

# STATE OF NEW YORK

3130

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. STECK -- Multi-Sponsored by -- M. of A. BARRON, BUTTENSCHON, COLTON, COOK, CRUZ, DE LA ROSA, DeSTEFANO, DICKENS, ENGLEBRIGHT, EPSTEIN, FALL, FRONTUS, GOTTFRIED, GRIFFIN, JACOBSON, LUPARDO, M. MILLER, MONTESANO, MORINELLO, NIOU, OTIS, PALMESANO, REYES, J. RIVERA, L. ROSENTHAL, SANTABARBARA, SEAWRIGHT, SIMON, STERN, WALSH, WEPRIN, ZEBROWSKI -- 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.

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:

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

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

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1 (b) "State agency" or "state agencies" shall mean any state depart-  
2 ment, board, bureau, division, commission, committee, public authority,  
3 public corporation, council, office or other governmental entity  
4 performing a governmental or proprietary function for the state, except  
5 the judiciary or the state legislature.

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

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

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

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

43 § 2. Subdivisions 1 and 2 of section 702 of the executive law, as  
44 amended by chapter 672 of the laws of 2019, are amended to read as  
45 follows:

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

1 of the advocate for [~~persons~~ people with disabilities, [~~a represen-~~  
2 ~~tative from the commission on quality of care for the mentally disa-~~  
3 ~~bled,~~] three consumers of services for individuals with disabilities,  
4 one to be appointed by the governor, one to be appointed by the tempo-  
5 rary president of the senate, and one to be appointed by the speaker of  
6 the assembly, three individuals with expertise in the field of community  
7 services for people of all ages with disabilities, one to be appointed  
8 by the governor, one to be appointed by the temporary president of the  
9 senate, and one to be appointed by the speaker of the assembly, and  
10 three individuals with expertise in or recipients of services available  
11 to senior citizens with disabilities, one to be appointed by the gover-  
12 nor, one to be appointed by the temporary president of the senate, and  
13 one to be appointed by the speaker of the assembly.

14 2. The [~~commissioners of the department of health, the office of~~  
15 ~~mental health, the office for people with developmental disabilities,~~  
16 ~~and the director of the office for the aging~~] director of the office of  
17 the advocate for people with disabilities shall [~~rotate~~] serve as chair-  
18 person of the council [~~on a quarterly basis~~].

19 § 3. This act shall take effect April 1, 2022.