ASSEMBLY, No. 209

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee with technical review.

(Sponsorship Updated As Of: 5/20/2021)

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 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 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.

c. 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 that 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, an evaluation of 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 shall have 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, pursuant to section 2 of P.L. 1991, c.164 (C.52:14-19.1), to the Legislature, 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. The commission's first report shall be issued no later than six months following the announcement of this 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.