S T A T E O F N E W Y O R K

2102

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the accessibility of public hearings and meetings

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

Section 1. Section 74-a of the public officers law, as added by chapter 368 of the laws of 1977, is amended to read as follows:

S 74-a. Duty of public officers regarding [the physically handicapped] ACCESSIBILITY. 1. It shall be the duty of each public officer responsible for the scheduling or siting of any public hearing to make reasonable efforts to ensure (A) that such hearings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law; AND (B) THAT SERVICES OF A QUALIFIED INTERPRETER, IF AVAILABLE, ARE PROVIDED AT SUCH PUBLIC HEARINGS AT NO CHARGE TO PERSONS WHO ARE HEARING IMPAIRED UPON WRITTEN REQUEST TO THE PUBLIC OFFICER RESPONSIBLE FOR THE SCHEDULING OR SITING OF THE PUBLIC HEARING WITHIN A REASONABLE TIME PRIOR TO SUCH HEARING. IF INTERPRETER SERVICES ARE REQUESTED, THE PUBLIC OFFICER RESPONSIBLE FOR THE SCHEDULING OR SITING OF THE PUBLIC HEARING SHALL ENGAGE THE SERVICES OF A QUALIFIED INTERPRETER, IF AVAILABLE, TO INTERPRET THE PROCEEDING TO, AND THE TESTIMONY OF SUCH PERSONS WHO ARE HEARING IMPAIRED; PROVIDED, HOWEVER, THAT SUCH ACTION DOES NOT IMPOSE AN UNDUE HARDSHIP ON THE PUBLIC BODY HOLDING SUCH HEARING.

2. (A) ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SUCH PUBLIC OFFICERS SHALL HAVE THE POWER AND IT SHALL BE THEIR INDIVIDUAL DUTY TO EQUIP ANY ROOMS USED FOR PUBLIC HEARINGS WHICH ACCOMMODATE MORE THAN ONE HUNDRED PERSONS WITH AN ASSISTIVE LISTENING SYSTEM FOR USE BY THE HEARING IMPAIRED.

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

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(B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "ASSISTIVE LISTENING SYSTEM" SHALL MEAN SITUATIONAL-PERSONAL ACOUSTIC COMMUNICATION EQUIPMENT DESIGNED TO IMPROVE THE TRANSMISSION AND AUDITORY RECEPTION OF SOUND. SUCH SYSTEM SHALL INCLUDE BUT NOT BE LIMITED TO THE USE OF STANDARD AMPLITUDE MODULATION (AM), FREQUENCY MODULATION (FM), AUDIO INDUCTION LOOP, INFRARED LIGHT SOUND, OR HARD WIRE SYSTEMS.

S 2. Section 103 of the public officers law is amended by adding two new subdivisions (d) and (e) to read as follows:

(D) PUBLIC BODIES SHALL MAKE OR CAUSE TO BE MADE ALL REASONABLE EFFORTS TO ENSURE THAT SERVICES OF A QUALIFIED INTERPRETER, IF AVAILABLE, ARE PROVIDED AT MEETINGS AT NO CHARGE TO PERSONS WHO ARE HEARING IMPAIRED UPON WRITTEN REQUEST TO THE PUBLIC BODY WITHIN A REASONABLE TIME PRIOR TO SUCH MEETING. IF INTERPRETER SERVICES ARE REQUESTED, THE PUBLIC BODY SHALL ENGAGE THE SERVICES OF A QUALIFIED INTERPRETER, IF AVAILABLE, TO INTERPRET THE PROCEEDINGS OF THE MEETING; PROVIDED, HOWEVER, THAT SUCH ACTION DOES NOT IMPOSE AN UNDUE HARDSHIP ON THE PUBLIC BODY HOLDING SUCH MEETING.

(E) (1) ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, PUBLIC BODIES SHALL HAVE THE POWER AND IT SHALL BE THEIR COLLECTIVE DUTY TO EQUIP MEETING ROOMS WHICH ACCOMMODATE MORE THAN ONE HUNDRED PERSONS WITH AN ASSISTIVE LISTENING SYSTEM FOR USE BY THE HEARING IMPAIRED.

(2) FOR PURPOSES OF THIS SECTION, THE TERM "ASSISTIVE LISTENING SYSTEM" SHALL MEAN SITUATIONAL-PERSONAL ACOUSTIC COMMUNICATION EQUIPMENT DESIGNED TO IMPROVE THE TRANSMISSION AND AUDITORY RECEPTION OF SOUND. SUCH SYSTEM SHALL INCLUDE BUT NOT BE LIMITED TO THE USE OF STANDARD AMPLITUDE MODULATION (AM), FREQUENCY MODULATION (FM), AUDIO INDUCTION LOOP, INFRARED LIGHT SOUND, OR HARD WIRE SYSTEMS.

S 3. This act shall take effect January 1, 2011.