

# 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:

1 Section 1. The executive law is amended by adding a new article 28 to  
2 read as follows:

### ARTICLE 28

#### OFFICE OF THE DEAF AND HARD OF HEARING

##### Section 821. Definitions.

6 822. Office of the deaf and hard of hearing.

7 823. Executive director.

8 824. Powers and duties of the office.

9 825. Deaf and hard of hearing advisory council.

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

14 § 822. Office of the deaf and hard of hearing. There is hereby estab-  
15 lished within the executive department the "office of the deaf and hard  
16 of hearing".

17 § 823. Executive director. The governor shall appoint an executive  
18 director of the office who shall serve at the pleasure of the governor.  
19 The executive director shall receive an annual salary fixed by the  
20 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 desig-  
7 nee; 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 subdi-  
11 vision 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.