

SENATE, No. 313

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee with technical review.



(Sponsorship Updated As Of: 12/17/2020)

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 the individual’s
20 disability prevent the individual from receiving the same
21 opportunities that are afforded to a majority of the residents of New
22 Jersey.

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

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

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

44
45 3. a. The Disparity in Treatment of Persons with Disabilities
46 in Underrepresented Communities Commission shall be composed
47 of 20 members, 10 of whom shall be public members, appointed as
48 follows: four by the Governor, three by the President of the Senate,

1 and three by the Speaker of the General Assembly. No public
2 member shall hold any elective office in the State, or any political
3 subdivision thereof, while serving on the commission. Two of the
4 members appointed by the Governor shall have academic expertise
5 in the field of statistical analysis. The remaining eight public
6 members shall be chosen from leaders in community-based or civil
7 rights organizations with experience in community and urban affairs
8 in traditionally underserved populations. Of those eight members,
9 two appointed by the Governor and one each appointed by the
10 President of the Senate and the Speaker of the General Assembly
11 shall have experience with cross-disability issues.

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

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

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

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

1 reasonable expenses necessarily incurred in the performance of
2 their duties, within the limit of funds appropriated or otherwise
3 made available to the commission for its purposes.

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

11

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

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

41 c. Following the release of its initial report, the commission
42 shall continue to conduct studies on issues impacting upon racial
43 and ethnic minorities with disabilities; however, the commission
44 shall issue an annual report summarizing the studies, findings, and
45 recommendations of the commission for the prior year. The annual
46 report shall be released on or before October 31 of each year.
47 Nothing in this paragraph shall prohibit the commission from
48 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.

11

12 7. This act shall take effect immediately.