STATE OF NEW YORK

805

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the executive law, in relation to enacting the "New York commission for the deaf and hard of hearing act"

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

Section 1. Short title. This act shall be known and may be cited as the "New York commission for the deaf and hard of hearing act".

§ 2. The executive law is amended by adding a new section 559-a to read as follows:

§ 559-a. 1. Definitions. As used in this section, unless the context requires otherwise:

(a) "Chairperson" means the chairperson of the commission for the deaf and hard of hearing.

(b) "Commission" means the commission for the deaf and hard of hearing.

(c) "Director" means the director of the commission for the deaf and hard of hearing.

(d) "Vice-chairperson" means the vice-chairperson of the commission for the deaf and hard of hearing.

2. Commission. The commission for the deaf and hard of hearing is created as an executive agency of state government. The commission shall be composed of eleven members, governed by a chairperson, and headed by a director.

3. Commission membership. (a) The commission shall be composed of eleven voting members appointed by the governor from residents of the state whose position, knowledge, or experience enables them to reasonably represent the concerns, needs, and recommendations of deaf or hard of hearing persons. At a minimum, six voting members of the commission

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

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shall be persons who are deaf or hard of hearing, at least one of whom shall be fluent in a sign language other than American sign language. The remaining five members of the commission shall be representatives of agencies, nonprofit corporations and organizations, and other groups that work with the deaf and hard of hearing communities, as well as academics and other experts. The chairperson of the commission shall be elected from the commission's membership by a simple majority vote of the total membership of the commission. The vice-chairperson of the commission shall be elected from the commission's membership by a simple majority vote of the total membership of the commission.

(b) The governor shall consider nominations made by advocacy groups for the deaf and hard of hearing and community-based organizations.

(c) Of the initial members appointed by the governor, three shall be appointed to terms of one year, four shall be appointed to terms of two years, and four shall be appointed to terms of three years. Thereafter, all members shall be appointed for terms of three years. No member shall serve more than two consecutive terms. A member shall serve until his or her successor is appointed and qualified.

(d) Initial members' terms of office shall be chosen by lot at the initial meeting of the commission.

(e) Vacancies in commission membership shall be filled in the same manner as initial appointments. Appointments to fill vacancies occurring before the expiration of a term shall be for the remainder of the unexpired term.

(f) Members shall not receive compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties plus up to fifty dollars per day for any actual loss of wages incurred in the performance of their duties.

(g) Total membership consists of the number of voting members, as defined in this section, excluding any vacant positions. A quorum shall consist of a simple majority of total membership and shall be sufficient to conduct the transaction of business of the commission unless stipulated otherwise in the by-laws of the commission.

(h) The commission shall meet at least quarterly.

4. Director. The director shall be hired, supervised, evaluated, and terminated by the commission. The director shall carry out the policies, programs, and activities of the commission. The director shall employ, manage, and organize the staff of the commission as he or she deems appropriate.

5. Powers and duties of the commission. The commission shall be a coordinating and advocating body that acts on behalf of the interests of persons in this state who are deaf or hard of hearing, including children, adults, senior citizens, and those with any additional disability. The commission shall cooperate and work in consultation with other agencies of the state with appropriate expertise and authority in matters relating to persons who are deaf or hard of hearing. The commission shall submit an annual report of its activities to the governor and the legislature on or before January first of each year. The commission shall:

(a) Make available and provide an educational and informational program through printed materials, workshop and training sessions, presentations, demonstrations, and public awareness events about deaf gain for citizens in this state and for public and private entities. The program shall include, but not be limited to, information concerning information and referral services, lending libraries, service and resource availability, the interpreter registry, accessibility and

accommodation issues, assistive technology, empowerment issues, obligations of service providers and employers, educational options, and current federal and state statutes, regulations, and policies regarding deaf gain.

(b) Cooperate with public and private agencies and local, state, and federal governments to coordinate programs for persons who are deaf or hard of hearing.

(c) Provide technical assistance, consultation, and training support to start and enhance existing programs and services for persons who are deaf or hard of hearing.

(d) Evaluate and monitor state programs delivering services to deaf and hard of hearing persons to determine their effectiveness; identify and promote new services or programs whenever necessary; and make recommendations to public officials about changes necessary to improve the quality and delivery of services, programs, and activities and about future financial support to continue existing programs and establish new programs.

(e) Monitor state funded programs delivering services to persons who are deaf or hard of hearing to determine the extent that promised and mandated services are delivered.

(f) Review, evaluate, and participate in the development of proposed and amended statutes, rules, regulations, and policies relating to services, programs, and activities for deaf and hard of hearing persons and make recommendations on existing statutes, rules, regulations, and policies to the governor, the legislature and state agencies.

(g) Promote cooperation among state and local agencies providing educational programs for deaf and hard of hearing individuals.

(h) Make recommendations upon request from the governor, the legislature and state agencies regarding rules and regulations related to recruitment, evaluation, certification, licensure, and training standards of interpreters for deaf and hard of hearing persons.

6. Rules and regulations. The commission shall promulgate rules and regulations necessary to implement the provisions of this section.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment, and/or repeal of any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be completed on or before such effective date.