

## No. 1986-184

## AN ACT

## SB 259

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.

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

**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 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 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 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 hearing impaired.

(c) **Intent.**—It is the intent of the General Assembly that the Advisory Council for the Deaf and Hearing Impaired and the Office for the Deaf and 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 Hearing Impaired.

(b) **Director.**—The Secretary of Labor and Industry, on recommendation of the Advisory Council for the Deaf and Hearing Impaired, shall appoint a qualified individual as the Director of the Office for the Deaf and

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 Hearing Impaired, with the advice of the Advisory Council for the Deaf and 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 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 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 hearing impaired.

(4) Advocate and promote the mutual exchange of ideas and information on services for deaf and 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 hearing impaired.

(6) Collect, systematize and make available for other agencies information in regard to deaf persons and other persons 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 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 hearing impaired to State agencies and public institutions providing services to the deaf and hearing impaired and to local agencies and programs.

(9) The Office for the Deaf and Hearing Impaired shall act as an advocate for and promote the interests of the deaf and 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 Hearing Impaired shall, based on recommendations by the Advisory Council for the Deaf and Hearing Impaired, develop a plan for implementing regional services for the hearing impaired in accordance with the guidelines expressed in this section.

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

(1) Inform deaf and other 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 hearing impaired persons and the desired agencies or organizations and to promote the accessibility of community services to hearing impaired persons.

(3) Coordinate the provision of interpreting services to hearing impaired persons.

(4) Promote expanded adult educational opportunities for 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 hearing impaired persons.

(7) Serve as an advocate for the rights and needs of people with hearing impairments, including deaf and 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 5. Advisory Council for the Deaf and Hearing Impaired.

(a) Council.—The Advisory Council for the Deaf and Hearing Impaired, herein referred to as council, is created within the Department of Labor and Industry and shall consist of 15 members as follows: the Secretary of Public Welfare, the Secretary of Health, the Secretary of Education, the Secretary of Labor and Industry, 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 eight members of the public to be appointed by the Governor.

(b) Members.—The eight appointed public members shall be individuals selected from schools, organizations and non-State agencies which render services to or represent persons having hearing impairments. At least four of the public members shall be deaf or 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. The initial legislative members' terms will expire the first Tuesday in January 1987.

(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 6. Powers and duties of Advisory Council for the Deaf and Hearing Impaired.**

The Advisory Council for the Deaf and 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 hearing impaired.

(2) Advocate services affecting 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 hearing impaired to State agencies and public institutions providing services to the deaf and hearing impaired and to local agencies and programs.

**Section 7. Sunset.**

The Advisory Council for the Deaf and Hearing Impaired shall continue together with its statutory functions and duties until December 31, 1991, 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 8. Effective date.**

This act shall take effect in 90 days.

APPROVED—The 16th day of December, A. D. 1986.

DICK THORNBURGH