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

3805

2009-2010 Regular Sessions

I N S E N A T E

April 1, 2009

Introduced by Sens. FLANAGAN, ALESI, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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. 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.

S 2. Section 103 of the public officers law is amended by adding a new subdivision (d) 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

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

LBD00254-02-9

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.

S 3. This act shall take effect January 1, 2010.