# STATE OF NEW YORK

4737

2019-2020 Regular Sessions

# IN ASSEMBLY

February 5, 2019

Introduced by M. of A. STECK -- 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 advocate for people with disabilities

**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 19-E to read as follows:

**ARTICLE 19-E**

**OFFICE OF THE ADVOCATE FOR PEOPLE WITH DISABILITIES**

**Section 460. Legislative intent.**
**461. Definitions.**
**462. Office of the advocate for people with disabilities.**
**463. Director; general responsibilities.**

**§ 460. Legislative intent. Persons with disabilities comprise a major segment of the state of New York's population and their particular needs and concerns must be considered as an integral part of the planning and implementation of all state programs and services affecting their lives and well-being. The office of the advocate for people with disabilities shall advocate on behalf of persons with disabilities and assure that persons with disabilities are afforded the opportunity to exercise all of the rights and responsibilities accorded to citizens of this state.**

**§ 461. Definitions. For purposes of this article:**

**(a) "Persons with disabilities" shall mean any person who has a disability as defined in subdivision twenty-one of section two hundred ninety-two of this chapter.**

**(b) "State agency" or "state agencies" shall mean any state department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state, except the judiciary or the state legislature.**

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

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§ 462. Office of the advocate for people with disabilities. (a) There is hereby established within the department of the state, an office of the advocate for people with disabilities. The office of the advocate for people with disabilities shall advise and assist state agencies in developing policies designed to help meet the needs of persons with disabilities.

(b) The office of the advocate for people with disabilities shall: (i) be the state's coordinator for the implementation of the Americans with Disabilities Act; (ii) coordinate state activities to ensure that state programs do not discriminate against and are accessible to persons with disabilities; (iii) ensure that such programs provide services to individuals with disabilities in the most integrated setting appropriate to their needs; and (iv) work with state agencies to develop legislation and potential regulatory changes to help effectuate the duties and responsibilities required in this article, and any other changes that may significantly affect the lives of persons with disabilities in the state.

(c) The office of the advocate for people with disabilities shall, to the extent practicable, review and report to the governor upon proposed legislation and regulations. The office of the advocate for people with disabilities shall submit comments, where appropriate, to the state agency which referred such proposed legislation and regulations evaluating: (i) the impact of the proposed legislation or regulation upon persons with disabilities; (ii) the relationship and impact of such proposed legislation or regulation on existing programs affecting persons with disabilities; and (iii) any modifications that would help persons with disabilities or aid in the implementation of the new proposal. All state agencies shall cooperate with the office of the advocate for people with disabilities to ensure that the office is able to fulfill the requirements under this article.

§ 463. Director; general responsibilities. The head of the office of the advocate for people with disabilities shall be the director, who shall be appointed by the governor and receive a salary to be fixed by the governor within the amounts appropriated therefor. The director, subject to rules prescribed by the governor, may appoint and fix the compensation of employees of the office within the amounts appropriated therefor.

§ 2. Subdivisions 1 and 2 of section 702 of the executive law, as added by chapter 551 of the laws of 2002, are amended to read as follows:

1. The most integrated setting coordinating council is hereby created within the executive department to have and exercise the functions, powers and duties provided by the provisions of this article and any other provision of law. The council shall be comprised of the commissioners of: the department of health, the office of mental retardation and developmental disabilities, the office of mental health, the department of transportation, the office of children and family services, the office of alcohol and substance abuse services, the department of education, and the division of housing and community renewal. In addition, the council shall consist of the director of the office for the aging, [~~a representative from~~] the director of the office of the advocate for [~~persons~~] people with disabilities, [~~a representative from the commission on quality of care for the mentally disabled,~~] three consumers of services for individuals with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly, three individ-

uals with expertise in the field of community services for people of all ages with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly, and three individuals with expertise in or recipients of services available to senior citizens with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly.

2. The [~~commissioners of the department of health, the office of mental health, the office of mental retardation and developmental disabilities, and the director of the office for the aging~~] director of the office of the advocate for people with disabilities shall [~~rotate~~] serve as chairperson of the council [~~on a quarterly basis~~].

§ 3. This act shall take effect April 1, 2020.