

# STATE OF NEW YORK

6710--B

2021-2022 Regular Sessions

## IN ASSEMBLY

March 26, 2021

Introduced by M. of A. ZEBROWSKI, QUART, LUPARDO, SOLAGES, SIMON, DINOW-ITZ, GUNTHER, MONTESANO, RA, ABINANTI, MAMDANI, ZINERMAN, DICKENS, McDONALD -- Multi-Sponsored by -- M. of A. HEVESI -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the commission of the deaf, deafblind and hard of hearing; to amend the social services law, in relation to requiring the commission of the deaf, deafblind, and hard of hearing to transmit complaints in matters affecting the deaf, deafblind, and hard of hearing communities to the vulnerable persons' central register; 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 26-C  
2 to read as follows:

3 ARTICLE 26-C

4 COMMISSION OF THE DEAF, DEAFBLIND AND HARD OF HEARING

5 Section 755. Definitions.

6 756. Commission of the deaf, deafblind and hard of hearing.

7 757. Executive director.

8 758. Membership of the commission.

9 759. Powers and duties of the commission.

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

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1 § 755. Definitions. When used in this article, the following words and  
2 terms shall have the meanings ascribed to them in this section:

3 1. "deaf" shall mean a person who has profound hearing loss and who  
4 primarily relies on visual communication, such as sign language, writ-  
5 ing, lip reading, and gestures, which may be used exclusively or in  
6 combination, or who communicates orally and use sign language to support  
7 their understanding of the spoken language;

8 2. "deafblind" shall mean a person with varying degrees of combined  
9 hearing and vision loss; and

10 3. "hard of hearing" shall mean a person with measurable hearing loss.

11 § 756. Commission of the deaf, deafblind and hard of hearing. There is  
12 hereby established the "commission of the deaf, deafblind and hard of  
13 hearing".

14 § 757. Executive director. The governor shall appoint, at the recom-  
15 mendation of the commission, an executive director of the commission who  
16 shall serve at the pleasure of the governor. The executive director  
17 shall receive an annual salary fixed by the governor within the amounts  
18 appropriated specifically therefor and shall be entitled to reimburse-  
19 ment for actual expenses necessarily incurred in the discharge of their  
20 official duties. The executive director shall assist the commission in  
21 carrying out the duties and responsibilities of the commission.

22 § 758. Membership of the commission. 1. The commission shall be  
23 comprised of nine voting members and three non-voting members. All  
24 members must be New York residents.

25 (a) Five members of the commission shall be appointed by the gover-  
26 nor in the following manner:

27 (i) three members, one whom is deaf, one whom is deafblind and one  
28 whom is hard of hearing;

29 (ii) a licensed audiologist pursuant to article one hundred fifty-nine  
30 of the education law; and

31 (iii) a representative of a state-supported school for the instruction  
32 of students who are deaf, deafblind or hard of hearing.

33 (b) One member of the commission shall be appointed by the temporary  
34 president of the senate. Such member shall be hard of hearing.

35 (c) One member of the commission shall be appointed by the speaker of  
36 the assembly. Such member shall be deaf.

37 (d) One member of the commission shall be appointed by the minority  
38 leader of the senate. Such member shall be deafblind.

39 (e) One member of the commission shall be appointed by the minority  
40 leader of the assembly. Such member shall be a parent of a child who is  
41 deaf, deafblind or hard of hearing.

42 (f) The executive director of the commission of the deaf, deafblind  
43 and hard of hearing shall be a non-voting, ex-officio member of the  
44 commission.

45 (g) The members of the commission shall appoint two non-voting members  
46 of the commission, one whom shall be a qualified sign language inter-  
47 preter and one whom shall be a qualified real-time captioning provider.

48 2. The identification and selection of candidates for appointments  
49 shall be done, to the greatest extent possible, in consultation with  
50 organizations and individuals representing the deaf, deafblind and hard  
51 of hearing communities.

52 3. The members of the commission shall serve terms of three  
53 years. Subsequent appointments upon the expiration of such terms shall  
54 be filled in the same manner as the original appointments. The members  
55 of the commission shall elect one of their members to serve as chair-

1 person during his or her appointment term or for a period of three  
2 years, whichever is shorter.

