
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 452 Session of
2023

INTRODUCED BY TARTAGLIONE, SCHWANK, PENNYCUICK, FONTANA, DILLON,
BARTOLOTTA, COMMITTA, HAYWOOD, KEARNEY, CAPPELLETTI, COSTA,
MUTH AND STREET, MARCH 14, 2023

REFERRED TO STATE GOVERNMENT, MARCH 14, 2023

AN ACT

1 Relating to the delivery of services and programs to individuals
2 with disabilities; conferring powers and duties on the Office
3 of the Governor; establishing the Office for Individuals with
4 Disabilities and the Advisory Committee for Individuals with
5 Disabilities; and providing for the powers and duties of the
6 office and the committee and for funding of the office and
7 the 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 Individuals 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 Individuals with Disabilities

18 Section 501. Establishment.

19 Section 502. Membership.

20 Section 503. Powers and duties of 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 Individuals with Disabilities Act.

11 Section 102. Legislative policy and declaration.

12 The General Assembly finds and declares as follows:

13 (1) An individual with disability and the individual's
14 family and guardians should have access to a full range of
15 services and programs, including equal access to all services
16 and programs provided for those without disabilities, as well
17 as individualized and specialized services that meet the
18 unique needs of individuals without discrimination.

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

25 (3) An individual with disability who could live and
26 work in the community may live in an institution at State
27 expense due to inadequate funding for community support
28 services. The result is a loss both to the individual with
29 disability and to this Commonwealth.

30 (4) An individual with disability and the individual's

1 family and guardians should have the opportunity to choose
2 and direct the services and programs provided to them, and
3 the community of individuals with disabilities should direct
4 the development and operation of the delivery system.

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

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

17 (7) A State-level office and advisory committee is
18 needed to advise and assist the Governor and the General
19 Assembly in developing policies addressing the concerns of
20 individuals with disabilities and the individuals' family and
21 guardians.

22 (8) Access to the office will enable individuals with
23 disabilities and the individuals' family and guardians to
24 have their concerns and issues addressed.

25 Section 103. Definitions.

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

29 "Committee." The Advisory Committee for Individuals with
30 Disabilities established under this act.

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

6 "Disability services." Services and programs provided to
7 individuals with disabilities or the individuals' family or
8 guardians to enhance the ability of individuals with
9 disabilities to live or work independently and to pursue their
10 rights and responsibilities as citizens.

11 "Functional limitation." A limitation that affects 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 "Individual with 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 long-term.

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

28 "Office." The Office for Individuals with Disabilities
29 established under this act.

30 CHAPTER 3

1 OFFICE FOR INDIVIDUALS WITH DISABILITIES

2 Section 301. Establishment.

3 The Office for Individuals with Disabilities is established
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 (a) Duties.--The office shall have all of the following
8 powers and duties:

9 (1) Ensure that an individual with disability in this
10 Commonwealth and the individual's family and guardians have
11 access to adequate and coordinated quality services and
12 programs.

13 (2) Establish interagency agreements and working
14 relationships with other governmental bodies and public and
15 private agencies to:

16 (i) Ensure access to the full range of available
17 services and programs for an individual with disability
18 and the individual's family and guardians.

19 (ii) Advocate for consumer control.

20 (iii) Coordinate the delivery of nonduplicative
21 disability services and programs to an individual with
22 disability and the individual's family and guardians.

23 (3) Identify gaps in disability services and programs
24 and funding shortages in collaboration with the committee and
25 report this information annually to the Governor and to the
26 General Assembly.

27 (4) Act as a system advocate to expand the availability
28 of disability services and programs and access to generic
29 services and programs.

30 (5) Plan for Statewide improvements in services and

1 programs for an individual with disability and the
2 individual's family and guardians.

3 (6) Develop and enforce, within one year of the
4 effective date of this section, regulations necessary and
5 appropriate to satisfy the duties imposed under this act.
6 Development of program requirements and regulations shall be
7 accomplished in collaboration with the committee.

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

10 Section 303. Power to contract.

11 The office may contract with Statewide disability-related
12 organizations to carry out the provisions of this act. The
13 contracts must place contract activities under the direction and
14 control of individuals with disabilities.

15 CHAPTER 5

16 ADVISORY COMMITTEE FOR INDIVIDUALS WITH DISABILITIES

17 Section 501. Establishment.

18 The Advisory Committee for Individuals with Disabilities is
19 established within the office and shall serve in an advisory
20 capacity to the office in matters regarding individuals with
21 disabilities in this Commonwealth. The committee shall be
22 administered by the office.

