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

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I N S E N A T E

March 27, 2013

Introduced by Sens. BONACIC, BOYLE, BRESLIN, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing 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:

Section 1. The executive law is amended by adding a new section 295-a to read as follows:

S 295-A. 25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT COMMISSION. 1. THE GOVERNOR SHALL ESTABLISH A COMMISSION TO EVALUATE THE AMERICANS WITH DISABILITIES ACT OF 1990 AND ITS IMPLEMENTATION IN THE STATE OF NEW YORK. SUCH COMMISSION SHALL CONSIST OF THE FOLLOWING PERSONS:

(A) A CONSTRUCTION CONTRACTOR WHO CAN ESTIMATE THE COST OF CONVERTING EXISTING FACILITIES INTO ACCESSIBLE FACILITIES TO BE APPOINTED BY THE GOVERNOR;

(B) A REPRESENTATIVE OF THE CITY OF NEW YORK TO BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE MAYOR OF THE CITY OF NEW YORK;

(C) AN ARCHITECT OR ENGINEER APPOINTED BY THE GOVERNOR;

(D) AN ATTORNEY WITH KNOWLEDGE OF THE AMERICANS WITH DISABILITIES ACT TO BE APPOINTED BY THE GOVERNOR;

(E) A TOWN SUPERVISOR OR CITY OR VILLAGE MAYOR FROM A TOWN, CITY, OR VILLAGE WITH A POPULATION GREATER THAN TWENTY-FIVE THOUSAND TO BE APPOINTED BY THE GOVERNOR AT THE REQUEST OF THE SPEAKER OF THE ASSEMBLY;

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

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(F) AN ADVOCATE FOR PERSONS WITH DISABILITIES APPOINTED BY THE GOVERNOR AT THE REQUEST OF THE TEMPORARY PRESIDENT OF THE SENATE;

(G) A TOWN SUPERVISOR OR CITY OR VILLAGE MAYOR FROM A TOWN, CITY, OR VILLAGE WITH A POPULATION LESS THAN TWENTY-FIVE THOUSAND TO BE APPOINTED BY THE GOVERNOR AT THE REQUEST OF THE SPEAKER OF THE ASSEMBLY; AND

(H) AN ELECTED OFFICIAL WITH A MOBILITY CHALLENGE TO BE APPOINTED BY THE GOVERNOR AT THE REQUEST OF THE TEMPORARY PRESIDENT OF THE SENATE.

2. NO MEMBER OF THE COMMISSION SHALL BE DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT BY VIRTUE OF HIS OR HER APPOINTMENT HEREUNDER. MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS HEREUNDER. A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE PERSON WHO REQUESTED SUCH MEMBER BE APPOINTED, OR, IF NO REQUEST WAS MADE, BY THE GOVERNOR, ONLY FOR GOOD CAUSE, AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD. VACANCIES SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

3. THERE SHALL BE NON-VOTING, EX OFFICIO MEMBERS OF THE COMMISSION CONSISTING OF THREE STATE EMPLOYEES WHO HOLD POLICY MAKING POSITIONS APPOINTED BY THE GOVERNOR. SUCH MEMBERS SHALL SERVE SO LONG AS THEY HOLD THE OFFICE THEY HELD WHEN APPOINTED BY THE GOVERNOR UNLESS EXTENDED BY THE GOVERNOR ON THE COMMISSION AS A NON-VOTING MEMBER. THE GOVERNOR SHALL DESIGNATE ONE OF THESE MEMBERS, WHO SHALL AT ALL TIMES BE A FULL TIME EMPLOYEE OF THE STATE TO SERVE AS SECRETARY OF THE COMMISSION. THE SECRETARY SHALL ALSO APPROVE ALL MEETING DATES AND LOCATIONS AND CONFIRM THAT THE PROVISIONS OF ARTICLES SIX AND SEVEN OF THE PUBLIC OFFICERS LAW ARE FOLLOWED BY THE COMMISSION. THE SECRETARY SHALL SERVE AS THE PERSON RESPONSIBLE FOR MAINTAINING COMMISSION DOCUMENTS AND COORDINATING WITH OTHER STATE EMPLOYEES OR COMMISSIONS ANY MEETINGS, WITNESSES, OR TESTIMONY NECESSARY IN THE EVENT OF ANY PUBLIC HEARINGS, WHICH SHALL BE RECORDED VIA STENOGRAPHER OR VIA ELECTRONIC MEANS.

4. (A) THE COMMISSION SHALL ISSUE AN INTERIM REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADERS OF THE SENATE AND ASSEMBLY ON OR BEFORE NOVEMBER FIRST, TWO THOUSAND FIFTEEN AND A FINAL REPORT NOT LATER THAN NOVEMBER FIRST, TWO THOUSAND SIXTEEN. SUCH REPORT SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC. THE FINAL REPORT SHALL ADDRESS:

(1) THE STATUS OF THE IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT IN NEW YORK STATE;

(2) RECOMMENDATIONS ON FUTURE ACTIONS RELATING TO IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT IN NEW YORK STATE;

(3) OBSTACLES TO THE IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT AND METHODS TO EVALUATE ITS IMPLEMENTATION ON AN ONGOING BASIS.

(B) IN DEVELOPING ITS REPORTS, THE COMMISSION SHALL BE AUTHORIZED TO:

(1) CALL UPON ANY AGENCY, DEPARTMENT, OFFICE, DIVISION OR PUBLIC AUTHORITY OF THIS STATE TO SUPPLY IT WITH SUCH INFORMATION AND ASSISTANCE AS THE COMMISSION DEEMS NECESSARY TO DISCHARGE ITS RESPONSIBILITIES. EACH AGENCY, DEPARTMENT, OFFICE, DIVISION AND PUBLIC AUTHORITY OF THIS STATE SHALL COOPERATE WITH THE COMMISSION AND FURNISH SUCH INFORMATION AND ASSISTANCE AS IT REQUESTS TO ACCOMPLISH ITS PURPOSES;

(2) CONDUCT PUBLIC HEARINGS, HEAR THE TESTIMONY OF WITNESSES AND REQUIRE THE PRODUCTION OF ANY DOCUMENTS THE COMMISSION DEEMS REASONABLY NECESSARY TO CARRY OUT ITS RESPONSIBILITIES;

(3) TAKE SUCH OTHER ACTIONS NOT INCONSISTENT WITH THE PURPOSES OF THIS SECTION AS SHALL ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS; AND

(4) SELECT A CHAIRPERSON FROM AMONG ITS MEMBERS BY MAJORITY VOTE.

S 2. This act shall take effect immediately; provided that the 25th anniversary of the Americans with Disabilities Act of 1990 commission shall dissolve on its own motion or shall be dissolved automatically no later than December 31, 2016.