

ASSEMBLY, No. 385

STATE OF NEW JERSEY

216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

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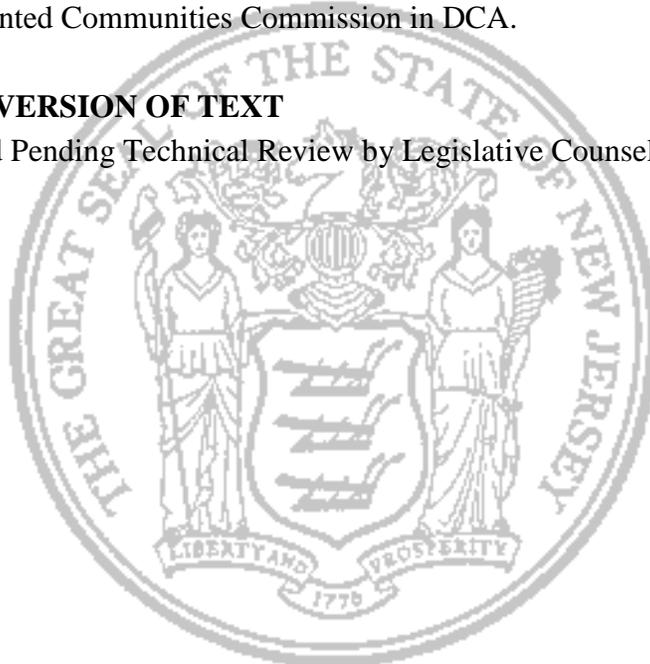
**Assemblywomen Sumter, Mosquera, Assemblymen Eustace, Caputo and
Assemblywoman Lampitt**

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)

1 AN ACT creating the Disparity in Treatment of Persons with
2 Disabilities in Underrepresented Communities Commission.

3

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

6

7 1. The Legislature finds and declares that:

8 a. The State of New Jersey has a diverse population with a
9 large percentage of residents who are members of a racial or ethnic
10 minority and who often reside in economically challenged areas of
11 the State.

12 b. Studies have shown that members of racial or ethnic
13 minorities have less access to employment opportunities, education,
14 health care, and other vital public services than other residents of
15 the State.

16 c. A member of a racial or ethnic minority with a disability
17 experiences a form of “double jeopardy” in which both the
18 individual’s classification as a minority and their disability prevent
19 them from receiving the same opportunities that are afforded to a
20 majority of the residents of New Jersey.

21 d. Minorities with disabilities constitute a significant portion of
22 the vulnerable population in New Jersey, and they are plagued by
23 the disparity in the availability of, and access to, public and private
24 health services.

25 e. New Jerseyans take seriously their obligation to their fellow
26 residents with disabilities. Government provides a plethora of
27 services to those individuals; however, there is no Statewide effort
28 to conduct a wide ranging cross-disability study to determine the
29 additional limitations put on racial or ethnic minorities with
30 disabilities and how to alleviate those limitations.

31

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

42

43 3. a. The Disparity in Treatment of Persons with Disabilities in
44 Underrepresented Communities Commission shall be composed of
45 20 members, 10 of whom shall be public members, appointed as
46 follows: four by the Governor, three by the President of the Senate,
47 and three by the Speaker of the General Assembly. No public

1 member shall hold any elective office in the State, or any political
2 subdivision thereof, while serving on the commission. Two of the
3 members appointed by the Governor shall have academic expertise
4 in the field of statistical analysis. The remaining eight public
5 members shall be chosen from leaders in community-based or civil
6 rights organizations with experience in community and urban affairs
7 in traditionally underserved populations. Of those eight members,
8 two appointed by the Governor and one each appointed by the
9 President of the Senate and the Speaker of the General Assembly
10 shall have experience with cross-disability issues.

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

29

30 4. a. Appointments to the Disparity in Treatment of Persons
31 with Disabilities in Underrepresented Communities Commission
32 shall be made within 90 days, and the commission shall hold its
33 initial organizational meeting within 150 days following the
34 effective date of this act. The Governor shall appoint a chairperson
35 of the commission from one of the six members appointed by the
36 President of the Senate and the Speaker of the General Assembly.

