

4415

2013-2014 Regular Sessions

I N S E N A T E

March 27, 2013

Introduced by Sens. BONACIC, BOYLE, BRESLIN, FUSCHILLO, GOLDEN, GRIFFO, GRISANTI, LARKIN, MAZIARZ, MONTGOMERY, NOZZOLIO, SAMPSON, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to establish the 25th anniversary of the Americans with Disabilities Act of 1990 commission

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. (a) There shall be a commission established by the governor
2 to evaluate the Americans with Disabilities Act of 1990 and its imple-
3 mentation in the state of New York. Such commission shall consist of
4 the following persons:
- 5 (1) A construction contractor who can estimate the cost of converting
6 existing facilities into accessible facilities to be appointed by the
7 governor;
- 8 (2) A representative of the city of New York to be appointed by the
9 governor upon the recommendation of the mayor of the city of New York;
- 10 (3) An architect or engineer appointed by the governor;
- 11 (4) An attorney with knowledge of the Americans with Disabilities Act
12 to be appointed by the governor;
- 13 (5) A town supervisor or city or village mayor from a town, city, or
14 village with a population greater than 25,000 to be appointed by the
15 governor at the request of the speaker of the assembly;
- 16 (6) An advocate for persons with disabilities appointed by the gover-
17 nor at the request of the temporary president of the senate;
- 18 (7) A town supervisor or city or village mayor from a town, city, or
19 village with a population less than 25,000 to be appointed by the gover-
20 nor at the request of the speaker of the assembly; and
- 21 (8) An elected official with a mobility challenge to be appointed by
22 the governor at the request of the temporary president of the senate.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 No member of the commission shall be disqualified from holding any
2 public office or employment, nor shall he or she forfeit any such office
3 or employment by virtue of his or her appointment hereunder. Members of
4 the commission shall receive no compensation for their services but
5 shall be allowed their actual and necessary expenses incurred in the
6 performance of their functions hereunder. A member of the commission may
7 be removed by the person who requested such member be appointed, or, if
8 no request was made, by the governor, only for good cause, after notice
9 and an opportunity to be heard. Vacancies shall be filled in the same
10 manner as original appointments.

11 (b) There shall be non-voting, ex officio members of the commission
12 consisting of three state employees who hold policy making positions
13 appointed by the governor. Such members shall serve so long as they
14 hold the office they held when appointed by the governor unless extended
15 by the governor on the commission as a non-voting member. The governor
16 shall designate one of these members, who shall at all times be a full
17 time employee of the state to serve as secretary of the commission. The
18 secretary shall also approve all meeting dates and locations and confirm
19 that the provisions of articles six and seven of the public officers law
20 are followed by the commission. The secretary shall serve as the person
21 responsible for maintaining commission documents and coordinating with
22 other state employees or commissions any meetings, witnesses, or testi-
23 mony necessary in the event of any public hearings, which shall be
24 recorded via stenographer or via electronic means.

25 S 2. Powers and duties of the commission. (a) The commission shall
26 issue an interim report to the governor, the temporary president of the
27 senate, the speaker of the assembly and the minority leaders of the
28 senate and assembly on or before November 1, 2014 and a final report not
29 later than December 31, 2015. Such report shall also be made available
30 to the public. The final report shall address:

31 (1) The status of the implementation of the Americans with Disabili-
32 ties Act in New York state;

33 (2) Recommendations on future actions relating to implementation of
34 the Americans with Disabilities Act in New York state;

35 (3) Obstacles to the implementation of the Americans with Disabilities
36 Act and methods to evaluate its implementation on an ongoing basis.

37 (b) In developing its reports, the commission shall be authorized to:

38 (1) call upon any agency, department, office, division or public
39 authority of this state to supply it with such information and assist-
40 ance as the commission deems necessary to discharge its responsibil-
41 ities. Each agency, department, office, division and public authority of
42 this state shall cooperate with the commission and furnish such informa-
43 tion and assistance as it requests to accomplish its purposes;

44 (2) conduct public hearings, hear the testimony of witnesses and
45 require the production of any documents the commission deems reasonably
46 necessary to carry out its responsibilities;

47 (3) take such other actions not inconsistent with the purposes of this
48 section as shall enable the commission to carry out its functions; and

49 (4) select a chairperson from among its members by majority vote.

50 S 3. This act shall take effect immediately; provided that the 25th
51 anniversary of the Americans with Disabilities Act of 1990 commission
52 shall dissolve on its own motion or shall be dissolved automatically no
53 later than December 31, 2016.