

**ASSEMBLY, No. 4151**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MAY 14, 2020

**District 7 (Burlington)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman McKnight**

**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: 12/9/2021)**

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     (7) enhance public awareness of the special needs and potential  
2     of persons who are deaf, persons who are deaf-blind, and persons  
3     who are hard of hearing.

4     **【b.】** f. Members of the 【Advisory Council on the Deaf and  
5     Hard of Hearing】 advisory council shall serve without  
6     compensation, but shall be entitled to reimbursement for necessary  
7     and reasonable expenses incurred in performance of their duties,  
8     within the limits of funds appropriated or otherwise made available  
9     to the council for its purposes. 【Vacancies on the council shall be  
10    filled for the unexpired term. Members may be removed by the  
11    Governor for cause.】

12    g. The Department of Human Services shall provide  
13    professional and clerical staff to the advisory council, as may be  
14    necessary for the advisory council's purposes, and the advisory  
15    council shall be entitled to call upon the services of any State,  
16    county, or municipal department, board, commission, or agency, as  
17    may be available to it for its purposes.

18    h. In executing its duties under this section, the advisory  
19    council shall coordinate with other State and local agencies that  
20    serve persons who are deaf, deaf-blind, or hard of hearing and  
21    consult with associations, organizations, and individuals who are  
22    knowledgeable about the needs of such persons and their families.

23    (cf: P.L.1995, c.168, s.1)

24  
25     2. This act shall take effect immediately.

## 26 27 28                                   STATEMENT

29  
30     This bill would revise and update the membership and purpose of  
31     the Advisory Council on the Deaf and Hard of Hearing in the  
32     Department of Human Services (DHS).

33     Under the bill's provisions, the revised purpose of the advisory  
34     council would be to support New Jersey's deaf and hard of hearing  
35     community by safeguarding the rights of persons who are deaf or  
36     hard of hearing, providing guidance on legislative policy, and  
37     ensuring the efficient delivery of government services to the deaf  
38     and hard of hearing populations in the State.

39     The advisory council will have the duty to:

40     1) conduct an ongoing review of the programs, services, and  
41     proposed legislation in the State that affects or may affect persons  
42     who are deaf, persons who are deaf-blind, and persons who are hard  
43     of hearing;

44     2) provide the Governor, the Legislature, the judicial branch,  
45     and the commissioners of all State agencies with advice and  
46     recommendations on: a) the development of policies, programs,  
47     and services affecting persons who are deaf, persons who are deaf-  
48     blind, and persons who are hard of hearing; b) the appropriate use

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.