

**SENATE, No. 313**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** creating the Disparity in Treatment of Persons with  
2       Disabilities in Underrepresented Communities Commission and  
3       supplementing 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. The Legislature finds and declares that:

9       a. The State of New Jersey has a diverse population with a  
10      large percentage of residents who are members of a racial or ethnic  
11      minority and who often reside in economically challenged areas of  
12      the State.

13      b. Studies have shown that members of racial or ethnic  
14      minorities have less access to employment opportunities, education,  
15      health care, and other vital public services than other residents of  
16      the State.

17      c. A member of a racial or ethnic minority with a disability  
18      experiences a form of “double jeopardy” in which both the  
19      individual’s classification as a minority and their disability prevent  
20      them from receiving the same opportunities that are afforded to a  
21      majority of the residents of New Jersey.

22      d. Minorities with disabilities constitute a significant portion of  
23      the vulnerable population in New Jersey, and they are plagued by  
24      the disparity in the availability of, and access to, public and private  
25      health services.

26      e. New Jerseyans take seriously their obligation to their fellow  
27      residents with disabilities. Government provides a plethora of  
28      services to those individuals; however, there is no Statewide effort  
29      to conduct a wide ranging cross-disability study to determine the  
30      additional limitations put on racial or ethnic minorities with  
31      disabilities and how to alleviate those limitations.

32  
33      2. A Disparity in Treatment of Persons with Disabilities in  
34      Underrepresented Communities Commission is established in, but  
35      not of, the Department of Community Affairs. The commission is  
36      allocated to the Department of Community Affairs for the purpose  
37      of complying with Article V, Section IV, paragraph 1 of the New  
38      Jersey Constitution. The Commissioner of Community Affairs shall  
39      be the request officer for the commission within the meaning of  
40      section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall  
41      exercise that authority and other administrative functions, powers,  
42      and duties consistent with the provisions of this act.

43  
44      3. a. The Disparity in Treatment of Persons with Disabilities  
45      in Underrepresented Communities Commission shall be composed  
46      of 20 members, 10 of whom shall be public members, appointed as  
47      follows: four by the Governor, three by the President of the Senate,  
48      and three by the Speaker of the General Assembly. No public

1 member shall hold any elective office in the State, or any political  
2 subdivision thereof, while serving on the commission. Two of the  
3 members appointed by the Governor shall have academic expertise  
4 in the field of statistical analysis. The remaining eight public  
5 members shall be chosen from leaders in community-based or civil  
6 rights organizations with experience in community and urban affairs  
7 in traditionally underserved populations. Of those eight members,  
8 two appointed by the Governor and one each appointed by the  
9 President of the Senate and the Speaker of the General Assembly  
10 shall have experience with cross-disability issues.

11 b. The remaining 10 members shall consist of one  
12 representative each from the Department of Community Affairs, the  
13 Department of Labor and Workforce Development, the Department  
14 of Human Services, the Department of Health, the Department of  
15 Corrections, the Department of Law and Public Safety, the  
16 Department of Education, the Department of Children and Families,  
17 the Department of Banking and Insurance, and a representative  
18 from the Juvenile Justice Commission. The department  
19 representatives shall be designated by their respective  
20 commissioners, shall serve ex officio, and shall be ineligible to vote  
21 on matters before the commission. The public members shall serve  
22 for terms of five years and until the appointment and qualification  
23 of a successor; except that in making the first appointments to the  
24 commission, two shall be appointed to serve for one year, two for  
25 two years, two for three years, two for four years, and two for five  
26 years. The length of the respective term of each public member of  
27 the first commission shall be determined by lot at the organization  
28 of the commission.

29

30 4. a. Appointments to the Disparity in Treatment of Persons  
31 with Disabilities in Underrepresented Communities Commission  
32 shall be made within 90 days, and the commission shall hold its  
33 initial organizational meeting within 150 days following the  
34 effective date of this act. The Governor shall appoint a chairperson  
35 of the commission from one of the six members appointed by the  
36 President of the Senate and the Speaker of the General Assembly.

37 b. The commission shall hold meetings at a time and place  
38 determined by the chairperson. The meetings shall be held at times  
39 and places which afford a reasonable prospect of participation by  
40 groups and individuals most affected by the issues studied by the  
41 commission. The commission shall meet at least once a month or at  
42 such other times as designated by the chair.

43

44 5. a. The members of the Disparity in Treatment of Persons  
45 with Disabilities in Underrepresented Communities Commission  
46 shall serve without compensation, but shall be reimbursed for the  
47 reasonable expenses necessarily incurred in the performance of

1 their duties, within the limit of funds appropriated or otherwise  
2 made available to the commission for its purposes.

3 b. The Department of Community Affairs shall provide such  
4 stenographic, clerical, and other administrative assistants, and such  
5 professional staff, as the commission requires to carry out its work.  
6 The commission shall also be entitled to call to its assistance and  
7 avail itself of the services of the employees of any State, county, or  
8 municipal department, board, bureau, commission, or agency as it  
9 may require and as may be available for its purposes.

