

ASSEMBLY, No. 5361

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Establishes requirements for OLS 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 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. The Legislative Services Commission shall direct that,
9 when so requested by a member of the Senate or the General
10 Assembly, the Office of Legislative Services shall conduct a
11 disability impact assessment on a specific legislative bill affecting
12 transportation, labor, or human services, and produce a statement of
13 its findings based on that assessment. To this end, the Executive
14 Director of the Office of Legislative Services shall establish at least
15 one full-time analyst position, and subject to the availability of
16 resources and funding to support the position, at least one half-time
17 analyst position, within the Office of Legislative Services. The
18 primary responsibility of the full-time analyst shall be performing
19 disability impact assessments and preparing disability impact
20 statements; the half-time analyst, if any, shall be responsible for
21 assisting in the performance of disability impact assessments and
22 the preparation of disability impact statements pursuant to this
23 section.

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

28 c. A disability impact assessment prepared pursuant to this
29 section shall be based on the best available empirical information
30 and professional assumptions available to the Office of Legislative
31 Services within the time allotted for completing the assessment. In
32 preparing a disability impact assessment pursuant to this section,
33 the Office of Legislative Services may request any necessary
34 information as may be held by any State department, division,
35 office, or agency or any other State, county, or local governmental
36 entity, and any department, division, office, agency, or other
37 governmental entity that is in possession of information requested
38 by the Office of Legislative Services in connection with a disability
39 impact assessment that receives or is made aware of the request for
40 information shall promptly furnish the requested information to the
41 Office of Legislative Services.

42 Nothing in this section shall be deemed to require or authorize
43 the disclosure of any personal identifying or confidential
44 information in violation of State or federal privacy laws.

45 d. Subject to the provisions of subsection e. of this section, the
46 Office of Legislative Services shall have 14 days from the date a
47 request for a disability impact assessment is received to complete
48 the assessment and produce a statement, provided that the Office of

1 Legislative Services shall have the authority to request that the
2 individual requesting the assessment approve an extension of this
3 deadline for good cause shown. For the purposes of this section,
4 “good cause” shall include, but shall not be limited to: situations in
5 which the scope or nature of the request will necessitate additional
6 time to complete the assessment and prepare the statement; the
7 overall volume of requests currently pending before the Office of
8 Legislative Services would make compliance with the 14-day
9 deadline functionally impossible; or the Office of Legislative
10 Services will not be able to access and analyze the needed resource
11 materials, complete the assessment, and prepare the statement
12 within 14 days.

13 e. The Office of Legislative Services shall seek to perform
14 between 10 and 20 disability impact assessments each year, but may
15 limit the number of disability impact assessments it performs
16 pursuant to this section to retain quality while operating within its
17 available resources, and may decline a request for a disability
18 impact assessment if complying with the request would not be
19 feasible while operating within available resources. To facilitate
20 the optimal use of the resources available to the Office of
21 Legislative Services, the Executive Director of the Office of
22 Legislative Services shall develop a system to prioritize requests for
23 disability impact assessments made pursuant to this section, which
24 may include declining or providing lower priority to requests
25 relating to legislation that has not been scheduled for consideration
26 by a Senate or General Assembly standing reference committee or
27 that has not otherwise advanced in the legislative process.

28 Nothing in this subsection shall be construed to establish a limit
29 on the number of disability impact assessments the Office of
30 Legislative Services may perform in a year, provided that all such
31 assessments can be performed within the limits of the resources and
32 funding available to the Office of Legislative Services and the
33 assessments continue to meet content and quality standards
34 established pursuant to this section.

35 f. A disability impact statement prepared pursuant to this
36 section shall constitute a public document that shall be published on
37 the Legislature’s Internet website together with any other legislative
38 materials pertaining to the bill that is the subject of the statement.

39 g. (1) The Office of Legislative Services shall have the
40 authority to decline to perform a disability impact assessment
41 requested pursuant to subsection a. of this section in the event that,
42 based on its preliminary analysis, the Office of Legislative Services
43 determines that a legislative bill is not likely to have any material
44 effect on individuals who have an intellectual or developmental
45 disability or if the Office of Legislative Services determines that the
46 effects of the legislative bill on individuals who have an intellectual
47 or developmental disability will be impossible to determine with
48 any reasonable degree of certainty using the information and

1 resources available to the Office of Legislative Services to perform
2 assessments under this section.

3 (2) The Office of Legislative Services shall promptly transmit to
4 the requester, in writing, any determination made pursuant to
5 paragraph (1) of this subsection that a legislative bill is not expected
6 to have a material effect on individuals who have an intellectual or
7 developmental disability, or that the effects of the legislative bill on
8 individuals who have an intellectual or developmental disability
9 will be impossible to determine with any reasonable degree of
10 certainty. A written determination prepared pursuant to this
11 subsection shall constitute a public document that shall be
12 published on the Legislature's Internet website together with any
13 other legislative materials pertaining to the bill that is the subject of
14 the determination.

15 h. The Legislature shall include in each annual appropriations
16 act an appropriation from the General Fund to the Office of
17 Legislative Services that is sufficient to implement the provisions of
18 this section.