3 4. Members of the commission shall serve without compensation, but  
4 shall be allowed their actual and necessary expenses incurred in the  
5 performance of their duties.

6 5. The commission shall meet at least four times per year. The  
7 meetings shall be made accessible to the deaf, deafblind and hard of  
8 hearing communities. A majority of the voting membership of the commis-  
9 sion shall constitute a quorum for the transaction of commission  
10 business. Action may be taken and motions and resolutions adopted by  
11 the commission at any meeting thereof by the affirmative vote of five  
12 members of the commission.

13 § 759. Powers and duties of the commission. 1. The commission shall  
14 advise the governor and the legislature on how the state can effectively  
15 meet the needs of the deaf, deafblind and hard of hearing communities.

16 2. The duties and responsibilities of the commission are to:

17 (a) create a statewide plan, including annual updates, to deliver  
18 coordinated services and programs to persons who are deaf, deafblind and  
19 hard of hearing in a manner that best serves their needs including but  
20 not limited to accessibility, educational, medical, housing, and employ-  
21 ment services. The commission shall coordinate with other state agen-  
22 cies, and the Commission for the Blind, as appropriate, when creating  
23 their state plan to deliver coordinated services and programs;

24 (b) develop a process to collect and maintain data on the number of  
25 deaf, deafblind and hard of hearing individuals in New York state;

26 (c) regularly maintain a website that serves as a clearinghouse of  
27 information, resources and services for persons who are deaf, deafblind  
28 and hard of hearing;

29 (d) create a referral system that receives complaints in matters  
30 affecting the deaf, deafblind and hard of hearing communities and refers  
31 such complaints to the appropriate agencies or organizations if neces-  
32 sary or appropriate, provided however, if such complaint is a reportable  
33 incident pursuant to article eleven of the social services law, it shall  
34 be forwarded to the vulnerable persons' central register or if such  
35 complaint is a criminal matter, it shall be forwarded to the appropriate  
36 law enforcement agency;

37 (e) coordinate with federal, state and local agencies to improve  
38 access to public safety and emergency services;

39 (f) develop strategies to increase employment opportunities for deaf,  
40 deafblind and hard of hearing individuals including, but not limited to,  
41 job training and career development services;

42 (g) develop and recommend policies to the governor and legislature as  
43 deemed necessary to assist the deaf, deafblind and hard of hearing  
44 communities;

45 (h) develop a model policy on interpreter and captioning services  
46 including methods to increase access to such services and licensing of  
47 qualified interpreters and captioners;

48 (i) provide technical assistance to state agencies and departments,  
49 local governments, agencies or other non-governmental entities on devel-  
50 oping policies, providing services and increasing accessibility for the  
51 deaf, deafblind and hard of hearing communities;

52 (j) improve and expand access to assistive technology including but  
53 not limited to, relay services, closed captioning, open captioning,  
54 hearing loops, telecommunication devices, transcription services, alter-  
55 native text or other communication services;

1 (k) coordinate with the department of state regarding access to hear-  
2 ing aids and other associated resources; and

3 (l) develop public awareness materials and resources on hearing pres-  
4 ervation and hearing loss prevention.

5 3. Subject to an appropriation by the legislature, the commission may  
6 hire personnel or enter into contracts deemed necessary to carry out the  
7 duties and responsibilities of the commission.

8 4. The commission shall submit an annual report to the governor and  
9 legislature detailing the operation and actions of the commission  
10 including but not limited to the development and implementation of the  
11 statewide plan, policy recommendations, and actions taken in conjunction  
12 with state or local agencies. The initial report shall be submitted on  
13 September first, two thousand twenty-three, with subsequent reports  
14 annually thereafter.

15 § 2. Section 559 of the executive law is REPEALED.

16 § 3. Section 491 of the social services law is amended by adding a new  
17 subdivision 6 to read as follows:

18 6. The commission of the deaf, deafblind and hard of hearing estab-  
19 lished pursuant to article twenty-six-C of the executive law shall be  
20 responsible for transmitting complaints in matters affecting the deaf,  
21 deafblind and hard of hearing communities to the vulnerable persons'  
22 central register, as appropriate, where such complaints involve allega-  
23 tions of reportable incidents pursuant to this section.

24 § 4. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law.