

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.