19 i. As used in this section, "individual with a disability" means
20 a natural person who has a physical disability, infirmity,
21 malformation, or disfigurement which is caused by bodily injury,
22 birth defect, or illness including epilepsy, and which shall include,
23 but not be limited to, any degree of paralysis, amputation, lack of
24 physical coordination, blindness or visual impairment, deafness or
25 deaf-blindness or hearing impairment, inability to speak or speech
26 impairment, or physical reliance on a service animal, wheelchair, or
27 other remedial appliance or device, or from any mental,
28 psychological, or developmental disability resulting from
29 anatomical, psychological, physiological, or neurological conditions
30 which prevents the normal exercise of any bodily or mental
31 functions or is demonstrable, medically or psychologically, by
32 accepted clinical or laboratory diagnostic techniques.

33
34 2. This act shall take effect on the first day of the seventh
35 month next following the date of enactment.
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38 STATEMENT

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40 This bill requires the Legislative Services Commission to direct
41 that, when so requested by a member of the Senate or the General
42 Assembly, the Office of Legislative Services (OLS) will perform a
43 disability impact assessment, and prepare a disability impact
44 statement based on that assessment, for a specific legislative bill
45 affecting transportation, labor, or human services. To this end, the
46 Executive Director of the OLS will be required to create at least one
47 full-time analyst position, and subject to the availability of
48 resources and funding to support the position, at least one half-time

1 analyst position, in the OLS. The primary responsibility of the full-
2 time analyst will be performing disability impact assessments and
3 preparing disability impact statements; the half-time analyst, if any,
4 will be responsible for assisting in the performance of disability
5 impact assessments and the preparation of disability impact
6 statements.

7 At a minimum, each disability impact assessment will include an
8 analysis of any disparate effects the bill will or may be expected to
9 have on individuals with a disability in New Jersey. The bill
10 defines "individual with a disability" to mean a natural person who
11 has a physical disability, infirmity, malformation, or disfigurement
12 which is caused by bodily injury, birth defect, or illness including
13 epilepsy, and which shall include, but not be limited to, any degree
14 of paralysis, amputation, lack of physical coordination, blindness or
15 visual impairment, deafness or deaf-blindness or hearing
16 impairment, inability to speak or speech impairment, or physical
17 reliance on a service animal, wheelchair, or other remedial
18 appliance or device, or from any mental, psychological, or
19 developmental disability resulting from anatomical, psychological,
20 physiological, or neurological conditions which prevents the normal
21 exercise of any bodily or mental functions or is demonstrable,
22 medically or psychologically, by accepted clinical or laboratory
23 diagnostic techniques.

24 Each disability impact assessment is to be based on the best
25 available empirical information and professional assumptions
26 available to the OLS within the time allotted for completing the
27 assessment. In preparing a disability impact assessment pursuant to
28 this section, the OLS may request any necessary information as may
29 be held by any State department, division, office, or agency or any
30 other State, county, or local governmental entity, and any
31 department, division, office, agency, or other governmental entity
32 that is in possession of information requested by the OLS in
33 connection with a disability impact assessment that receives or is
34 made aware of the request for information shall promptly furnish
35 the requested information to the OLS.

36 In general, the OLS will have 14 days from the date a request for
37 a disability impact assessment is received to complete the
38 assessment and prepare the statement, provided that the OLS will
39 have the authority to request an extension of this deadline for good
40 cause shown. Examples of "good cause" may include, but will not
41 be limited to, situations in which the scope or nature of the request
42 will necessitate additional time to complete the assessment and
43 prepare the statement, the overall volume of requests currently
44 pending before the OLS would make compliance with the 14-day
45 deadline functionally impossible, or the OLS will not be able to
46 access and analyze the needed resource materials, complete the
47 assessment, and prepare the statement within 14 days.

1 The bill requires that the OLS seek to perform between 10 and
2 20 disability impact assessments per year. However, the OLS may
3 limit the number of disability impact assessments it performs to
4 retain quality while operating within its available resources, and
5 may decline a request for a disability impact assessment if
6 complying with the request would not be feasible while operating
7 within available resources. To facilitate the optimal use of
8 resources, the Executive Director of the OLS will be required to
9 develop a system to prioritize requests for disability impact
10 assessments, which may include declining or providing lower
11 priority to requests relating to legislation that has not been
12 scheduled for consideration by a legislative standing reference
13 committee or that has not otherwise advanced in the legislative
14 process. Nothing in the bill is to be construed to establish a limit on
15 the number of disability impact assessments the OLS may perform
16 in a year, provided that all such assessments can be performed
17 within the limits of the resources and funding available to the OLS
18 and the assessments continue to meet content and quality standards
19 established pursuant to the bill.

20 Disability impact statements will constitute a public document
21 that will be published on the Legislature's Internet website together
22 with any other legislative materials pertaining to the bill that is the
23 subject of the statement.

24 The OLS will have the authority to decline to perform a
25 disability impact assessment requested under the bill in the event
26 that, based on its preliminary analysis, the OLS determines that a
27 legislative bill is not likely to have any material effect on
28 individuals who have a disability or that the effects of the
29 legislative bill will be impossible to determine with any reasonable
30 degree of certainty using available information and resources. The
31 OLS will be required to promptly transmit to the requester, in
32 writing, any determination it makes that a legislative bill is not
33 expected to have a material effect on individuals who have a
34 disability or that the effects will be impossible to determine with
35 any reasonable degree of certainty. The written determination will
36 constitute a public document that will be published on the
37 Legislature's Internet website together with any other legislative
38 materials pertaining to the bill that is the subject of the
39 determination.

40 The bill requires the Legislature to include in each annual
41 appropriations act an appropriation from the General Fund to the
42 Office of Legislative Services that is sufficient to implement the
43 provisions of the bill.