



LEGISLATIVE ACTION

A LEGISLATIVE NEWSLETTER

PA. ASSOC. FOR RETARDED CITIZENS

MARCH 31, 1978

SENATE BILL 94

Last week SB 94 (residence zoning for homes for the handicapped) passed the House by a vote of 113 to 80. Attached you will find a copy of the House Roll Call on this Bill. Please note how your representative(s) voted on this important Bill. Letters of thanks should be issued to all legislators who supported this Bill from your area. Legislators who were opposed must be re-educated on the need for community programs and services for mentally retarded citizens.

The fight is not over yet. The Bill will go to a conference committee to work out the details and to be cleaned up. As of this writing, we do not have a list of the members of that Committee but as soon as we get their names, we will pass them on to you as your legislators in both the House and Senate will need to be informed that PARC supports this Bill with the following deletions: (1) "and providing for payments in lieu of taxation"; (2) "The municipality may require that all the occupants of the community residential facility shall be residents of that municipality or a municipality immediately contiguous thereto." PARC also supports the inclusion of mentally disabled persons under this Bill.

This is an important Bill, so please contact your legislator(s) and urge them to revise and pass this Bill. Any letter sent to any legislator should be carboned to this state office so that we may have a record of which representatives have been contacted.

GOVERNOR'S BUDGET

Ellen Siciliano, Chairman of PARC's State Education Committee, has indicated that her Committee endorses the Governor's Budget for Special Education as the minimum acceptable fiscal allocation necessary to meet the needs of special education students for the coming school year. Mrs. Siciliano urges each local chapter to contact their legislators and support the following line items for special education.

<u>ITEM</u>	<u>1977-78</u>	<u>1978-79</u>
Special Education	\$ 98,528,000	\$109,379,000
Pupil Transportation	78,000,000	106,680,000
Authority Rentals & Sinking Fund	147,000,000	170,200,000
State Schools & Hospitals - Education	9,500,000	16,400,000

Appropriation #15 (State Schools & Hospitals -- Education) is a key item in this year's budget request. The reason for the large increase over last year is due to the fact that private licensed facilities (interim care) and Woodhaven Center will now be able to receive payment out of this line item for the students in those facilities rather than from the General Allocation. To meet the intent and spirit of both state and federal law and also to meet the educational needs of our mentally retarded citizens, we need your support in getting the Governor's Budget request for special education passed.

Mrs. Pat Hametz, Chairman of the PARC State Residential Services Committee, has indicated that her Committee supports the Governor's Budget for this item. She urges all our locals

to support all the items in the Welfare Budget that will help the mentally retarded citizen. Specific attention should be focused on the CLA Budget for this coming year, which is \$30,129,000. The Budget for this item in 1977-78 was \$22,022,000. We need the full amount for CLA's in order to provide the community living arrangement program with an adequate budget to serve our people in the community. Judge Broderick's Order along with our state's commitment to serve mentally retarded citizens in the community should be used as justification for support of this Budget.

The Base Allocation proposed for 1978-79 is \$105,849,000. This is up from \$99,456,000 in 1977-78. We are hard pressed to defend this figure compared to other figures because we lack substantial data from the Office of Mental Retardation. However, if your county does not have the appropriate community services available and if your county administrator is crying lack of funds, we can only stress that your local representative should be made aware of that.

The Institutional Budget for both Mental Health and Mental Retardation is a total of \$342,495,000. The Budget for Mental Retardation amounts to \$241,761,000 of which only \$129,966,000 is from state dollars. It is also important to note that approximately \$8,500,000 has been moved from the Mental Health Budget to the Mental Retardation Budget for residents at Embreeville. Because no additional residents will be admitted or served, this amounts to approximately a seven million dollar reduction in total state funds allocated for mentally retarded persons in state institutions. Your support of this Institutional Budget, particularly in view of the fact that union contracts will be re-negotiated at mid-year 1978, is specifically requested.

Your personal and on-going communication with your local representative will insure the passage of this Budget. We urge you to contact your representatives and let them know of your support. Please, carbon the state PARC Office on any letter sent to representatives so we will be aware of who has been contacted.

