OF THE PENNSYLVANIA HUMAN RELATIONS
5 COMMISSION.

6 (12) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA
7 DEVELOPMENTAL DISABILITIES COUNCIL.

8 (13) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR
9 PEOPLE WITH DISABILITIES.

10 (14) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S LONG TERM
11 LIVING COUNCIL.

12 (D) RESPONSIBILITIES.--THE RESPONSIBILITIES OF THE CABINET
13 SHALL BE AS FOLLOWS:

14 (1) MAKE RECOMMENDATIONS TO THE GOVERNOR ON POLICIES,
15 PROCEDURES, REGULATIONS AND LEGISLATION THAT AID PEOPLE WITH
16 DISABILITIES IN THIS COMMONWEALTH.

17 (2) SERVE AS THE GOVERNOR'S LIAISON TO PEOPLE WITH
18 DISABILITIES ON POLICIES, PROCEDURES, REGULATIONS AND
19 LEGISLATION THAT AFFECT PEOPLE WITH DISABILITIES IN ORDER TO
20 ENSURE THAT STATE GOVERNMENT IS ACCESSIBLE, ACCOUNTABLE AND
21 RESPONSIVE TO PEOPLE WITH DISABILITIES.

22 (3) SERVE AS A RESOURCE TO ALL DEPARTMENTS, COMMISSIONS
23 AND AGENCIES UNDER THE GOVERNOR'S JURISDICTION TO ENSURE THAT
24 THESE GOVERNMENT ENTITIES ARE COGNIZANT OF THE NEEDS OF
25 PEOPLE WITH DISABILITIES AND THEIR RESPECTIVE SERVICES AND
26 PROGRAMS ARE ACCESSIBLE TO THOSE INDIVIDUALS.

27 (4) WORK WITH THE OFFICE OF THE GOVERNOR AND STATE
28 AGENCIES TO MONITOR THE HIRING, RETENTION AND PROMOTION
29 PRACTICES OF THE COMMONWEALTH RELATING TO THE EMPLOYMENT OF
30 PEOPLE WITH DISABILITIES IN ORDER TO ENSURE THAT THERE ARE NO

1 DISCRIMINATORY PRACTICES.

2 SECTION 5. GOVERNOR'S ADVISORY COMMITTEE FOR PEOPLE WITH
3 DISABILITIES.

4 (A) ESTABLISHMENT AND RESPONSIBILITIES.--THE GOVERNOR'S
5 ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES IS ESTABLISHED
6 AND SHALL SERVE IN AN ADVISORY CAPACITY TO THE CABINET IN
7 MATTERS REGARDING PEOPLE WITH DISABILITIES IN THIS COMMONWEALTH.

8 (B) MEMBERSHIP.--THE COMMITTEE SHALL CONSIST OF THE
9 FOLLOWING MEMBERS, WITH A CHAIRPERSON TO BE DESIGNATED BY THE
10 GOVERNOR:

11 (1) THE GOVERNOR SHALL APPOINT AS MEMBERS PEOPLE WITH
12 DISABILITIES, INCLUDING INDIVIDUALS FROM EXISTING STAKEHOLDER
13 GROUPS, IN SUCH NUMBER AS THE GOVERNOR DEEMS APPROPRIATE.

14 (2) AT A MINIMUM, 60% OF THE COMMITTEE MEMBERS SHALL BE
15 PEOPLE WITH DISABILITIES OR FAMILY MEMBERS OF PEOPLE WITH
16 DISABILITIES.

17 (3) COMMITTEE MEMBERS SERVE AT THE PLEASURE OF THE
18 GOVERNOR.

19 (C) COMPENSATION AND EXPENSES.--THE MEMBERS OF THE COMMITTEE
20 SHALL NOT RECEIVE A SALARY OR PER DIEM ALLOWANCE FOR SERVING AS
21 MEMBERS OF THE COMMITTEE, BUT SHALL BE REIMBURSED FOR ACTUAL AND
22 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
23 IN ACCORDANCE WITH COMMONWEALTH POLICY.

24 SECTION 6. RESPONSIBILITIES OF COMMONWEALTH AGENCIES.

25 ALL AGENCIES UNDER THE JURISDICTION OF THE GOVERNOR SHALL
26 COOPERATE WITH AND PROVIDE ANY NECESSARY ASSISTANCE TO THE
27 CABINET AND COMMITTEE IN PERFORMING THEIR FUNCTIONS.

28 SECTION 7. REPORTS AND STUDIES.

29 THE CABINET MAY CONDUCT STUDIES AND ISSUE REPORTS UPON
30 REQUEST AND AS IT DEEMS NECESSARY ON ISSUES AFFECTING PEOPLE

1 WITH DISABILITIES IN THIS COMMONWEALTH.

2 SECTION 20. EFFECTIVE DATE.

3 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.