

STATE OF NEW YORK

9400

IN SENATE

May 24, 2022

Introduced by Sen. MANNION -- (at request of the Developmental Disabilities Planning Council) -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the executive law, in relation to the composition of the state council on developmental disabilities

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

1 Section 1. Section 450 of the executive law, as added by chapter 588
2 of the laws of 1981, subdivision 3 as amended by section 1 of part HH of
3 chapter 57 of the laws of 2021, is amended to read as follows:

4 § 450. [~~Developmental disabilities planning council~~] State council on
5 developmental disabilities. 1. There is hereby established, within the
6 executive department, a state council on developmental disabilities
7 [~~planning council~~], to perform those duties and functions required by
8 the federal developmental disabilities services and facilities
9 construction act of nineteen hundred seventy and by the federal develop-
10 mentally disabled assistance and bill of rights act of nineteen hundred
11 seventy-five as amended by the federal rehabilitation comprehensive
12 services and developmental disabilities amendments of nineteen hundred
13 seventy-eight and any acts amendatory thereof or supplemental thereto.

14 2. The council shall consist of [~~at least twenty persons appointed by~~
15 ~~the governor~~] voting members who shall be selected from among residents
16 of New York state and shall be geographically representative and reflect
17 the diversity of the state. The governor shall appoint its members,
18 other than the members listed in paragraph (a) of subdivision three of
19 this section and shall designate one of the appointed members to serve
20 as [~~chairman~~] chairperson. Members, other than the members listed in
21 paragraph (a) of subdivision three of this section, shall be appointed
22 for terms of three years, provided however, that of the members first
23 appointed, one-third shall be appointed for a one year term and one-
24 third shall be appointed for two year terms. Vacancies shall be filled
25 in the same manner as original appointments for the remainder of the
26 unexpired term.

27 3. (a) The following people shall serve as ex officio voting members
28 of the council:

29 (i) the head of any state agency that administers funds provided under
30 federal laws related to individuals with disabilities, or such person's

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

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1 designee, including, but not limited to: the commissioner of education,
2 or such person's designee who oversees policy planning and implementa-
3 tion of the federal individuals with disabilities education act; the
4 director of the office for the aging, or such person's designee who
5 oversees policy planning and implementation of the older Americans act
6 of 1965; and the commissioner of health, or such person's designee who
7 oversees policy planning and implementation of Titles V and XIX of the
8 social security act;

9 (ii) the head of any university center for excellence in developmental
10 disabilities, or such person's designee; and

11 (iii) the head of the state's protection and advocacy system, or such
12 person's designee.

13 (a-1) Designees shall have sufficient authority to engage in policy
14 planning and implementation on behalf of their respective entities.

15 (b) The membership of the state council on developmental disabilities
16 [~~planning council~~] shall also include representatives from local [~~agen-~~
17 ~~ies,~~] and non-governmental agencies and [~~groups~~] provider nonprofit
18 agencies concerned with services to persons with developmental disabili-
19 ties in New York state.

20 (c) At least sixty percent of the [~~members appointed by the governor~~]
21 council shall consist of [~~developmentally disabled~~] persons with devel-
22 opmental disabilities or [~~their~~] parents or guardians or [~~of~~] immediate
23 relatives [~~or guardians~~] of persons with developmental disabilities.

24 (i) These members may not be employees of a state agency receiving
25 funds or providing services under the federal developmental disabilities
26 assistance act or have a managerial, proprietary or controlling interest
27 in an entity [~~which~~] that receives funds or provides services under such
28 act[~~7~~];

29 (ii) [~~At least one-third~~] One-third of these members shall [~~be devel-~~
30 ~~opmentally disabled,~~] have a developmental disability;

31 (iii) [~~At least one-third~~] One-third of these members shall be immedi-
32 ate relatives or guardians of persons with developmental disabilities[~~7~~
33 ~~and~~];

34 (iv) One-third of these members shall be a combination of the individ-
35 uals described in subparagraphs (ii) and (iii) of this paragraph; and

36 (v) At least one member shall be an immediate relative or guardian of
37 [~~an institutionalized developmentally disabled~~] a person with a develop-
38 mental disability who resides or previously resided in an institution or
39 a person with a developmental disability who resides or previously
40 resided in an institution.

41 4. The state council on developmental disabilities [~~planning council~~]
42 shall meet periodically or at the call of its [~~chairman~~] chairperson.

43 5. The [~~chairman, in consultation with the other members of the~~] coun-
44 cil[~~7~~] shall recruit and appoint [~~and employ such personnel as he or~~
45 ~~she~~] the executive director of the council as they may deem necessary,
46 prescribe their duties, fix their compensation and provide for
47 reimbursement of their expenses within amounts available therefor from
48 federal funds reserved by the state pursuant to the developmental disa-
49 bilities assistance and bill of rights act or by state appropriation.

50 6. Members shall receive no compensation for their services but shall
51 be reimbursed out of federal funds available therefor for all expenses
52 actually and necessarily incurred by them in the performance of their
53 duties.

54 § 2. This act shall take effect immediately.