

STATE OF NEW YORK

5683

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

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

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:

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

3 ARTICLE 26-C

4 COMMISSION OF THE DEAF, DEAFBLIND AND HARD OF HEARING

5 Section 755. Definitions.

6 756. Commission of the deaf, deafblind and hard of hearing.

7 757. Executive director.

8 758. Membership of the commission.

9 759. Powers and duties of the commission.

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

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

17 2. "deafblind" shall mean a person with varying degrees of combined
18 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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1 3. "hard of hearing" shall mean a person with measurable hearing loss.
2 § 756. Commission of the deaf, deafblind and hard of hearing. There is
3 hereby established the "commission of the deaf, deafblind and hard of
4 hearing".

5 § 757. Executive director. The governor shall appoint, at the recom-
6 mendation of the commission, an executive director of the commission who
7 shall serve at the pleasure of the governor. The executive director
8 shall receive an annual salary fixed by the governor within the amounts
9 appropriated specifically therefor and shall be entitled to reimburse-
10 ment for actual expenses necessarily incurred in the discharge of their
11 official duties. The executive director shall assist the commission in
12 carrying out the duties and responsibilities of the commission.

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

16 (a) Five members of the commission shall be appointed by the gover-
17 nor in the following manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (a) create a statewide plan, including annual updates, to deliver
8 coordinated services and programs to persons who are deaf, deafblind and
9 hard of hearing in a manner that best serves their needs including but
10 not limited to accessibility, educational, medical, housing, and employ-
11 ment services. The commission shall coordinate with other state agen-
12 cies, and the Commission for the Blind, as appropriate, when creating
13 their state plan to deliver coordinated services and programs;

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

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

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

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

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

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

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

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

42 (j) improve and expand access to assistive technology including but
43 not limited to, relay services, closed captioning, open captioning,
44 hearing loops, telecommunication devices, transcription services, alter-
45 native text or other communication services;

46 (k) coordinate with the department of state regarding access to hear-
47 ing aids and other associated resources; and

48 (l) develop public awareness materials and resources on hearing pres-
49 ervation and hearing loss prevention.

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

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

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

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

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

7 6. The commission of the deaf, deafblind and hard of hearing estab-
8 lished pursuant to article twenty-six-C of the executive law shall be
9 responsible for transmitting complaints in matters affecting the deaf,
10 deafblind and hard of hearing communities to the vulnerable persons'
11 central register, as appropriate, where such complaints involve allega-
12 tions of reportable incidents pursuant to this section.

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