

# STATE OF NEW YORK

9277

## IN ASSEMBLY

February 10, 2022

Introduced by M. of A. STECK -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the chief disability officer; and to repeal article 19-E of the executive law relating to the office of the advocate for people with developmental disabilities

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

1 Section 1. Article 19-E of the executive law, as added by a chapter of  
2 the laws of 2021 amending the executive law relating to establishing the  
3 office of the advocate for people with disabilities, as proposed in  
4 legislative bills numbers S. 1836 and A. 3130, is REPEALED.

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

7 § 4-b. Chief disability officer. 1. Persons with disabilities  
8 comprise a major segment of the state of New York's population and their  
9 particular needs and concerns must be considered as an integral part of  
10 the planning and implementation of all state programs and services  
11 affecting their lives and well-being. The office of the chief disability  
12 officer shall advocate on behalf of persons with disabilities and ensure  
13 that persons with disabilities are afforded the opportunity to exercise  
14 all of the rights and responsibilities accorded to citizens of this  
15 state.

16 2. For purposes of this article:

17 (a) "Persons with disabilities" shall mean any person who has a disa-  
18 bility as defined in subdivision twenty-one of section two hundred nine-  
19 ty-two of this chapter.

20 (b) "State agency" or "state agencies" shall mean any state depart-  
21 ment, board, bureau, division, commission, committee, public authority,  
22 public corporation, council, office or other governmental entity  
23 performing a governmental or proprietary function for the state, except  
24 the judiciary or the state legislature.

25 3. (a) The governor shall appoint a chief disability officer. The  
26 chief disability officer shall advise and assist state agencies in

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

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1 developing policies designed to help meet the needs of persons with  
2 disabilities. The chief disability officer shall be appointed by the  
3 governor and receive a salary to be fixed by the governor within the  
4 amounts appropriated therefor.

5 (b) The chief disability officer shall: (i) be the state's coordinator  
6 for the implementation of the Americans with Disabilities Act; (ii)  
7 coordinate state activities to ensure that state programs do not  
8 discriminate against and are accessible to persons with disabilities;  
9 (iii) ensure that such programs provide services to individuals with  
10 disabilities in the most integrated setting appropriate to their needs;  
11 and (iv) work with state agencies to develop legislation and potential  
12 regulatory changes to help effectuate the duties and responsibilities  
13 required in this article, and any other changes that may significantly  
14 affect the lives of persons with disabilities in the state.

15 (c) The chief disability officer shall, to the extent practicable,  
16 review and report to the governor upon proposed legislation and regu-  
17 lations. The chief disability officer shall submit comments, where  
18 appropriate, to the state agency which referred such proposed legis-  
19 lation and regulations evaluating: (i) the impact of the proposed legis-  
20 lation or regulation upon persons with disabilities; (ii) the relation-  
21 ship and impact of such proposed legislation or regulation on existing  
22 programs affecting persons with disabilities; and (iii) any modifica-  
23 tions that would help persons with disabilities or aid in the implemen-  
24 tation of the new proposal. All state agencies shall cooperate with the  
25 chief disability officer to ensure that the chief disability officer is  
26 able to fulfill the requirements under this section.

27 § 3. Subdivisions 1 and 2 of section 702 of the executive law, as  
28 amended by a chapter of the laws of 2021 amending the executive law  
29 relating to establishing the office of the advocate for people with  
30 disabilities, as proposed in legislative bills numbers S. 1836 and A.  
31 3130, are amended to read as follows:

32 1. The most integrated setting coordinating council is hereby created  
33 within the executive department to have and exercise the functions,  
34 powers and duties provided by the provisions of this article and any  
35 other provision of law. The council shall be comprised of the commis-  
36 sioners of: the department of health, the office for people with devel-  
37 opmental disabilities, the office of mental health, the department of  
38 transportation, the office of children and family services, the office  
39 of addiction services and supports, the department of education, and the  
40 division of housing and community renewal. In addition, the council  
41 shall consist of the director of the office for the aging, the [~~director~~  
42 ~~of the office of the advocate for people with disabilities~~] chief disa-  
43 bility officer, three consumers of services for individuals with disa-  
44 bilities, one to be appointed by the governor, one to be appointed by  
45 the temporary president of the senate, and one to be appointed by the  
46 speaker of the assembly, three individuals with expertise in the field  
47 of community services for people of all ages with disabilities, one to  
48 be appointed by the governor, one to be appointed by the temporary presi-  
49 dent of the senate, and one to be appointed by the speaker of the  
50 assembly, and three individuals with expertise in or recipients of  
51 services available to senior citizens with disabilities, one to be  
52 appointed by the governor, one to be appointed by the temporary presi-  
53 dent of the senate, and one to be appointed by the speaker of the assem-  
54 bly.

1 2. The [~~director of the office of the advocate for people with disa-~~  
2 ~~ilities~~] chief disability officer shall serve as chairperson of the  
3 council.

4 § 4. This act shall take effect on the same date and in the same  
5 manner as a chapter of the laws of 2021 amending the executive law  
6 relating to establishing the office of the advocate for people with  
7 disabilities, as proposed in legislative bills numbers S. 1836 and A.  
8 3130, takes effect.