

STATE OF NEW YORK

3472

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ZEBROWSKI, QUART, BARRON, LUPARDO, SOLAGES, SIMON, DINOWITZ, D'URSO, GUNTHER, MONTESANO, RA, JOHNS -- Multi-Sponsored by -- M. of A. HEVESI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the office of the deaf and hard of hearing; and to repeal section 559 of the executive law relating to the New York state interagency coordinating council for services to persons who are deaf, deaf-blind, or hard of hearing

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 article 28 to read as follows:

ARTICLE 28

OFFICE OF THE DEAF AND HARD OF HEARING

Section 821. Definitions.

822. Office of the deaf and hard of hearing.

823. Executive director.

824. Powers and duties of the office.

825. Deaf and hard of hearing advisory council.

§ 821. Definitions. When used in this article, the following words and terms shall have the meanings ascribed to them in this section: "deaf and hard of hearing" shall mean a person who has partial or complete loss of hearing including individuals who are deaf-blind.

§ 822. Office of the deaf and hard of hearing. There is hereby established within the executive department the "office of the deaf and hard of hearing".

§ 823. Executive director. The governor shall appoint an executive director of the office who shall serve at the pleasure of the governor. The executive director shall receive an annual salary fixed by the governor within the amounts appropriated specifically therefor and shall

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

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1 be entitled to reimbursement for actual expenses necessarily incurred in
2 the discharge of their official duties.

3 § 824. Powers and duties of the office. 1. The office shall advise the
4 governor and the legislature on how the state can effectively meet the
5 needs of the deaf and hard of hearing communities.

6 2. The duties and responsibilities of the office are to:

7 (a) create a statewide plan to deliver coordinated services and
8 programs to persons who are deaf and hard of hearing in a manner that
9 best serves their needs including but not limited to educational,
10 medical, housing, and employment services;

11 (b) develop a process to collect and maintain data on the number of
12 deaf and hard of hearing individuals in New York state;

13 (c) regularly maintain a website that serves as a clearinghouse of
14 information, resources and services for persons who are deaf and hard of
15 hearing;

16 (d) create a referral system that receives complaints in matters
17 affecting the deaf and hard of hearing community and refers such
18 complaints to the appropriate agencies or organizations if necessary or
19 appropriate;

20 (e) coordinate with state and local agencies to improve access to
21 public safety and emergency services;

22 (f) develop strategies to increase employment opportunities for deaf
23 and hard of hearing individuals;

24 (g) develop and recommend policies to the governor and legislature as
25 deemed necessary to assist the deaf and hard of hearing communities;

26 (h) develop a model policy on interpreter services including methods
27 to increase access to such services and licensing of qualified inter-
28 preters;

29 (i) provide technical assistance to local governments, agencies or
30 other non-governmental entities on developing policies, providing
31 services and increasing accessibility for the deaf and hard of hearing
32 communities;

33 (j) improve and expand access to assistive technology including but
34 not limited to, relay services, closed captioning, open captioning,
35 hearing loops, telecommunication devices or other communication
36 services; and

37 (k) coordinate with the department of state regarding access to hear-
38 ing aids and other associated resources.

39 3. The office shall submit an annual report to the governor and legis-
40 lature detailing the operation and actions of the office including but
41 not limited to the development and implementation of the statewide plan,
42 policy recommendations, and actions taken in conjunction with state or
43 local agencies.

44 § 825. Deaf and hard of hearing advisory council. 1. An advisory coun-
45 cil is hereby established to make recommendations on deaf and hard of
46 hearing related issues, assist in the development of policies, and
47 facilitate coordination between federal, state and local governments on
48 issues related to the deaf and hard of hearing community.

49 2. The advisory council shall be comprised of eleven voting members.
50 All members must be New York residents.

51 (a) Four members of the council shall be appointed by the governor,
52 two of whom shall be deaf or hard of hearing.

53 (b) Four members of the council shall be appointed in the following
54 manner and must be deaf or hard of hearing: one member of the council
55 shall be appointed by the temporary president of the senate, one member
56 of the council shall be appointed by the speaker of the assembly, one

1 member of the council shall be appointed by the minority leader of the
2 senate and one member of the council shall be appointed by the minority
3 leader of the assembly.

4 (c) One member of the council shall be the executive director of the
5 office of the deaf and hard of hearing; one member of the council shall
6 be the president of the empire association of the deaf or their designee;
7 and one member of the council shall be the president of the hearing
8 loss association of New York state or their designee.

9 3. The members of the advisory council shall serve terms of three
10 years. Of the four persons appointed pursuant to paragraph (a) of subdivision
11 two of this section, two shall serve for a term of two years and
12 two shall serve for a term of one year, as determined by the governor.
13 Of the four persons appointed pursuant to paragraph (b) of subdivision
14 two of this section, the appointments by the temporary president of the
15 senate and the speaker of the assembly shall serve for a term of two
16 years, and the appointments by the minority leader of the senate and the
17 minority leader of the assembly shall serve for a term of one year.
18 Subsequent appointments upon the expiration of term shall be for a term
19 of three years and shall be filled in the same manner as the original
20 appointment.

21 4. Members of the advisory council shall serve without compensation,
22 but shall be allowed their actual and necessary expenses incurred in the
23 performance of their duties.

24 5. The advisory council shall meet no less than two times per year.
25 The meetings shall be made accessible to the deaf and hard of hearing
26 community. A majority of the voting membership of the advisory council
27 shall constitute a quorum for the transaction of council business.
28 Action may be taken and motions and resolutions adopted by the advisory
29 council at any meeting thereof by the affirmative vote of six members of
30 the advisory council.

31 § 2. Section 559 of the executive law is REPEALED.

32 § 3. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law.