

ASSEMBLY, No. 4151

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 14, 2020

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 AN ACT concerning the Advisory Council on the Deaf and Hard of
2 Hearing and amending P.L.1977, c.166.

3

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

6

7 1. Section 8 of P.L.1977, c.166 (C.34:1-69.1a.) is amended to
8 read as follows:

9 8. a. There shall be, within the Division of the Deaf and Hard
10 of Hearing in the Department of Human Services, an Advisory
11 Council on the Deaf and Hard of Hearing **[which]**.

12 b. The advisory council shall consist of **[18]** 25 members**[.**
13 One representative from each of the following shall be ex-officio
14 members:**]** , including:

15 (1) seven members, or their designees, who shall serve ex
16 officio, as follows: the Director of the Office of Special Education
17 Policy and Procedure in the Department of Education**[,];** the
18 Director of the Early Hearing Detection and Intervention Program
19 in the Department of Health**[,];** the Director of the Division of the
20 Deaf and Hard of Hearing in the Department of Human Services**[,];**
21 the Director of the Division of Aging Services in the Department of
22 Human Services; the Director of the Division of Vocational
23 Rehabilitation Services in the Department of Labor**[,]** and
24 Workforce Development; the **[Commission on]** Secretary of Higher
25 Education; and the Superintendent of the Marie Katzenbach School
26 for the Deaf**[. Twelve]** ; and

27 (2) eighteen public members **[shall]** to be appointed by the
28 Governor as follows: one licensed audiologist; one licensed
29 speech-language pathologist who has experience in working with
30 the deaf and hard of hearing populations; one instructor of
31 American Sign Language (ASL); one educational provider who
32 represents an educational center that uses an auditory-oral
33 approach; one **[shall be a]** business person who shall be selected by
34 the Governor from a list of candidates supplied by the New Jersey
35 State Chamber of Commerce**[,];** one lay citizen born of deaf
36 parents**[, five]**; one parent of a child who is deaf or hard of hearing;
37 one parent of a child who is deaf or hard of hearing and has special
38 needs; one citizen who is deaf-blind and is recommended by the
39 President of the Senate; one citizen who is deaf-blind and is
40 recommended by the Speaker of the General Assembly; two citizens
41 who are deaf**[,]** and are recommended by the President of the
42 Senate, one of whom shall be recommended by the President of the
43 Senate based on a list of candidates supplied by the New Jersey
44 Association of the Deaf; **[two of whom shall be chosen from the**

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 professions and three to be lay persons,] two citizens who are deaf
2 and are recommended by the Speaker of the General Assembly, one
3 of whom shall be recommended by the Speaker based on a list of
4 candidates supplied by the New Jersey Association of the Deaf;
5 **【and five】** two citizens who are hard of hearing and are
6 recommended by the President of the Senate, one of whom shall be
7 recommended by the President of the Senate based on a list of
8 candidates supplied by the Hearing Loss Association of New
9 Jersey; and two citizens who are hard of hearing and are
10 recommended by the Speaker of the General Assembly, one of
11 whom shall be recommended by the Speaker based on a list of
12 candidates supplied by the Hearing Loss Association of New Jersey.

13 **【In considering the appointment of the five citizens who are deaf**
14 **the Governor shall give appropriate consideration to persons**
15 **recommended by profoundly deaf adults represented by the New**
16 **Jersey Association of the Deaf, Incorporated. In considering the**
17 **appointment of the five citizens who are hard of hearing, the**
18 **Governor shall give appropriate consideration to persons**
19 **recommended by hard of hearing adults represented by the**
20 **organization, Self Help for Hard of Hearing People, Inc.】**

21 c. Each **【appointive】** appointed member of the advisory
22 council shall serve for a term of three years and until 【his】 a
23 successor is appointed and 【qualifies】 qualified, except that, of the
24 members first appointed upon the enactment of P.L.1977, c.166
25 (C.34:1-69.1a et al.), the Governor shall designate the appointee's
26 terms so that two shall be appointed for terms of one year, two for
27 terms of two years, and three for terms of three years. Appointed
28 members of the council may be removed by the Governor, at any
29 time, for cause. Any vacancy on the council shall be filled for the
30 unexpired term, in the same manner provided for the original
31 appointment. Members shall be eligible for reappointment to the
32 advisory council.

