

ASSEMBLY, No. 5314

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 29, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Establishes requirements for Division of Developmental Disabilities in DHS to review pending legislation for prospective effects on individuals with disabilities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning review of the prospective effects of pending
2 legislation on individuals with a disability and supplementing
3 Chapter 13F of Title 52 of the Revised Statutes.

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

7
8 1. a. When so requested by the Governor or by an individual
9 member of the Senate or the General Assembly, the Division of
10 Developmental Disabilities in the Department of Human Services
11 shall conduct a disability impact assessment on a specific legislative
12 bill affecting transportation, labor, or human services, and produce
13 a statement of its findings based on that assessment. To this end,
14 the division shall employ at least one full-time analyst whose
15 primary responsibility shall be performing disability impact
16 assessments and preparing disability impact statements and, subject
17 to the availability of resources and funding to support the position,
18 at least one half-time analyst to assist in the performance of
19 disability impact assessments and the preparation of disability
20 impact statements pursuant to this section.

21 b. At a minimum, each disability impact statement prepared
22 pursuant to this section shall include an analysis of any disparate
23 effects the bill will or may be expected to have on individuals in
24 New Jersey who have a disability.

25 c. A disability impact assessment prepared pursuant to this
26 section shall be based on the best available empirical information
27 and professional assumptions available to the division within the
28 time allotted for completing the assessment. In preparing a
29 disability impact assessment pursuant to this section, the division
30 shall be authorized to access any necessary information as may be
31 held by any State department, division, office, or agency or any
32 other State, county, or local governmental entity, provided that
33 nothing in this section shall be deemed to require or authorize the
34 disclosure of any personal identifying or confidential information in
35 violation of State or federal privacy laws.

36 d. Subject to the provisions of subsection e. of this section, the
37 division shall have 14 days from the date a request for a disability
38 impact assessment is received to complete the assessment and
39 produce a statement, provided that the division shall have the
40 authority to request that the individual requesting the assessment
41 authorize an extension of this deadline for good cause shown. For
42 the purposes of this section, "good cause" shall include, but shall
43 not be limited to: situations in which the scope or nature of the
44 request will necessitate additional time to complete the assessment
45 and prepare the statement; the overall volume of requests currently
46 pending before the division would make compliance with the 14-
47 day deadline functionally impossible; or the division will not be

1 able to access and analyze the needed resource materials, complete
2 the assessment, and prepare the statement within 14 days.

3 e. The division shall seek to perform between 10 and 20
4 disability impact assessments each year, but may limit the number
5 of disability impact assessments it performs pursuant to this section
6 to retain quality while operating within its available resources, and
7 may decline a request for a disability impact assessment if
8 complying with the request would not be feasible while operating
9 within available resources. To facilitate the optimal use of division
10 resources, the Assistant Commissioner of the Division of
11 Developmental Disabilities in the Department of Human Services
12 shall develop a system to prioritize requests for disability impact
13 assessments made pursuant to this section.

14 Nothing in this subsection shall be construed to establish a limit
15 on the number of disability impact assessments the division may
16 perform in a year, provided the assessments can be performed
17 within the limits of the resources and funding available to the
18 division and the assessments continue to meet content and quality
19 standards established pursuant to this section.

20 f. A disability impact statement prepared pursuant to this
21 section shall constitute a public document that shall be published on
22 the Legislature's Internet website together with any other legislative
23 materials pertaining to the bill that is the subject of the statement.

24 g. (1) The division shall have the authority to decline to
25 perform a disability impact assessment requested pursuant to
26 subsection a. of this section in the event that, based on its
27 preliminary analysis, the division determines that a legislative bill is
28 not likely to have any material effect on individuals who have a
29 disability or if the division determines that the effects of the
30 legislative bill on individuals who have a disability will be
31 impossible to determine with any reasonable degree of certainty
32 using the information and resources available to the division to
33 perform assessments under this section.

34 (2) The division shall promptly transmit to the requester, in
35 writing, any determination made pursuant to paragraph (1) of this
36 subsection that a legislative bill is not expected to have a material
37 effect on individuals who have a disability, or that the effects of the
38 legislative bill on individuals who have a disability will be
39 impossible to determine with any reasonable degree of certainty. A
40 written determination prepared pursuant to this subsection shall
41 constitute a public document that shall be published on the
42 Legislature's Internet website together with any other legislative
43 materials pertaining to the bill that is the subject of the
44 determination.

45 h. The division shall collaborate with other State departments,
46 divisions, offices, or agencies as may be appropriate to identify any
47 appropriate sources of State, federal, and private funding to carry
48 out duties of the division as set forth in this section.

1 i. The Department of Human Services shall annually request
2 that the annual appropriations act include, in addition to any other
3 appropriations made to the department, an appropriation to the
4 department in an amount sufficient to implement the provisions of
5 this section.

6 j. As used in this section, "individual with a disability" means
7 a natural person who has a physical disability, infirmity,
8 malformation, or disfigurement which is caused by bodily injury,
9 birth defect, or illness including epilepsy, and which shall include,
10 but not be limited to, any degree of paralysis, amputation, lack of
11 physical coordination, blindness or visual impairment, deafness or
12 deaf-blindness or hearing impairment, inability to speak or speech
13 impairment, or physical reliance on a service animal, wheelchair, or
14 other remedial appliance or device, or from any mental,
15 psychological, or developmental disability resulting from
16 anatomical, psychological, physiological, or neurological conditions
17 which prevents the normal exercise of any bodily or mental
18 functions or is demonstrable, medically or psychologically, by
19 accepted clinical or laboratory diagnostic techniques.

