

# 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:

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

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

5 § 559-a. 1. Definitions. As used in this section, unless the context  
6 requires otherwise:

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

9 (b) "Commission" means the commission for the deaf and hard of hear-  
10 ing.

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

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

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

19 3. Commission membership. (a) The commission shall be composed of  
20 eleven voting members appointed by the governor from residents of the  
21 state whose position, knowledge, or experience enables them to reason-  
22 ably represent the concerns, needs, and recommendations of deaf or hard  
23 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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1 shall be persons who are deaf or hard of hearing, at least one of whom  
2 shall be fluent in a sign language other than American sign language.  
3 The remaining five members of the commission shall be representatives  
4 of agencies, nonprofit corporations and organizations, and other groups  
5 that work with the deaf and hard of hearing communities, as well as  
6 academics and other experts. The chairperson of the commission shall be  
7 elected from the commission's membership by a simple majority vote of  
8 the total membership of the commission. The vice-chairperson of the  
9 commission shall be elected from the commission's membership by a simple  
10 majority vote of the total membership of the commission.

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

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

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

21 (e) Vacancies in commission membership shall be filled in the same  
22 manner as initial appointments. Appointments to fill vacancies occurring  
23 before the expiration of a term shall be for the remainder of the unex-  
24 pired term.

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

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

34 (h) The commission shall meet at least quarterly.

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

40 5. Powers and duties of the commission. The commission shall be a  
41 coordinating and advocating body that acts on behalf of the interests of  
42 persons in this state who are deaf or hard of hearing, including chil-  
43 dren, adults, senior citizens, and those with any additional disability.  
44 The commission shall cooperate and work in consultation with other agen-  
45 cies of the state with appropriate expertise and authority in matters  
46 relating to persons who are deaf or hard of hearing. The commission  
47 shall submit an annual report of its activities to the governor and the  
48 legislature on or before January first of each year. The commission  
49 shall:

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

1 accommodation issues, assistive technology, empowerment issues, obli-  
2 gations of service providers and employers, educational options, and  
3 current federal and state statutes, regulations, and policies regarding  
4 deaf gain.

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

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

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

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

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

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

28 (h) Make recommendations upon request from the governor, the legisla-  
29 ture and state agencies regarding rules and regulations related to  
30 recruitment, evaluation, certification, licensure, and training stand-  
31 ards of interpreters for deaf and hard of hearing persons.

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

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