

# STATE OF NEW YORK

1852--B

2021-2022 Regular Sessions

## IN SENATE

January 16, 2021

Introduced by Sens. SKOUFIS, MAYER, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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:

Section 1. The executive law is amended by adding a new article 26-C to read as follows:

### ARTICLE 26-C

#### COMMISSION OF THE DEAF, DEAFBLIND AND HARD OF HEARING

##### Section 755. Definitions.

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

757. Executive director.

758. Membership of the commission.

759. Powers and duties of the commission.

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

1. "deaf" shall mean a person who has profound hearing loss and who primarily relies on visual communication, such as sign language, writ-

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

LBD05522-11-2

ing, lip reading, and gestures, which may be used exclusively or in combination, or who communicates orally and use sign language to support their understanding of the spoken language;

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

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

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

§ 757. Executive director. The governor shall appoint, at the recommendation of the commission, an executive director of the commission who shall serve at the pleasure of the governor. The executive director shall receive an annual salary fixed by the governor within the amounts appropriated specifically therefor and shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of their official duties. The executive director shall assist the commission in carrying out the duties and responsibilities of the commission.

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

(a) Five members of the commission shall be appointed by the governor in the following manner:

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

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

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

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

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

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

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

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

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

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

3. The members of the commission shall serve terms of three years. Subsequent appointments upon the expiration of such terms shall be filled in the same manner as the original appointments. The members of the commission shall elect one of their members to serve as chairperson during his or her appointment term or for a period of three years, whichever is shorter.

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

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

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

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

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

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

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

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

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

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

37     (g) develop and recommend policies to the governor and legislature as  
38 deemed necessary to assist the deaf, deafblind and hard of hearing  
39 communities;

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

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

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

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

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

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

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

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

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

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

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