§ 374. State fire prevention and building code council. 1. There is hereby created and established in the department of state a council, to be known as the state fire prevention and building code council. Such council shall consist of the secretary of state, as chairperson, the state fire administrator and seventeen other members to be appointed as follows:

a. Three members, to be appointed by the governor, from among the commissioners of the departments of economic development, environmental conservation, corrections and community supervision, education, health, labor, agriculture and markets, mental health and social services, office of general services, division of housing and community renewal, the president of the New York state energy research and development authority, and the superintendent of financial services.

b. Six members, to be appointed by the governor, one of whom shall be an elected official of a city with a population over one million, one of whom shall be an elected official of another city with a population over one hundred thousand, one of whom shall be an elected official of any other city, one of whom shall be an elected county official, one of whom shall be an elected town official, and one of whom shall be an elected village official.

c. Eight members, to be appointed by the governor with the advice and consent of the senate, one of whom shall be a fire service official, one of whom shall be a registered architect, one of whom shall be a professional engineer, one of whom shall be a code enforcement official, one of whom shall represent builders, one of whom shall represent trade unions, one of whom shall represent agricultural producers, and one of whom shall be a person with a disability as defined in section two hundred ninety-two of this chapter who would directly benefit from the provisions of article thirteen of the state uniform fire prevention and building code. The registered architect and professional engineer shall be duly licensed to practice their respective professions in the state of New York. After the certification of code enforcement personnel pursuant to this chapter shall have begun said code enforcement official shall be so certified.

2. The members of the council, other than the ex-officio members, shall serve for terms of four years provided, however, that any member appointed pursuant to paragraph b of subdivision one of this section shall cease to be a member of the council when such member no longer holds the elective office which made such member eligible to appointment under such paragraph. Such terms shall commence on April first and expire on March thirty-first provided, however, that of the members first appointed pursuant to paragraph b of subdivision one of this section, three shall be appointed for terms of four years and three for a term of two years, of the members first appointed pursuant to paragraph c of subdivision one of this section, three shall be appointed for terms of four years and three for a term of two years, and the member first appointed pursuant to paragraph d of subdivision one of this section shall be appointed for a term of four years. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.

3. The council shall meet at least quarterly at the call of the chairperson. Additional meetings may be called upon at least five days' notice by the chairperson or by petition of five members of the council.

4. No member of the council shall be disqualified from holding any other public office, nor shall employment be forfeited by reason of the member's appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance, county or city charter.

5. Each member of the council, other than a full-time government official, shall receive per diem compensation at the rate of one hundred fifty dollars per day for each day spent in the performance of his duties. All members of the council shall receive actual and necessary expenses incurred in the performance of their duties.

6. The governor may remove any member for inefficiency, neglect of duty or misconduct in office after giving him a copy of the charges against him and an opportunity to be heard, in person or by counsel in his defense, upon not less than ten days notice. If any member shall be

so removed, the governor shall file in the office of the secretary of state a complete statement of charges made aginst such member, and his finding thereon, together with a complete record of the proceedings.

7. The ex-officio members of the council and the elected county and local government official members appointed pursuant to paragraph b of subdivision one of this section may, by official authority filed in their respective agencies, county or local governments and with the secretary, designate a deputy or other officer of their respective agency, county or local government to exercise their powers and perform their duties on the council.

8. The council may create such subcommittees as it may from time to time deem appropriate to provide it with advice and recommendations concerning the performance of its duties under this article.

9. a. The chairperson of the council shall appoint an advisory board on assistive listening systems in places of public assembly for the purposes of providing the full council with recommendations for standards for such systems. Such advisory board shall consist of the state fire administrator, who shall serve as chairperson, and six other members to be appointed as follows:

(i) three members from among the members of the state fire prevention and building code council,

(ii) three members one of whom shall represent an organization which serves as an advocate for the deaf and hard of hearing, one of whom shall represent consumers of products designed for the deaf and hard of hearing, and one of whom represents an institution of higher education with expertise in the area of assistive listening technology, who shall be entitled to be reimbursed for necessary travel and incidental expenses out of monies appropriated to the division of housing and community renewal.

b. Such advisory board shall, prior to December thirty-first, nineteen hundred eighty-nine, submit to the state fire prevention and building code council:

(i) findings on the extent of existing federal, state and local

requirements for assistive listening systems,

(ii) findings on the type, design and use of existing assistive listening systems,

(iii) recommendations for design and installation standards for assistive listening systems intended for places of public assembly, and

(iv) recommendations for capacity standards for places of public assembly which shall be required to install assistive listening systems.

c. In developing such recommendations the advisory board shall take into consideration the costs of such systems, the standardization and compatibility of such systems, if the technology permits, and the utilization of such systems by the consumer who is deaf or hard of hearing. Particular attention should be given to the ability of consumers to utilize a single receiver which is compatible in a variety of installations employing the same assistive listening device technology.

d. In addition, the advisory board shall ensure, to the extent possible, that the standards developed for the design and installation of assistive listening systems take into consideration the opportunity for competition among manufacturers of the same or various approved systems.