

ASSEMBLY BILL NO. 5336

(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 5336 (First Reprint) with my recommendations for reconsideration.

This bill requires the Commissioner of the Department of Human Services ("Department") to develop a program establishing travel budgets for persons with autism spectrum disorder and persons with intellectual and developmental disabilities, and to develop regulations that encourage the use of county transportation agency services for travel to day programs and employment sites.

I applaud the sponsors' efforts to expand access to transportation services among those with intellectual and developmental disabilities. Indeed, we know that across the country, millions of individuals with disabilities experience delays in critical health care and habilitative services because of issues related to transportation. Accessible transportation is critical not only to supporting personal autonomy and independent living, but also to improving health outcomes.

While I share the sponsors' commitment to removing transportation barriers to accessing care or services, the program established in this bill presents certain operational and legal concerns, particularly regarding compliance with federal law. The vast array of options to the State, as well as the interplay between federal and State law, make this topic appropriate for a comprehensive study. My recommendations would require the Department to examine available public and private transportation options for individuals, federal and State laws and regulations governing transportation services, and best practices for enhancing and expanding transportation services, among other issues. In order to ensure that this study is conducted

expeditiously, my recommendations would further require the Department to commence the study or commence the process of obtaining a vendor to perform the study on the Department's behalf, within 60 days of the bill's enactment. I am confident that the insight gained from this study will enable us to identify the model that best suits the needs of our residents.

Accordingly, I herewith return Assembly Bill No. 5336 (First Reprint) and recommend that it be amended as follows:

Page 2, Title, Line 2: Delete "Department of Human Services funding for"

Page 2, Title, Lines 3-4: Delete "and supplementing Title 30 of the Revised Statutes"

Page 2, Section 1, Line 10: Delete "develop a"

Page 2, Section 1, Line 11: Delete in its entirety

Page 2, Section 1, Line 12: Delete "transportation funding that provides" and insert "transmit a written report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, regarding expanding the accessibility and availability of transportation options in the State for"

Page 2, Section 1, Line 14: Delete "individual monthly" and insert "with the purchase of transportation services through private sector and governmental entities."

Page 2, Section 1, Line 15: Delete in its entirety

Page 2, Section 1, Line 16: Delete "The program shall establish a method to allow individuals to" and insert "The report shall include, but need not be limited to, the following:

(1) a survey of currently available public and private transportation for individuals with autism spectrum disorder and persons with intellectual and developmental disabilities, including an analysis of barriers to transportation for individuals with disabilities;

(2) an analysis of current federal and State laws and regulations governing transportation services,

including any restrictions on funding or use;

(3) best practices for enhancing and expanding transportation services and options for individuals with intellectual and developmental disabilities receiving services from the Department of Human Services;

(4) recommendations on ways to permit individuals enrolled in department services to use existing funding for more accessible or convenient transportation services;

(5) resources that may be necessary or appropriate to accomplish the expansion of transportation options; and

(6) any other factors or considerations deemed appropriate by the commissioner.

c. The Department may contract with a vendor to conduct the study. No later than 60 days following enactment, the Department shall commence the study or shall commence the process of obtaining a vendor. The Department or its designee may consult with other State agencies, including but not limited to, the Department of Children and Families, the Department of Transportation and the New Jersey Transit Corporation, as appropriate.

d. The commissioner may adopt rules and regulations necessary to effectuate the purposes of this act, which rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)."

Page 2, Section 1, Lines 17-33:

Delete in their entirety

Page 2, Section 2, Line 36:

After "enactment" insert ", and shall expire upon the submission of the report to the Governor and the Legislature pursuant to section 1 of this act"

[seal]

Respectfully,
/s/ Philip D. Murphy
Governor

Attest:

/s/ Parimal Garg
Chief Counsel to the Governor