

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:

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-~~

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

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

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

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

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

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

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

33 (c) At least sixty percent of the council [~~members appointed by the~~
34 ~~governor~~] shall consist of [~~developmentally disabled~~] persons with
35 developmental disabilities or [~~their~~] parents or guardians or [~~of~~] imme-
36 ~~mediate~~ relatives [~~or guardians~~] of persons with developmental disabili-
37 ties.

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

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

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

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

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

- 1 4. The state council on developmental disabilities [~~planning council~~]
2 shall meet periodically or at the call of its [~~chairman~~] chairperson.
3 5. The [~~chairman, in consultation with the other members of the~~] coun-
4 cil[~~r~~] shall recruit and appoint [~~and employ such personnel as he or~~
5 ~~she~~] the executive director of the council as they may deem necessary,
6 prescribe their duties, fix their compensation and provide for
7 reimbursement of their expenses within amounts available therefor from
8 federal funds reserved by the state pursuant to the developmental disa-
9 bilities assistance and bill of rights act or by state appropriation.
10 6. Members shall receive no compensation for their services but shall
11 be reimbursed out of federal funds available therefor for all expenses
12 actually and necessarily incurred by them in the performance of their
13 duties.
14 § 2. This act shall take effect immediately.