

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:

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
24 performing a governmental or proprietary function for the state, except
25 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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1 § 462. Office of the advocate for people with disabilities. (a) There
2 is hereby established within the department of the state, an office of
3 the advocate for people with disabilities. The office of the advocate
4 for people with disabilities shall advise and assist state agencies in
5 developing policies designed to help meet the needs of persons with
6 disabilities.

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

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

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

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

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

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

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

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