33 d. The advisory council may establish an executive sub-
34 committee and any other sub-committee of its members as it deems
35 necessary or proper, and it may authorize such sub-committees to
36 exercise any powers of the advisory council, except those powers
37 that are expressly required by law to be exercised by the advisory
38 council. If the advisory council establishes an executive committee,
39 the committee shall have at least three members appointed by the
40 chair.

41 e. The purpose of the advisory council shall be to support New
42 Jersey's deaf and hard of hearing community by safeguarding the
43 rights of persons who are deaf or hard of hearing, providing
44 guidance on legislative policy, and ensuring the efficient delivery of
45 government services to the deaf and hard of hearing populations in
46 the State. In effectuating these purposes, the advisory council shall:

- 1 (1) conduct an ongoing review of the programs, services, and
2 proposed legislation in the State that affects or may affect persons
3 who are deaf, persons who are deaf-blind, and persons who are hard
4 of hearing;
- 5 (2) provide the Governor, the Legislature, the judicial branch,
6 and the commissioners of all State agencies with advice and
7 recommendations on: (a) the development of policies, programs,
8 and services affecting persons who are deaf, persons who are deaf-
9 blind, and persons who are hard of hearing; (b) the appropriate use
10 of federal and State money in relation to persons who are deaf,
11 persons who are deaf-blind, and persons who are hard of hearing;
12 (c) the sufficiency of, and deficiencies evident in, the programs,
13 services, and proposed legislation reviewed by the advisory council
14 pursuant to paragraph (1) of this subsection; (d) the new laws, rules,
15 and policies that will be necessary to ensure that persons who are
16 deaf, persons who are deaf-blind, and persons who are hard of
17 hearing have equal access to available programs, services, and
18 benefits; (e) the legislation and policies that will work to improve
19 the economic and social conditions of persons who are deaf,
20 persons who are deaf-blind, and persons who are hard of hearing;
21 (f) the need for revisions to the State's affirmative action plan and
22 programs, or for any other State action that may be necessary to
23 eliminate the underemployment or unemployment of deaf, deaf-
24 blind, and hard of hearing persons in the State's workforce; and (g)
25 the problems that are faced by persons who are deaf, persons who
26 are deaf-blind, and persons who are hard of hearing in the areas of
27 education, employment, human rights, human services, health,
28 housing, and other related areas;
- 29 (3) assist persons who are deaf, persons who are deaf-blind,
30 persons who are hard of hearing, and the parents of minors who are
31 deaf, deaf-blind, or hard of hearing, in affirmatively advocating for
32 equal access to services, programs, and opportunities;
- 33 (4) work in consultation with other State and federal agencies
34 and organizations to promote economic opportunities and growth
35 for individuals who are deaf, deaf-blind, or hard of hearing;
- 36 (5) research, formulate, and present to the Governor,
37 Legislature, and any appropriate State agencies, plans for new
38 programs, services, and policies that will serve the needs of persons
39 who are deaf, persons who are deaf-blind, and persons who are hard
40 of hearing;
- 41 (6) encourage and assist in the development of coordinated
42 interdepartmental goals and objectives and the coordination of
43 programs, services, and facilities among all State agencies, political
44 subdivisions, and private service providers as they relate to persons
45 who are deaf, persons who are deaf-blind, and persons who are hard
46 of hearing; and

1 of federal and State money in relation to persons who are deaf,
2 persons who are deaf-blind, and persons who are hard of hearing; c)
3 the sufficiency of, and deficiencies evident in, the programs,
4 services, and proposed legislation reviewed by the advisory council;
5 d) the new laws, rules, and policies that will be necessary to ensure
6 that persons who are deaf, persons who are deaf-blind, and persons
7 who are hard of hearing have equal access to available programs,
8 services, and benefits; e) the legislation and policies that will work
9 to improve the economic and social conditions of persons who are
10 deaf, persons who are deaf-blind, and persons who are hard of
11 hearing; f) the need for revisions to the State's affirmative action
12 plan and programs, or for any other State action that may be
13 necessary to eliminate the underemployment or unemployment of
14 deaf, deaf-blind, and hard of hearing persons in the State's
15 workforce; and g) the problems that are faced by persons who are
16 deaf, persons who are deaf-blind, and persons who are hard of
17 hearing in the areas of education, employment, human rights,
18 human services, health, housing, and other related areas;

