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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 852 Session of  
2019

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INTRODUCED BY TARTAGLIONE, LEACH, MUTH, FONTANA, SCHWANK,  
HUGHES, STREET, BREWSTER, COSTA, BLAKE AND BROWNE,  
SEPTEMBER 20, 2019

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REFERRED TO STATE GOVERNMENT, SEPTEMBER 20, 2019

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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; establishing the Office for People with  
4 Disabilities and the Advisory Committee for People with  
5 Disabilities; and providing for the powers and duties of the  
6 office and the advisory committee and for funding of the  
7 office and the advisory committee.

8 TABLE OF CONTENTS

9 Chapter 1. Preliminary Provisions

10 Section 101. Short title.

11 Section 102. Legislative policy and declaration.

12 Section 103. Definitions.

13 Chapter 3. Office for People with Disabilities

14 Section 301. Establishment.

15 Section 302. Powers and duties of office.

16 Section 303. Power to contract.

17 Chapter 5. Advisory Committee for People with Disabilities

18 Section 501. Establishment.

19 Section 502. Membership.

20 Section 503. Powers and duties of advisory committee.

1 Chapter 7. Miscellaneous Provisions

2 Section 701. Funding.

3 Section 702. Effective date.

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

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

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

11 Section 102. Legislative policy and declaration.

12 The General Assembly finds and declares as follows:

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

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

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

29 (4) Persons with disabilities and their families and  
30 guardians should have the opportunity to choose and direct

1 the services and programs provided to them, and the community  
2 of persons with disabilities should direct the development  
3 and operation of the delivery system.

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

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

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

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

21 Section 103. Definitions.

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

25 "Advisory committee." The Advisory Committee for People with  
26 Disabilities established under this act.

27 "Consumer control." The right of a person with a disability  
28 or an individual acting on behalf of a person with a disability  
29 to maintain power and authority over decisions affecting the  
30 provision of services, programs and community activities.

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

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

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

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

17 "Office." The Office for People with Disabilities  
18 established under this act.

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

### 25 CHAPTER 3

#### 26 OFFICE FOR PEOPLE WITH DISABILITIES

27 Section 301. Establishment.

28 The Office for People with Disabilities is established within  
29 the Office of the Governor. The office shall be administered by  
30 the Office of the Governor.

1 Section 302. Powers and duties of office.

2 The office shall have all of the following powers and duties:

3 (1) Ensure that all persons with disabilities in this  
4 Commonwealth and their families and guardians have access to  
5 adequate and coordinated quality services and programs.

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

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

12 (ii) Advocate for consumer control.

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

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

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

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

26 (6) Develop, within one year of the effective date of  
27 this section, and enforce all program requirements and  
28 regulations necessary and appropriate for the proper  
29 accomplishment of the duties imposed under this act.

30 Development of program requirements and regulations shall be

1 accomplished in collaboration with the advisory committee.

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

4 Section 303. Power to contract.

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

9 CHAPTER 5

10 ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES

11 Section 501. Establishment.

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

18 Section 502. Membership.

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

22 (1) Secretary of Human Services.

23 (2) Secretary of Labor and Industry.

24 (3) Secretary of Health.

25 (4) Secretary of Education.

26 (5) Secretary of Transportation.

27 (6) Secretary of the Budget.

28 (7) Secretary of Aging.

29 (8) Secretary of Policy and Planning.

30 (9) Adjutant General.

1 (10) Secretary of the Commonwealth.

2 (11) Director of the Office of Health Care Reform.

3 (12) Chairperson of the Pennsylvania Human Relations  
4 Commission.

5 (13) Executive Director of the Pennsylvania Housing  
6 Finance Agency.

7 (14) Executive Director of the Pennsylvania  
8 Developmental Disabilities Planning Council.

9 (15) Executive Director of the Office for People with  
10 Disabilities.

11 (16) Executive Director of the Intra-Governmental  
12 Council on Long-Term Care.

13 (b) Nongovernmental members.--The committee shall consist of  
14 nongovernmental members to be appointed by the Governor as  
15 follows:

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

19 (2) At a minimum, 60% of these members shall be persons  
20 with disabilities or family members of persons with  
21 disabilities.

22 (3) Advisory committee members shall be selected based  
23 upon an evaluation of information received through formal  
24 application.

25 (c) Voting.--

26 (1) The members appointed under subsection (a) may not  
27 vote on any matter brought up for consideration by the  
28 committee.

29 (2) The members appointed under subsection (b) shall  
30 hold voting privileges on all matters brought up for

1 consideration by the committee.

2 (d) Terms.--

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

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

10 (e) Chairperson.--The Governor shall appoint a  
11 nongovernmental member of the committee to serve as chairperson  
12 of the advisory committee.

13 (f) Expenses of members.--Members of the committee may not  
14 receive compensation for their services. Members who are not  
15 employees of State government shall be reimbursed for expenses  
16 incurred in the course of their official duties and in  
17 accordance with the Rehabilitation Act of 1973 (Public Law 93-

18 112, 29 U.S.C. § 701 et seq.).  
19 Section 503. Powers and duties of advisory committee.

20 (a) General rule.--The advisory committee shall have all of  
21 the following powers and duties:

22 (1) Make recommendations to the Governor on policies,  
23 procedures, regulations and legislation that aid persons with  
24 disabilities in this Commonwealth.

25 (2) Serve as the Governor's liaison to persons with  
26 disabilities on policies, procedures, regulations and  
27 legislation that affect persons with disabilities in order to  
28 ensure that State government is accessible, accountable and  
29 responsive to persons with disabilities.

30 (3) Serve as a resource to all departments, commissions



1 and agencies under the Governor's jurisdiction to ensure that  
2 these government entities are cognizant of the needs of  
3 persons with disabilities and that their respective services  
4 and programs are accessible to those individuals.

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

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

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

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

## 21 CHAPTER 7

### 22 MISCELLANEOUS PROVISIONS

23 Section 701. Funding.

24 The Office of the Governor shall use Federal funds where  
25 possible for the administration of the Office for People with  
26 Disabilities and the Advisory Committee for People with  
27 Disabilities and shall expend Federal funds, on appropriation by  
28 the General Assembly, prior to expending any State  
29 appropriations for the same or similar purpose. The Office of  
30 the Governor shall utilize any available private funds to carry

1 out the provisions of this act.

2 Section 702. Effective date.

3 This act shall take effect in 60 days.