ASSEMBLY, No. 385

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

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SYNOPSIS
Establishes Disparity in Treatment of Persons with Disabilities in Underrepresented Communities Commission in DCA.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 8/5/2014)
AN ACT creating the Disparity in Treatment of Persons with Disabilities in Underrepresented Communities Commission.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:
   a. The State of New Jersey has a diverse population with a large percentage of residents who are members of a racial or ethnic minority and who often reside in economically challenged areas of the State.
   b. Studies have shown that members of racial or ethnic minorities have less access to employment opportunities, education, health care, and other vital public services than other residents of the State.
   c. A member of a racial or ethnic minority with a disability experiences a form of "double jeopardy" in which both the individual's classification as a minority and their disability prevent them from receiving the same opportunities that are afforded to a majority of the residents of New Jersey.
   d. Minorities with disabilities constitute a significant portion of the vulnerable population in New Jersey, and they are plagued by the disparity in the availability of, and access to, public and private health services.
   e. New Jerseyans take seriously their obligation to their fellow residents with disabilities. Government provides a plethora of services to those individuals; however, there is no Statewide effort to conduct a wide ranging cross-disability study to determine the additional limitations put on racial or ethnic minorities with disabilities and how to alleviate those limitations.

2. A Disparity in Treatment of Persons with Disabilities in Underrepresented Communities Commission is established in, but not of, the Department of Community Affairs. The commission is allocated to the Department of Community Affairs for the purpose of complying with Article V, Section IV, paragraph 1 of the New Jersey Constitution. The Commissioner of Community Affairs shall be the request officer for the commission within the meaning of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that authority and other administrative functions, powers, and duties consistent with the provisions of this act.

3. a. The Disparity in Treatment of Persons with Disabilities in Underrepresented Communities Commission shall be composed of 20 members, 10 of whom shall be public members, appointed as follows: four by the Governor, three by the President of the Senate, and three by the Speaker of the General Assembly. No public
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member shall hold any elective office in the State, or any political
subdivision thereof, while serving on the commission. Two of the
members appointed by the Governor shall have academic expertise
in the field of statistical analysis. The remaining eight public
members shall be chosen from leaders in community-based or civil
rights organizations with experience in community and urban affairs
in traditionally underserved populations. Of those eight members,
two appointed by the Governor and one each appointed by the
President of the Senate and the Speaker of the General Assembly
shall have experience with cross-disability issues.

b. The remaining 10 members shall consist of one
representative each from the Department of Community Affairs, the
Department of Labor and Workforce Development, the Department
of Human Services, the Department of Health, the Department of
Corrections, the Department of Law and Public Safety, the
Department of Education, the Department of Children and Families,
the Department of Banking and Insurance, and a representative
from the Juvenile Justice Commission. The department
representatives shall be designated by their respective
commissioners, shall serve ex officio, and shall be ineligible to vote
on matters before the commission. The public members shall serve
for terms of five years and until the appointment and qualification
of a successor; except that in making the first appointments to the
commission, two shall be appointed to serve for one year, two for
two years, two for three years, two for four years, and two for five
years. The length of the respective term of each public member of
the first commission shall be determined by lot at the organization
of the commission.

4. a. Appointments to the Disparity in Treatment of Persons
with Disabilities in Underrepresented Communities Commission
shall be made within 90 days, and the commission shall hold its
initial organizational meeting within 150 days following the
effective date of this act. The Governor shall appoint a chairperson
of the commission from one of the six members appointed by the
President of the Senate and the Speaker of the General Assembly.
b. The commission shall hold meetings at a time and place
determined by the chairperson. The meetings shall be held at times
and places which afford a reasonable prospect of participation by
groups and individuals most affected by the issues studied by the
commission. The commission shall meet at least once a month or at
such other times as designated by the chair.

5. a. The members of the Disparity in Treatment of Persons
with Disabilities in Underrepresented Communities Commission
shall serve without compensation, but shall be reimbursed for the
reasonable expenses necessarily incurred in the performance of
their duties, within the limit of funds appropriated or otherwise
made available to the commission for its purposes.

b. The Department of Community Affairs shall provide such
stenographic, clerical, and other administrative assistants, and such
professional staff, as the commission requires to carry out its work.
The commission shall also be entitled to call to its assistance and
avail itself of the services of the employees of any State, county, or
municipal department, board, bureau, commission, or agency as it
may require and as may be available for its purposes.

