STATE OF NEW YORK

7358--A

Cal. No. 384

2021-2022 Regular Sessions

IN ASSEMBLY

May 6, 2021

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:

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

(a) There is hereby established a developmental disabilities advisory council. The council shall consist of the commissioner, the chairman of the conference of local mental hygiene directors or his designee, and at least thirty-three members to be appointed by the governor. **Beginning on and after December thirty-first, two thousand twenty-one, the council shall consist of eight members to be appointed by the temporary president of the senate, eight members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be appointed by the minority leader of the assembly and fifteen members to be appointed by the governor. Any current member shall be allowed to finish his or her term. The commissioner shall oversee and assist with the transition to the makeup of the council after such date, ensuring that as current members' terms expire, the council appoints members in the manner set forth in this subdivision.** Members shall be appointed only if they have demonstrated an active interest in or have obtained professional knowledge in the care of persons with developmental disabilities or in the field of developmental disabilities generally. The governor shall designate one of the 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.

LBD10668-03-1

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

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

§ 2. This act shall take effect immediately.