

# STATE OF NEW YORK

9004

## IN ASSEMBLY

January 10, 2020

Introduced by M. of A. STECK, REYES, COLTON, SIMON, JAFFEE, DE LA ROSA, DeSTEFANO, CROUCH, MOSLEY, COOK, STERN, D'URSO, ENGLEBRIGHT, SANTABARBARA, M. G. MILLER, BARRON, ZEBROWSKI, RIVERA, DICKENS, ROMEO, GOTTFRIED, MONTESANO, MORINELLO, KOLB, WALSH, CRUZ, BUTTENSCHON, OTIS, WEPRIN, L. ROSENTHAL, FRONTUS, SEAWRIGHT, GRIFFIN, FALL, NIOU, JACOBSON, M. L. MILLER -- 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:

1 Section 1. The executive law is amended by adding a new article 19-E  
2 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.

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

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

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18 (a) "Persons with disabilities" shall mean any person who has a disa-  
19 bility as defined in subdivision twenty-one of section two hundred nine-  
20 ty-two of this chapter.

21 (b) "State agency" or "state agencies" shall mean any state depart-  
22 ment, board, bureau, division, commission, committee, public authority,  
23 public corporation, council, office or other governmental entity

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

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1 performing a governmental or proprietary function for the state, except  
2 the judiciary or the state legislature.

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

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

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

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

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

43 1. The most integrated setting coordinating council is hereby created  
44 within the executive department to have and exercise the functions,  
45 powers and duties provided by the provisions of this article and any  
46 other provision of law. The council shall be comprised of the commis-  
47 sioners of: the department of health, the office [~~of mental retardation~~  
48 ~~and~~] for people with developmental disabilities, the office of mental  
49 health, the department of transportation, the office of children and  
50 family services, the office of [~~alcohol and substance abuse~~] addiction  
51 services and supports, the department of education, and the division of  
52 housing and community renewal. In addition, the council shall consist of  
53 the director of the office for the aging, [~~a representative from~~] the  
54 director of the office of the advocate for [~~persons~~] people with disa-  
55 bilities, [~~a representative from the commission on quality of care for~~  
56 ~~the mentally disabled,~~] three consumers of services for individuals with

1 disabilities, one to be appointed by the governor, one to be appointed  
2 by the temporary president of the senate, and one to be appointed by the  
3 speaker of the assembly, three individuals with expertise in the field  
4 of community services for people of all ages with disabilities, one to  
5 be appointed by the governor, one to be appointed by the temporary presi-  
6 dent of the senate, and one to be appointed by the speaker of the  
7 assembly, and three individuals with expertise in or recipients of  
8 services available to senior citizens with disabilities, one to be  
9 appointed by the governor, one to be appointed by the temporary presi-  
10 dent of the senate, and one to be appointed by the speaker of the assem-  
11 bly.

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

17 § 3. This act shall take effect April 1, 2021.