6. a. The Disparity in Treatment of Persons with Disabilities in
Underrepresented Communities Commission shall study and report
on the disparate treatment received by persons of a racial or ethnic
minority with disabilities. The commission shall conduct wide
cross-disability studies, inclusive of all persons classified as
disabled by section 3 of the Americans with Disabilities Act of
1990, 42 U.S.C. s.12102. The commission shall study the unique
concerns of racial or ethnic minorities with disabilities and the
effect their status as a racial or ethnic minority has on exacerbating
the impact of the disability. The studies shall include, but not be
limited to, disparity in the treatment of racial or ethnic minorities
and their access to educational opportunities, employment
opportunities, health care, and other services provided by both the
private and public sectors. The commission has wide latitude in
determining which issue it will study, provided the commission can
show a correlation between the issue and racial or ethnic minorities
with disabilities. The commission shall issue reports to the
Governor and the Legislature, pursuant to section 2 of P.L. 1991,
c.164 (C.52:14-19.1), detailing its findings and making
recommendations as to how the disparate treatment of these
individuals with disabilities may be remedied.

b. The commission shall solicit suggestions from the public
regarding issues relating to racial and ethnic minorities with
disabilities that should be studied by the commission. The
commission shall then make a determination as to which issues it
will study. The commission shall announce the first issue that it
will study within 60 days of its initial organizational meeting. This
first report shall be issued no later than six months following the
announcement of the topic.

c. Following the release of its initial report, the commission
shall continue to conduct studies on issues impacting upon racial
and ethnic minorities with disabilities; however, the commission
shall issue an annual report summarizing the studies, findings, and
recommendations of the commission for the prior year. The annual
report shall be released on or before October 31 of each year.
Nothing in this paragraph shall prohibit the commission from
releasing more than one report each year.
d. The commission shall hold public hearings, as determined by the chairperson, in order to receive public comment regarding the first issue to be studied by the commission. Further public hearings shall be conducted on every topic subsequently studied by the commission in order to receive testimony from experts or interested members of the general public. All public hearings shall be held at a time and place which allows for the attendance of members of the general public most affected by the issue being studied. Nothing in this section shall prohibit the commission from holding private meetings to deliberate on the matters being studied.

7. This act shall take effect immediately.

STATEMENT

This bill establishes the Disparity in Treatment of Persons with Disabilities in Underrepresented Communities Commission in, but not of, the Department of Community Affairs. Minorities often have less access to health care, educational opportunities, and treatment for disabling conditions, which may serve to exacerbate the impact of the disability. Noting the large number of minority residents in New Jersey, it is vital that the State provide all assistance possible to these individuals so that they may achieve the same quality of life enjoyed by so many New Jersey residents.

The commission shall consist of 10 public members who will be permitted to vote on matters before the commission. Four of the public members will be appointed by the Governor. The Speaker of the General Assembly and President of the Senate shall each appoint three public members, respectively. Two of the members appointed by the Governor must have academic expertise in the field of statistical analysis. Eight of the public members shall be leaders of community-based or civil rights organizations with experience in community and urban affairs in traditionally underserved populations. Of those eight, two appointed by the Governor and one each appointed by the President of the Senate and the Speaker of the General Assembly, respectively, shall have experience in cross-disability issues. Ten nonvoting members of the commission shall come from State government and will include representatives of the Department of Community Affairs, the Department of Labor and Workforce Development, the Department of Human Services, the Department of Health, the Department of Corrections, the Department of Law and Public Safety, the Department of Education, the Department of Children and Families, the Department of Banking and Insurance, and a representative of the Juvenile Justice Commission.
All appointments to the commission shall be made within 90 days of the effective date of this bill and the commission shall hold its first meeting within 150 days of the effective date. The Governor shall appoint a chairperson of the commission from one of the six members appointed by the President of the Senate and the Speaker of the General Assembly. The commission shall meet at least once a month, at a time and place to be determined by the chairperson.

The commission will solicit proposed topics of study from the public and then determine which issue will be studied. Further public hearing are to be conducted in order to receive expert testimony or public comment on issues being studied by the commission. The hearings must be at a time and place which allows for members of the general public most affected by the issue being studied to attend.

The commission is to select its first topic of study within 60 days of its first meeting. The commission shall study the unique concerns of racial or ethnic minorities with disabilities and the effect their status as a racial or ethnic minority has on exacerbating the impact of the disability. The studies shall include, but not be limited to, disparity in the treatment of racial or ethnic minorities and their access to educational opportunities, employment opportunities, health care, and other services provided by both the private and public sectors. A person is deemed to be disabled if their condition is defined as a disability by the federal Americans with Disabilities Act of 1990. Following the review of an issue, the commission shall provide a report to the Governor and the Legislature detailing its findings, and making recommendations as to any potential legislative and administrative remedies that may be available. The commission shall issue at least one report each calendar year, no later than October 31 of each year.