STATE OF NEW YORK

7251

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing the commission of the deaf, deafblind and hard of hearing; to amend the social services law, in relation to requiring the commission of the deaf, deafblind, and hard of hearing to transmit complaints in matters affecting the deaf, deafblind, and hard of hearing communities to the vulnerable persons' central register; and to repeal section 559 of the executive law relating to the New York state interagency coordinating council for services to persons who are deaf, deaf-blind, or hard of hearing

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

Section 1. The executive law is amended by adding a new article 26-C to read as follows:

ARTICLE 26-C

COMMISSION OF THE DEAF, DEAFBLIND AND HARD OF HEARING

Section 755. Definitions.
756. Commission of the deaf, deafblind and hard of hearing.
757. Executive director.
758. Membership of the commission.
759. Powers and duties of the commission.

§ 755. Definitions. When used in this article, the following words and terms shall have the meanings ascribed to them in this section:

1. "deaf" shall mean a person who has profound hearing loss and who primarily relies on visual communication, such as sign language, writing, lip reading, and gestures, which may be used exclusively or in combination, or who communicates orally and use sign language to support their understanding of the spoken language;

2. "deafblind" shall mean a person with varying degrees of combined hearing and vision loss; and

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

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3. "hard of hearing" shall mean a person with measurable hearing loss.

§ 756. Commission of the deaf, deafblind and hard of hearing. There is hereby established the "commission of the deaf, deafblind and hard of hearing".

§ 757. Executive director. The governor shall appoint, at the recommendation of the commission, an executive director of the commission who shall serve at the pleasure of the governor. The executive director shall receive an annual salary fixed by the governor within the amounts appropriated specifically therefor and shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of their official duties. The executive director shall assist the commission in carrying out the duties and responsibilities of the commission.

§ 758. Membership of the commission. 1. The commission shall be comprised of nine voting members and three non-voting members. All members must be New York residents.

(a) Five members of the commission shall be appointed by the governor in the following manner:

(i) three members, one whom is deaf, one whom is deafblind and one whom is hard of hearing;

(ii) a licensed audiologist pursuant to article one hundred fifty-nine of the education law; and

(iii) a representative of a state-supported school for the instruction of students who are deaf, deafblind or hard of hearing.

(b) One member of the commission shall be appointed by the temporary president of the senate. Such member shall be hard of hearing.

(c) One member of the commission shall be appointed by the speaker of the assembly. Such member shall be deaf.

(d) One member of the commission shall be appointed by the minority leader of the senate. Such member shall be deafblind.

(e) One member of the commission shall be appointed by the minority leader of the assembly. Such member shall be a parent of a child who is deaf, deafblind or hard of hearing.

(f) The executive director of the commission of the deaf, deafblind and hard of hearing shall be a non-voting, ex-officio member of the commission.

(g) The members of the commission shall appoint two non-voting members of the commission, one whom shall be a qualified sign language interpreter and one whom shall be a qualified real-time captioning provider.

2. The identification and selection of candidates for appointments shall be done, to the greatest extent possible, in consultation with organizations and individuals representing the deaf, deafblind and hard of hearing communities.

3. The members of the commission shall serve terms of three years. Subsequent appointments upon the expiration of such terms shall be filled in the same manner as the original appointments. The members of the commission shall elect one of their members to serve as chairperson during his or her appointment term or for a period of three years, whichever is shorter.

4. Members of the commission shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

5. The commission shall meet at least four times per year. The meetings shall be made accessible to the deaf, deafblind and hard of hearing communities. A majority of the voting membership of the commission shall constitute a quorum for the transaction of commission business. Action may be taken and motions and resolutions adopted by

the commission at any meeting thereof by the affirmative vote of five members of the commission.

§ 759. Powers and duties of the commission. 1. The commission shall advise the governor and the legislature on how the state can effectively meet the needs of the deaf, deafblind and hard of hearing communities.

2. The duties and responsibilities of the commission are to:

(a) create a statewide plan, including annual updates, to deliver coordinated services and programs to persons who are deaf, deafblind and hard of hearing in a manner that best serves their needs including but not limited to accessibility, educational, medical, housing, and employment services. The commission shall coordinate with other state agencies, and the Commission for the Blind, as appropriate, when creating their state plan to deliver coordinated services and programs;

(b) develop a process to collect and maintain data on the number of deaf, deafblind and hard of hearing individuals in New York state;

(c) regularly maintain a website that serves as a clearinghouse of information, resources and services for persons who are deaf, deafblind and hard of hearing;

(d) create a referral system that receives complaints in matters affecting the deaf, deafblind and hard of hearing communities and refers such complaints to the appropriate agencies or organizations if necessary or appropriate, provided however, if such complaint is a reportable incident pursuant to article eleven of the social services law, it shall be forwarded to the vulnerable persons' central register or if such complaint is a criminal matter, it shall be forwarded to the appropriate law enforcement agency;

(e) coordinate with federal, state and local agencies to improve access to public safety and emergency services;

(f) develop strategies to increase employment opportunities for deaf, deafblind and hard of hearing individuals including, but not limited to, job training and career development services;

(g) develop and recommend policies to the governor and legislature as deemed necessary to assist the deaf, deafblind and hard of hearing communities;

(h) develop a model policy on interpreter and captioning services including methods to increase access to such services and licensing of qualified interpreters and captioners;

(i) provide technical assistance to state agencies and departments, local governments, agencies or other non-governmental entities on developing policies, providing services and increasing accessibility for the deaf, deafblind and hard of hearing communities;

(j) improve and expand access to assistive technology including but not limited to, relay services, closed captioning, open captioning, hearing loops, telecommunication devices, transcription services, alternative text or other communication services;

(k) coordinate with the department of state regarding access to hearing aids and other associated resources; and

(l) develop public awareness materials and resources on hearing preservation and hearing loss prevention.

3. Subject to an appropriation by the legislature, the commission may hire personnel or enter into contracts deemed necessary to carry out the duties and responsibilities of the commission.

4. The commission shall submit an annual report to the governor and legislature detailing the operation and actions of the commission including but not limited to the development and implementation of the statewide plan, policy recommendations, and actions taken in conjunction

with state or local agencies. The initial report shall be submitted on September first, two thousand twenty-four, with subsequent reports annually thereafter.

§ 2. Section 559 of the executive law is REPEALED.

§ 3. Section 491 of the social services law is amended by adding a new subdivision 6 to read as follows:

6. The commission of the deaf, deafblind and hard of hearing established pursuant to article twenty-six-C of the executive law shall be responsible for transmitting complaints in matters affecting the deaf, deafblind and hard of hearing communities to the vulnerable persons' central register, as appropriate, where such complaints involve allegations of reportable incidents pursuant to this section.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.