37 b. The commission shall hold meetings at a time and place
38 determined by the chairperson. The meetings shall be held at times
39 and places which afford a reasonable prospect of participation by
40 groups and individuals most affected by the issues studied by the
41 commission. The commission shall meet at least once a month or at
42 such other times as designated by the chair.

43

44 5. a. The members of the Disparity in Treatment of Persons
45 with Disabilities in Underrepresented Communities Commission
46 shall serve without compensation, but shall be reimbursed for the
47 reasonable expenses necessarily incurred in the performance of

1 their duties, within the limit of funds appropriated or otherwise
2 made available to the commission for its purposes.

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

10

11 6. a. The Disparity in Treatment of Persons with Disabilities in
12 Underrepresented Communities Commission shall study and report
13 on the disparate treatment received by persons of a racial or ethnic
14 minority with disabilities. The commission shall conduct wide
15 cross-disability studies, inclusive of all persons classified as
16 disabled by section 3 of the Americans with Disabilities Act of
17 1990, 42 U.S.C. s.12102. The commission shall study the unique
18 concerns of racial or ethnic minorities with disabilities and the
19 effect their status as a racial or ethnic minority has on exacerbating
20 the impact of the disability. The studies shall include, but not be
21 limited to, disparity in the treatment of racial or ethnic minorities
22 and their access to educational opportunities, employment
23 opportunities, health care, and other services provided by both the
24 private and public sectors. The commission has wide latitude in
25 determining which issue it will study, provided the commission can
26 show a correlation between the issue and racial or ethnic minorities
27 with disabilities. The commission shall issue reports to the
28 Governor and the Legislature, pursuant to section 2 of P.L. 1991,
29 c.164 (C.52:14-19.1), detailing its findings and making
30 recommendations as to how the disparate treatment of these
31 individuals with disabilities may be remedied.

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

40 c. Following the release of its initial report, the commission
41 shall continue to conduct studies on issues impacting upon racial
42 and ethnic minorities with disabilities; however, the commission
43 shall issue an annual report summarizing the studies, findings, and
44 recommendations of the commission for the prior year. The annual
45 report shall be released on or before October 31 of each year.
46 Nothing in this paragraph shall prohibit the commission from
47 releasing more than one report each year.

1 d. The commission shall hold public hearings, as determined
2 by the chairperson, in order to receive public comment regarding
3 the first issue to be studied by the commission. Further public
4 hearings shall be conducted on every topic subsequently studied by
5 the commission in order to receive testimony from experts or
6 interested members of the general public. All public hearings shall
7 be held at a time and place which allows for the attendance of
8 members of the general public most affected by the issue being
9 studied. Nothing in this section shall prohibit the commission from
10 holding private meetings to deliberate on the matters being studied.

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12 7. This act shall take effect immediately.

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14

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STATEMENT

16

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

26 The commission shall consist of 10 public members who will be
27 permitted to vote on matters before the commission. Four of the
28 public members will be appointed by the Governor. The Speaker of
29 the General Assembly and President of the Senate shall each
30 appoint three public members, respectively. Two of the members
31 appointed by the Governor must have academic expertise in the
32 field of statistical analysis. Eight of the public members shall be
33 leaders of community-based or civil rights organizations with
34 experience in community and urban affairs in traditionally
35 underserved populations. Of those eight, two appointed by the
36 Governor and one each appointed by the President of the Senate and
37 the Speaker of the General Assembly, respectively, shall have
38 experience in cross-disability issues. Ten nonvoting members of
39 the commission shall come from State government and will include
40 representatives of the Department of Community Affairs, the
41 Department of Labor and Workforce Development, the Department
42 of Human Services, the Department of Health, the Department of
43 Corrections, the Department of Law and Public Safety, the
44 Department of Education, the Department of Children and Families,
45 the Department of Banking and Insurance, and a representative of
46 the Juvenile Justice Commission.

A385 TUCKER, VAINIERI HUTTLE

1 All appointments to the commission shall be made within 90
2 days of the effective date of this bill and the commission shall hold
3 its first meeting within 150 days of the effective date. The
4 Governor shall appoint a chairperson of the commission from one
5 of the six members appointed by the President of the Senate and the
6 Speaker of the General Assembly. The commission shall meet at
7 least once a month, at a time and place to be determined by the
8 chairperson.

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

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