SENATE BILL 979

Further testimony on SB 979 (new printer's #1561) was presented, by PARC and 14 other entities, before the Senate Health and Welfare Committee (Senator Coppersmith presiding) on March 21st in Harrisburg. President Teddi Leiden presented testimony on behalf of PARC and Elsie Schmidt, Chairman of the PARC State Governmental Affairs Committee, was in attendance. (copy of testimony presented attached)

The testimony includes further recommendations to streamline the Act and facilitate its subsequent implementation on a county level, adding to section 304 one more criteria for a waiver of judicial procedure providing the facility houses eight persons or less.

The testimony presented on March 21st for the most part supports the provisions included in SB 979. We urge your support of Senator Coppersmith in his endeavor to convince the other Senators that SB 979 is indeed important and should be passed in the near future.

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Distribution: PARC Chapter Pres/Exec.
Governmental Affairs Com. - State & Local
Education & Residential Services Committees
Committee Chairmen
Youth PARC

TESTIMONY ON SB 979

Submitted by:
Pennsylvania Association for Retarded Citizens

Senator Coppersmith, Representative Kelly, members of the Public Health and Welfare Committees: thank you for allowing me to come before you today. As President of the Pennsylvania Association for Retarded Citizens which represents over 360,000 mentally retarded citizens of Pennsylvania, I am compelled to testify today to the necessity of immediate passage of Senate Bill 979.

This Bill is critically needed by mentally retarded persons and their families who are concerned about the future. At the present time, we do not have a procedures act for the placement of an individual in any state-operated program. Persons of all ages are still being inappropriately placed in living situations, and the human tragedies that this Bill will prevent should certainly be kept uppermost in your minds.

Senate Bill 979, if enacted, will provide a statutory base for the ongoing efforts of the Commonwealth of Pennsylvania in the area of community living programs for mentally retarded citizens. The leadership of this state has not been unrecognized by PARC for its commitment to human services; and once again, you of the state legislature are in a position to demonstrate your vision in humane and decent care for those who require specialized services in order to live more normal lives.

The Bill defines the population to be served for the first time, and provides a very necessary complement to the Mental Health procedures act. The bill also guarantees the rights of due process and representation by an advocate for mentally retarded persons requiring placement, and these portions of the Bill are certainly to be applauded. However, it must be noted that the advocate section of the bill will be stripped of its effectiveness if an appropriation is not attached. We urge you to remember this significant fact; and to seriously consider an appropriation. The advocate is absolutely necessary to protect the rights of the individual and to speak on his/her behalf. Since the advocate has no conflict of interest, the advocate can assure the individual and possibly the family that the most appropriate placement will be made.

The timing for this Bill is also crucial. With the recent ruling on the Pennhurst Case by Judge Broderick, the passage and implementation of this bill will complement the order of the court, and will expedite future efforts on behalf of the commonwealth to provide community living and programs for residents of state institutions. As the Judge noted in his order, "Great caution and care must be exercised to make certain that each and every retarded resident who is moved from Pennhurst can be accommodated in a community facility which will provide minimally adequate habilitation."

We offer two suggestions which would further enhance the meaning and application of this Bill. We recommend that a waiver for the judicial process be included if two criteria are met: 1) the individual is being considered for placement in a facility for eight or less; and 2) all parties of the assessment team agree that the placement is appropriate. This suggestion should be construed to reaffirm the application of the Bill to all mentally retarded persons, and the guarantee of each individual's due process rights. We believe, however, that this suggestion will streamline the Bill itself and its subsequent implementation on the county and local level.

We also have a concern that the development of a habilitation plan be developed prior to the placement of any individual in any program. This would prevent the person being inappropriately placed and the adoption of a subsequent make-shift plan to make the best of the situation.

The Pennsylvania Association for Retarded Citizens reaffirms its commitment to the necessity for immediate passage of this bill. Without such legislation, children will still be condemned to debilitating conditions and adults will be left with no process to improve their futures. We leave it to you, the legislature of this state, to make the final determination over the future of 360,000 Pennsylvanians.