19 3) assist persons who are deaf, persons who are deaf-blind,
20 persons who are hard of hearing, and the parents of minors who are
21 deaf, deaf-blind, or hard of hearing, in affirmatively advocating for
22 equal access to services, programs, and opportunities;

23 4) work in consultation with other State and federal agencies
24 and organizations to promote economic opportunities and growth
25 for individuals who are deaf, deaf-blind, or hard of hearing;

26 5) research, formulate, and present to the Governor,
27 Legislature, and any appropriate State agencies, plans for new
28 programs, services, and policies that will serve the needs of persons
29 who are deaf, persons who are deaf-blind, and persons who are hard
30 of hearing;

31 6) encourage and assist in the development of coordinated
32 interdepartmental goals and objectives and the coordination of
33 programs, services, and facilities among all State agencies, political
34 subdivisions, and private service providers as they relate to persons
35 who are deaf, persons who are deaf-blind, and persons who are hard
36 of hearing; and

37 7) enhance public awareness of the special needs and potential
38 of persons who are deaf, persons who are deaf-blind, and persons
39 who are hard of hearing.

40 The bill would require the advisory council, in effectuating its
41 duties under the bill, to coordinate with other State and local
42 agencies that serve persons who are deaf, deaf-blind, or hard of
43 hearing, and to consult with associations, organizations, and
44 individuals who are knowledgeable about the needs of such persons
45 and their families.

46 The bill also provides for changes in the membership of the
47 advisory council. Under the revised membership, the council would
48 consist of 25 (as opposed to 18) members. The number of ex

1 officio members would be increased from six to seven, and the
2 number of public members would be increased from 12 to 18.

3 Specifically, under the revised membership, seven members, or
4 their designees, would serve ex officio, as follows: the Director of
5 the Office of Special Education Policy and Procedure in the
6 Department of Education; the Director of the Early Hearing
7 Detection and Intervention Program in the Department of Health;
8 the Director of the Division of the Deaf and Hard of Hearing in the
9 Department of Human Services; the Director of the Division of
10 Aging Services in the Department of Human Services; the Director
11 of the Division of Vocational Rehabilitation Services in the
12 Department of Labor and Workforce Development; the Secretary of
13 Higher Education; and the Superintendent of the Marie Katzenbach
14 School for the Deaf.

15 The eighteen public members are to be appointed by the
16 Governor and would include: one licensed audiologist; one
17 licensed speech-language pathologist who has experience in
18 working with the deaf and hard of hearing populations; one
19 instructor of American Sign Language (ASL); one educational
20 provider who represents an educational center that uses an auditory-
21 oral approach; one business person selected from a list of
22 candidates supplied by the New Jersey State Chamber of
23 Commerce; one lay citizen born of deaf parents; one parent of a
24 child who is deaf or hard of hearing; one parent of a child who is
25 deaf or hard of hearing and has special needs; two citizens who are
26 deaf-blind, one of whom is to be recommended by the President of
27 the Senate and one of whom is to be recommended by the Speaker
28 of the General Assembly; four citizens who are deaf, two of whom
29 are to be selected from a list of candidates supplied by the New
30 Jersey Association of the Deaf; and four citizens who are hard of
31 hearing, two of whom are to be selected from a list of candidates
32 supplied by the Hearing Loss Association of New Jersey.

33 The bill would authorize the advisory council to establish an
34 executive sub-committee and any other sub-committee of its
35 members, as it deems necessary or proper, and to authorize such
36 sub-committees to exercise any powers of the advisory council,
37 except those that are expressly required by law to be exercised by
38 the advisory council. If the advisory council establishes an
39 executive committee, the committee is to have at least three
40 members appointed by the chair.

41 Finally, the bill updates the law to ensure that it complies with
42 current bill drafting requirements associated with the establishment
43 and operations of advisory councils and commissions. In particular,
44 the bill includes new references to member reappointments and
45 removals, and the use of DHS staff for clerical purposes.