10

11 6. a. The Disparity in Treatment of Persons with Disabilities  
12 in Underrepresented Communities Commission shall study and  
13 report on the disparate treatment received by persons of a racial or  
14 ethnic minority with disabilities. The commission shall conduct  
15 wide cross-disability studies, inclusive of all persons classified as  
16 disabled by section 3 of the Americans with Disabilities Act of  
17 1990, 42 U.S.C. s.12102. The commission shall study the unique  
18 concerns of racial or ethnic minorities with disabilities and the  
19 effect their status as a racial or ethnic minority has on exacerbating  
20 the impact of the disability. The studies shall include, but not be  
21 limited to, disparity in the treatment of racial or ethnic minorities  
22 and their access to educational opportunities, employment  
23 opportunities, health care, and other services provided by both the  
24 private and public sectors. The commission has wide latitude in  
25 determining which issue it will study, provided the commission can  
26 show a correlation between the issue and racial or ethnic minorities  
27 with disabilities. The commission shall issue reports to the  
28 Governor and the Legislature, pursuant to section 2 of  
29 P.L. 1991, c.164 (C.52:14-19.1), detailing its findings and making  
30 recommendations as to how the disparate treatment of these  
31 individuals with disabilities may be remedied.

32 b. The commission shall solicit suggestions from the public  
33 regarding issues relating to racial and ethnic minorities with  
34 disabilities that should be studied by the commission. The  
35 commission shall then make a determination as to which issues it  
36 will study. The commission shall announce the first issue that it  
37 will study within 60 days of its initial organizational meeting. This  
38 first report shall be issued no later than six months following the  
39 announcement of the topic.

40 c. Following the release of its initial report, the commission  
41 shall continue to conduct studies on issues impacting upon racial  
42 and ethnic minorities with disabilities; however, the commission  
43 shall issue an annual report summarizing the studies, findings, and  
44 recommendations of the commission for the prior year. The annual  
45 report shall be released on or before October 31 of each year.  
46 Nothing in this paragraph shall prohibit the commission from  
47 releasing more than one report each year.

1       d. The commission shall hold public hearings, as determined  
2 by the chairperson, in order to receive public comment regarding  
3 the first issue to be studied by the commission. Further public  
4 hearings shall be conducted on every topic subsequently studied by  
5 the commission in order to receive testimony from experts or  
6 interested members of the general public. All public hearings shall  
7 be held at a time and place which allows for the attendance of  
8 members of the general public most affected by the issue being  
9 studied. Nothing in this section shall prohibit the commission from  
10 holding private meetings to deliberate on the matters being studied.

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12       7. This act shall take effect immediately.

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#### STATEMENT

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17       This bill establishes the Disparity in Treatment of Persons with  
18 Disabilities in Underrepresented Communities Commission in, but  
19 not of, the Department of Community Affairs. Minorities often  
20 have less access to health care, educational opportunities, and  
21 treatment for disabling conditions, which may serve to exacerbate  
22 the impact of the disability. Noting the large number of minority  
23 residents in New Jersey, it is vital that the State provide all  
24 assistance possible to these individuals so that they may achieve the  
25 same quality of life enjoyed by so many New Jersey residents.

26       The commission shall consist of 10 public members who will be  
27 permitted to vote on matters before the commission. Four of the  
28 public members will be appointed by the Governor. The Speaker of  
29 the General Assembly and President of the Senate shall each  
30 appoint three public members, respectively. Two of the members  
31 appointed by the Governor must have academic expertise in the  
32 field of statistical analysis. Eight of the public members shall be  
33 leaders of community-based or civil rights organizations with  
34 experience in community and urban affairs in traditionally  
35 underserved populations. Of those eight, two appointed by the  
36 Governor and one each appointed by the President of the Senate and  
37 the Speaker of the General Assembly, respectively, shall have  
38 experience in cross-disability issues. Ten nonvoting members of  
39 the commission shall come from State government and will include  
40 representatives of the Department of Community Affairs, the  
41 Department of Labor and Workforce Development, the Department  
42 of Human Services, the Department of Health, the Department of  
43 Corrections, the Department of Law and Public Safety, the  
44 Department of Education, the Department of Children and Families,  
45 the Department of Banking and Insurance, and a representative of  
46 the Juvenile Justice Commission.

47       All appointments to the commission shall be made within 90  
48 days of the effective date of this bill and the commission shall hold

1 its first meeting within 150 days of the effective date. The  
2 Governor shall appoint a chairperson of the commission from one  
3 of the six members appointed by the President of the Senate and the  
4 Speaker of the General Assembly. The commission shall meet at  
5 least once a month, at a time and place to be determined by the  
6 chairperson.

7 The commission will solicit proposed topics of study from the  
8 public and then determine which issue will be studied. Further  
9 public hearing are to be conducted in order to receive expert  
10 testimony or public comment on issues being studied by the  
11 commission. The hearings must be at a time and place which  
12 allows for members of the general public most affected by the issue  
13 being studied to attend.

14 The commission is to select its first topic of study within 60 days  
15 of its first meeting. The commission shall study the unique  
16 concerns of racial or ethnic minorities with disabilities and the  
17 effect their status as a racial or ethnic minority has on exacerbating  
18 the impact of the disability. The studies shall include, but not be  
19 limited to, disparity in the treatment of racial or ethnic minorities  
20 and their access to educational opportunities, employment  
21 opportunities, health care, and other services provided by both the  
22 private and public sectors. A person is deemed to be disabled if  
23 their condition is defined as a disability by the federal Americans  
24 with Disabilities Act of 1990. Following the review of an issue, the  
25 commission shall provide a report to the Governor and the  
26 Legislature detailing its findings, and making recommendations as  
27 to any potential legislative and administrative remedies that may be  
28 available. The commission shall issue at least one report each  
29 calendar year, no later than October 31 of each year.