20
21 2. This act shall take effect immediately.
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23

24 STATEMENT 25

26 This bill requires that, when so requested by the Governor or by
27 an individual member of the Senate or the General Assembly, the
28 Division of Developmental Disabilities (DDD) in the Department of
29 Human Services (DHS) will perform a disability impact assessment,
30 and prepare a disability impact statement based on that assessment,
31 for a specific legislative bill affecting transportation, labor, or
32 human services. To this end, the DDD will be required to employ
33 at least one full-time analyst whose primary responsibility will be
34 performing disability impact assessments and preparing disability
35 impact statements, and, subject to the availability of resources and
36 funding as may be available to support the position, at least one
37 additional half-time analyst to assist in the performance of disability
38 impact assessments and the preparation of disability impact
39 statements.

40 At a minimum, each disability impact assessment will include an
41 analysis of any disparate effects the bill will or may be expected to
42 have on individuals with a disability in New Jersey. The bill
43 defines "individual with a disability" to mean a natural person who
44 has a physical disability, infirmity, malformation, or disfigurement
45 which is caused by bodily injury, birth defect, or illness including
46 epilepsy, and which shall include, but not be limited to, any degree
47 of paralysis, amputation, lack of physical coordination, blindness or
48 visual impairment, deafness or deaf-blindness or hearing

1 impairment, inability to speak or speech impairment, or physical
2 reliance on a service animal, wheelchair, or other remedial
3 appliance or device, or from any mental, psychological, or
4 developmental disability resulting from anatomical, psychological,
5 physiological, or neurological conditions which prevents the normal
6 exercise of any bodily or mental functions or is demonstrable,
7 medically or psychologically, by accepted clinical or laboratory
8 diagnostic techniques.

9 Each disability impact assessment is to be based on the best
10 available empirical information and professional assumptions
11 available to the DDD within the time allotted for completing the
12 assessment. In conducting a disability impact assessment, the DDD
13 will be authorized to access any necessary information as may be
14 held by any State department, division, office, or agency or any
15 other State, county, or local governmental entity, provided that
16 nothing in the bill is to be deemed to require or authorize the
17 disclosure of any personal identifying or confidential information in
18 violation of State or federal privacy laws.

19 In general, the DDD will have 14 days from the date a request
20 for a disability impact assessment is received to complete the
21 assessment and prepare the statement, provided that the DDD will
22 have the authority to request an extension of this deadline for good
23 cause shown. Examples of “good cause” may include, but will not
24 be limited to, situations in which the scope or nature of the request
25 will necessitate additional time to complete the assessment and
26 prepare the statement, the overall volume of requests currently
27 pending before the DDD would make compliance with the 14-day
28 deadline functionally impossible, or the DDD will not be able to
29 access and analyze the needed resource materials, complete the
30 assessment, and prepare the statement within 14 days.

31 The bill requires that the DDD seek to perform between 10 and
32 20 disability impact assessments per year. However, the DDD may
33 limit the number of disability impact assessments it performs to
34 retain quality while operating within its available resources, and
35 may decline a request for a disability impact assessment if
36 complying with the request would not be feasible while operating
37 within available resources. To facilitate the optimal use of
38 resources, the Assistant Commissioner of the DDD will be required
39 to develop a system to prioritize requests for disability impact
40 assessments. Nothing in the bill is to be construed to establish a
41 limit on the number of disability impact assessments the DDD may
42 perform in a year, provided the assessments can be performed
43 within the limits of the resources and funding available to the DDD
44 and the assessments continue to meet content and quality standards
45 established pursuant to the bill.

46 Disability impact statements will constitute a public document
47 that will be published on the Legislature’s Internet website together

1 with any other legislative materials pertaining to the bill that is the
2 subject of the statement.

3 The DDD will have the authority to decline to perform a
4 disability impact assessment requested under the bill in the event
5 that, based on its preliminary analysis, the DDD determines that a
6 legislative bill is not likely to have any material effect on
7 individuals who have a disability or that the effects of the
8 legislative bill will be impossible to determine with any reasonable
9 degree of certainty using available information and resources. The
10 DDD will be required to promptly transmit to the requester, in
11 writing, any determination it makes that a legislative bill is not
12 expected to have a material effect on individuals who have a
13 disability or that the effects will be impossible to determine with
14 any reasonable degree of certainty. The written determination will
15 constitute a public document that will be published on the
16 Legislature's Internet website together with any other legislative
17 materials pertaining to the bill that is the subject of the
18 determination.

19 The DDD will be required to collaborate with other State
20 departments, divisions, offices, or agencies as may be appropriate to
21 identify any appropriate sources of State, federal, and private
22 funding to carry out the DDD's duties under the bill.

23 The DHS will be required to annually request that the annual
24 appropriations act include, in addition to any other appropriations
25 made to the DHS, an appropriation to the DHS in an amount
26 sufficient to implement the provisions of the bill.