

STATE OF NEW YORK

8293

IN SENATE

May 6, 2020

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the executive law, in relation to enacting the "New York commission for the deaf and hard of hearing act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York commission for the deaf and hard of hearing act".

3 § 2. The executive law is amended by adding a new section 559-a to
4 read as follows:

5 § 559-a. 1. Definitions. As used in this section, unless the context
6 requires otherwise:

7 (a) "Chairperson" means the chairperson of the commission for the deaf
8 and hard of hearing.

9 (b) "Commission" means the commission for the deaf and hard of hear-
10 ing.

11 (c) "Director" means the director of the commission for the deaf and
12 hard of hearing.

13 (d) "Vice-chairperson" means the vice-chairperson of the commission
14 for the deaf and hard of hearing.

15 2. Commission. The commission for the deaf and hard of hearing is
16 created as an executive agency of state government. The commission shall
17 be composed of eleven members, governed by a chairperson, and headed by
18 a director.

19 3. Commission membership. (a) The commission shall be composed of
20 eleven voting members appointed by the governor from residents of the
21 state whose position, knowledge, or experience enables them to reason-
22 ably represent the concerns, needs, and recommendations of deaf or hard
23 of hearing persons. At a minimum, six voting members of the commission
24 shall be persons who are deaf or hard of hearing, at least one of whom
25 shall be fluent in a sign language other than American sign language.
26 The remaining five members of the commission shall be representatives
27 of agencies, nonprofit corporations and organizations, and other groups

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

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1 that work with the deaf and hard of hearing communities, as well as
2 academics and other experts. The chairperson of the commission shall be
3 elected from the commission's membership by a simple majority vote of
4 the total membership of the commission. The vice-chairperson of the
5 commission shall be elected from the commission's membership by a simple
6 majority vote of the total membership of the commission.

7 (b) The governor shall consider nominations made by advocacy groups
8 for the deaf and hard of hearing and community-based organizations.

9 (c) Of the initial members appointed by the governor, three shall be
10 appointed to terms of one year, four shall be appointed to terms of two
11 years, and four shall be appointed to terms of three years. Thereafter,
12 all members shall be appointed for terms of three years. No member shall
13 serve more than two consecutive terms. A member shall serve until his or
14 her successor is appointed and qualified.

15 (d) Initial members' terms of office shall be chosen by lot at the
16 initial meeting of the commission.

17 (e) Vacancies in commission membership shall be filled in the same
18 manner as initial appointments. Appointments to fill vacancies occurring
19 before the expiration of a term shall be for the remainder of the unex-
20 pired term.

21 (f) Members shall not receive compensation for their services but
22 shall be reimbursed for their actual expenses incurred in the perform-
23 ance of their duties plus up to fifty dollars per day for any actual
24 loss of wages incurred in the performance of their duties.

25 (g) Total membership consists of the number of voting members, as
26 defined in this section, excluding any vacant positions. A quorum shall
27 consist of a simple majority of total membership and shall be sufficient
28 to conduct the transaction of business of the commission unless stipu-
29 lated otherwise in the by-laws of the commission.

30 (h) The commission shall meet at least quarterly.

31 4. Director. The director shall be hired, supervised, evaluated, and
32 terminated by the commission. The director shall carry out the policies,
33 programs, and activities of the commission. The director shall employ,
34 manage, and organize the staff of the commission as he or she deems
35 appropriate.

36 5. Powers and duties of the commission. The commission shall be a
37 coordinating and advocating body that acts on behalf of the interests of
38 persons in this state who are deaf or hard of hearing, including chil-
39 dren, adults, senior citizens, and those with any additional disability.
40 The commission shall cooperate and work in consultation with other agen-
41 cies of the state with appropriate expertise and authority in matters
42 relating to persons who are deaf or hard of hearing. The commission
43 shall submit an annual report of its activities to the governor and the
44 legislature on or before January first of each year. The commission
45 shall:

46 (a) Make available and provide an educational and informational
47 program through printed materials, workshop and training sessions, pres-
48 entations, demonstrations, and public awareness events about deaf gain
49 for citizens in this state and for public and private entities. The
50 program shall include, but not be limited to, information concerning
51 information and referral services, lending libraries, service and
52 resource availability, the interpreter registry, accessibility and
53 accommodation issues, assistive technology, empowerment issues, obli-
54 gations of service providers and employers, educational options, and
55 current federal and state statutes, regulations, and policies regarding
56 deaf gain.

1 (b) Cooperate with public and private agencies and local, state, and
2 federal governments to coordinate programs for persons who are deaf or
3 hard of hearing.

4 (c) Provide technical assistance, consultation, and training support
5 to start and enhance existing programs and services for persons who are
6 deaf or hard of hearing.

7 (d) Evaluate and monitor state programs delivering services to deaf
8 and hard of hearing persons to determine their effectiveness; identify
9 and promote new services or programs whenever necessary; and make recom-
10 mendations to public officials about changes necessary to improve the
11 quality and delivery of services, programs, and activities and about
12 future financial support to continue existing programs and establish new
13 programs.

14 (e) Monitor state funded programs delivering services to persons who
15 are deaf or hard of hearing to determine the extent that promised and
16 mandated services are delivered.

17 (f) Review, evaluate, and participate in the development of proposed
18 and amended statutes, rules, regulations, and policies relating to
19 services, programs, and activities for deaf and hard of hearing persons
20 and make recommendations on existing statutes, rules, regulations, and
21 policies to the governor, the legislature and state agencies.

22 (g) Promote cooperation among state and local agencies providing
23 educational programs for deaf and hard of hearing individuals.

24 (h) Make recommendations upon request from the governor, the legisla-
25 ture and state agencies regarding rules and regulations related to
26 recruitment, evaluation, certification, licensure, and training stand-
27 ards of interpreters for deaf and hard of hearing persons.

28 6. Rules and regulations. The commission shall promulgate rules and
29 regulations necessary to implement the provisions of this section.

30 § 3. This act shall take effect on the one hundred twentieth day after
31 it shall have become a law; provided that, effective immediately, the
32 addition, amendment, and/or repeal of any rules and regulations neces-
33 sary to implement the provisions of this act on its effective date are
34 authorized and directed to be completed on or before such effective
35 date.