

No. 1997-37

## AN ACT

## HB 711

Amending the act of December 16, 1986 (P.L.1621, No.184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," redesignating the Office for the Deaf and Hearing Impaired and the Advisory Council for the Deaf and Hearing Impaired; further providing for expiration; and making editorial changes.

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

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

## AN ACT

Establishing and imposing powers and duties on the Office for the Deaf and *Hard of Hearing [Impaired]* in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and *Hard of Hearing [Impaired]* in the Department of Labor and Industry.

Section 1. Legislative findings.

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

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

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

(2) These problems can be addressed by providing a special focus on services for the deaf and *hard of hearing [impaired]* by implementing and

coordinating communication assistance, training, information and referral services for those with hearing handicaps and for those who provide services to the *hard of hearing [impaired]*.

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

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

#### Section 2. Office established.

(a) Office.—There is established within the Department of Labor and Industry an Office for the Deaf and *Hard of Hearing [Impaired]*.

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

#### Section 3. Powers and duties of the office.

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

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

(2) Advocate and promote the establishment of a directory of agencies, both public and private, which provide community services, evaluate the extent to which they make services available to deaf and *hard of hearing [impaired]* people, and cooperate with the agencies in coordinating and extending these services.

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

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

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

(6) Collect, systematize and make available for other agencies information in regard to deaf persons and other persons *who are hard of [impaired]* hearing in this Commonwealth, including their numbers and characteristics, such as the nature, causes and severity of their hearing

losses, their educational and economic status, and any other relevant information.

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

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

(9) The Office for the Deaf and *Hard of Hearing* [Impaired] shall act as an advocate for and promote the interests of the deaf and *hard of hearing* [impaired] before any department, division, board, bureau, commission or agency of the Commonwealth, or of any political subdivision thereof, as might be needed to enable it to properly carry out its activities under this section.

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

#### Section 4. Establishment of regional service centers.

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

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

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

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

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

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

(5) Coordinate the provision of instruction in sign language to persons in community agencies.

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

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

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

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

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

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

(b) Members.—The nine appointed public members shall be individuals selected from schools, organizations and non-State agencies which render services to or represent persons [having] *who are hard of hearing* [impairments]. At least four of the public members shall be deaf or *hard of hearing* [impaired]. Initially, the Governor shall designate two of the public members to serve one-year terms, two to serve two-year terms, two to serve three-year terms and two to serve four-year terms. Thereafter, all appointed members shall serve for four years. The council members from State offices shall serve during their tenure in office and shall remain on the council until such time as a replacement is named and qualified. The legislative members of the council shall serve two-year terms commencing with the first Tuesday in January of odd-numbered years and may be reappointed upon reelection to office.

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

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

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

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

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

The Advisory Council for the Deaf and *Hard of Hearing [Impaired]* shall have the following powers and duties:

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

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

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

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

**[Section 7. Sunset.**

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

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

Section 6. This act shall take effect in 60 days.

APPROVED—The 25th day of June, A.D. 1997.

THOMAS J. RIDGE