

# STATE OF NEW YORK

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7358--A

Cal. No. 384

2021-2022 Regular Sessions

## IN ASSEMBLY

May 6, 2021

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Introduced by M. of A. ABINANTI, BURDICK, ZINERMAN -- read once and referred to the Committee on People with Disabilities -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the mental hygiene law, in relation to the appointment of members to the developmental disabilities advisory council

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

1 Section 1. Subdivisions (a) and (b) of section 13.05 of the mental  
2 hygiene law, subdivision (a) as amended by chapter 37 of the laws of  
3 2011, and subdivision (b) as amended by chapter 802 of the laws of 1986,  
4 are amended to read as follows:

5 (a) There is hereby established a developmental disabilities advisory  
6 council. The council shall consist of the commissioner, the chairman of  
7 the conference of local mental hygiene directors or his designee, and at  
8 least thirty-three members to be appointed by the governor. Beginning

9 on and after December thirty-first, two thousand twenty-one, the council  
10 shall consist of eight members to be appointed by the temporary presi-  
11 dent of the senate, eight members to be appointed by the speaker of the  
12 assembly, one member to be appointed by the minority leader of the  
13 senate, one member to be appointed by the minority leader of the assem-  
14 bly and fifteen members to be appointed by the governor. Any current  
15 member shall be allowed to finish his or her term. The commissioner  
16 shall oversee and assist with the transition to the makeup of the coun-  
17 cil after such date, ensuring that as current members' terms expire, the  
18 council appoints members in the manner set forth in this subdivision.

19 Members shall be appointed only if they have demonstrated an active  
20 interest in or have obtained professional knowledge in the care of  
21 persons with developmental disabilities or in the field of developmental  
22 disabilities generally. The governor shall designate one of the  
23 appointed members as chair. The council shall at all times include in

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

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1 its membership representatives of community service board developmental  
2 disabilities subcommittees, providers of services and non-governmental  
3 organizations concerned with services for persons with developmental  
4 disabilities. At least one-third of the membership of the advisory coun-  
5 cil shall consist of consumer representatives including persons with  
6 developmental disabilities, or their parents or guardians.

7 (b) Members shall be appointed for terms of three years provided,  
8 however, that of the members first appointed, one-third shall be  
9 appointed for one year terms and one-third shall be appointed for two  
10 year terms. Vacancies shall be filled in the same manner as [~~original~~  
11 ~~appointments for the remainder of the unexpired term~~] prescribed in  
12 subdivision (a) of this section. The designation of a member as chair  
13 shall be made bi-annually.

14 § 2. This act shall take effect immediately.