STATE OF NEW YORK

7094

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

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 renaming the developmental disabilities planning council and providing for the appointment of members

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

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

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

2. The council shall consist of at least twenty [~~persons appointed by the governor~~] **voting members who shall be selected** from among residents of New York state **and shall be geographically representative and reflect the diversity of the state**. The governor shall **appoint its members, other than the members listed in paragraph (a) of subdivision three of this section and shall** designate one of the appointed members to serve as [~~chairman~~] **chairperson**. Members**, other than the members listed in paragraph (a) of subdivision three of this section** shall be appointed for terms of three years, provided however, that [~~of the members first appointed, one-third shall be appointed for a one year term and one-~~

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

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~~third shall be appointed for two year terms~~] a member who has served two consecutive three-year terms may not be reappointed to the council until at least three years have elapsed from the completion of the member's second three-year term. Each member's three-year term shall commence upon their official appointment, and a member may continue to serve on the council until a replacement appointment has been made, even if their term has ended. Vacancies shall be filled in the same manner as original appointments [~~for the remainder of the unexpired term~~].

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

(i) the head of any state agency that administers funds provided under federal laws related to individuals with disabilities, or such person's designee including, but not limited to, the commissioner of education, or such person's designee who oversees policy planning and implementation of the Rehabilitation Act of 1973, and such person's designee who oversees policy planning and implementation of the Individuals with Disabilities Education Act; the director of the office for the aging or such person's designee who oversees policy planning and implementation of the Older Americans Act of 1965; and the commissioner of health, or such person's designee who oversees policy planning and implementation of Titles V and XIX of the Social Security Act;

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

(iii) the head of the state's protection and advocacy system, or such person's designee. Designees shall have sufficient authority to engage in policy planning and implementation on behalf of their respective entities.

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

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

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

(ii) [~~At least one-third~~] One-third of these members shall [~~be developmentally disabled~~] have a developmental disability,

(iii) [~~At least one-third~~] One-third of these members shall be immediate relatives or guardians of persons with developmental disabilities, [~~and~~]

(iv) One-third of these members shall be a combination of the individuals described in subparagraphs (ii) and (iii) of this paragraph, and

(v) At least one member shall be an immediate relative or guardian of [~~an institutionalized developmentally disabled person~~] a person with a developmental disability who resides or previously resided in an institution, or a person with a developmental disability who resides or previously resided in an institution defined in subdivision eleven of section 1.03 of the mental hygiene law.

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

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

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

§ 2. This act shall take effect immediately.