23 Section 502. Membership.

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

27 (1) Adjutant General.

28 (2) Secretary of Aging.

29 (3) Secretary of the Budget.

30 (4) Secretary of the Commonwealth.

- 1 (5) Secretary of Education.
- 2 (6) Secretary of Health.
- 3 (7) Secretary of Human Services.
- 4 (8) Secretary of Labor and Industry.
- 5 (9) Secretary of Policy and Planning.
- 6 (10) Secretary of Transportation.
- 7 (11) Director of the Office of Health Care Reform.
- 8 (12) Chairperson of the Pennsylvania Human Relations
9 Commission.
- 10 (13) Executive Director of the Pennsylvania Housing
11 Finance Agency.
- 12 (14) Executive Director of the Pennsylvania
13 Developmental Disabilities Planning Council.
- 14 (15) Executive Director of the Office for Individuals
15 with Disabilities.
- 16 (16) Executive Director of the Intra-Governmental
17 Council on Long-Term Care.

18 (b) Nongovernmental members.--The committee shall consist of
19 nongovernmental members to be appointed by the Governor as
20 follows:

21 (1) The Governor shall appoint individuals with
22 disabilities, including individuals from existing stakeholder
23 groups, in such number as the Governor deems appropriate.

24 (2) At a minimum, 60% of nongovernmental members shall
25 be individuals with disability or family members of
26 individuals with disabilities.

27 (3) Committee members shall be selected based upon an
28 evaluation of information received through formal
29 application.

30 (c) Voting.--

1 (1) The members appointed under subsection (a) may not
2 vote on matters brought up for consideration by the
3 committee.

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

7 (d) Terms.--

8 (1) The term of a member under subsection (a) shall be
9 concurrent with the member's holding of public office.

10 (2) A member appointed under subsection (b) shall serve
11 at the pleasure of the Governor as long as the member
12 represents the interest of the membership class for which the
13 member was appointed and shall serve until the member's
14 successor is appointed.

15 (e) Chairperson.--The Governor shall appoint a
16 nongovernmental member of the committee to serve as chairperson
17 of the committee.

18 (f) Expenses of members.--

19 (1) A member of the committee may not receive
20 compensation for service on the committee.

21 (2) A member of the committee who is not an employee of
22 State government shall be reimbursed for expenses incurred in
23 the course of official duties as a member and in accordance
24 with 29 U.S.C. Ch. 16 (relating to vocational rehabilitation
25 and other rehabilitation services).

26 Section 503. Powers and duties of committee.

27 (a) General rule.--The committee shall have all of the
28 following powers and duties:

29 (1) Make recommendations to the Governor on policies,
30 procedures, regulations and legislation that aid individuals

1 with disabilities in this Commonwealth.

2 (2) Serve as the Governor's liaison to individuals with
3 disabilities on policies, procedures, regulations and
4 legislation that affect individuals with disabilities in
5 order to ensure that State government is accessible,
6 accountable and responsive to individuals with disabilities.

7 (3) Serve as a resource to all departments, commissions
8 and agencies under the Governor's jurisdiction to ensure that
9 government entities are cognizant of the needs of individuals
10 with disabilities and that government entities' respective
11 services and programs are accessible to those individuals.

12 (4) Work with the Governor and the agencies under the
13 Governor's jurisdiction to monitor the hiring, retention and
14 promotion practices of the Commonwealth relating to the
15 employment of individuals with disabilities in order to
16 ensure that there are no discriminatory practices within the
17 Commonwealth.

18 (5) Perform other duties as the Governor may assign in
19 planning for services and programs for individuals with
20 disabilities and the individuals' family and guardians.

21 (b) Studies and reports.--The committee may conduct studies
22 and issue reports upon request and as the committee deems
23 necessary on issues affecting individuals with disabilities in
24 this Commonwealth.

25 (c) Construction.--Nothing in this section may be construed
26 to prevent the committee from establishing ad hoc work groups or
27 local boards to assist in research and other duties necessary to
28 carry out the mission of the office.

29 CHAPTER 7

30 MISCELLANEOUS PROVISIONS

1 Section 701. Funding.

2 (a) Use of Federal money.--The Office of the Governor shall
3 use Federal money where possible for the administration of the
4 office.

5 (b) Appropriated money.--The committee shall expend Federal
6 money on appropriation by the General Assembly prior to
7 expending any State appropriations for the same or similar
8 purpose.

9 (c) Private money.--The Office of the Governor shall utilize
10 any available private money to carry out the provisions of this
11 act.

12 Section 702. Effective date.

13 This act shall take effect in 60 days.