

SENATE, No. 2441

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning the Advisory Council on the Deaf and Hard of
2 Hearing and amending P.L.1977, c.166.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 8 of P.L.1977, c.166 (C.34:1-69.1a.) is amended to
8 read as follows:

9 8. a. There shall be, within the Division of the Deaf and Hard
10 of Hearing in the Department of Human Services, an Advisory
11 Council on the Deaf and Hard of Hearing **[which]**.

12 b. The advisory council shall consist of **[18]** 25 members.
13 One representative from each of the following shall be ex-officio
14 members: **]** , including:

15 (1) seven members, or their designees, who shall serve ex
16 officio, as follows: the Director of the Office of Special Education
17 Policy and Procedure in the Department of Education**[,]**; the
18 Director of the Early Hearing Detection and Intervention Program
19 in the Department of Health**[,]**; the Director of the Division of the
20 Deaf and Hard of Hearing in the Department of Human Services**[,]**;
21 the Director of the Division of Aging Services in the Department of
22 Human Services; the Director of the Division of Vocational
23 Rehabilitation Services in the Department of Labor**[,]** and
24 Workforce Development; the **[Commission on]** Secretary of Higher
25 Education; and the Superintendent of the Marie Katzenbach School
26 for the Deaf**[. Twelve]** ; and

27 (2) eighteen public members **[shall]** to be appointed by the
28 Governor as follows: one licensed audiologist; one licensed
29 speech-language pathologist who has experience in working with
30 the deaf and hard of hearing populations; one instructor of
31 American Sign Language (ASL); one educational provider who
32 represents an educational center that uses an auditory-oral
33 approach; one **[shall be a]** business person who shall be selected by
34 the Governor from a list of candidates supplied by the New Jersey
35 State Chamber of Commerce**[,]**; one lay citizen born of deaf
36 parents**[, five]**; one parent of a child who is deaf or hard of hearing;
37 one parent of a child who is deaf or hard of hearing and has special
38 needs; one citizen who is deaf-blind and is recommended by the
39 President of the Senate; one citizen who is deaf-blind and is
40 recommended by the Speaker of the General Assembly; two citizens
41 who are deaf**[,]** and are recommended by the President of the
42 Senate, one of whom shall be recommended by the President of the
43 Senate based on a list of candidates supplied by the New Jersey
44 Association of the Deaf; **[two of whom shall be chosen from the**

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 professions and three to be lay persons, **】** two citizens who are deaf
2 and are recommended by the Speaker of the General Assembly, one
3 of whom shall be recommended by the Speaker based on a list of
4 candidates supplied by the New Jersey Association of the Deaf;
5 **【and five】** two citizens who are hard of hearing and are
6 recommended by the President of the Senate, one of whom shall be
7 recommended by the President of the Senate based on a list of
8 candidates supplied by the Hearing Loss Association of New
9 Jersey; and two citizens who are hard of hearing and are
10 recommended by the Speaker of the General Assembly, one of
11 whom shall be recommended by the Speaker based on a list of
12 candidates supplied by the Hearing Loss Association of New Jersey.
13 **【**In considering the appointment of the five citizens who are deaf
14 the Governor shall give appropriate consideration to persons
15 recommended by profoundly deaf adults represented by the New
16 Jersey Association of the Deaf, Incorporated. In considering the
17 appointment of the five citizens who are hard of hearing, the
18 Governor shall give appropriate consideration to persons
19 recommended by hard of hearing adults represented by the
20 organization, Self Help for Hard of Hearing People, Inc. **】**

21 c. Each **【**appointive**】** appointed member of the advisory
22 council shall serve for a term of three years and until **【his】** a
23 successor is appointed and **【qualifies】** qualified, except that, of the
24 members first appointed upon the enactment of P.L.1977, c.166
25 (C.34:1-69.1a et al.), the Governor shall designate the appointee's
26 terms so that two shall be appointed for terms of one year, two for
27 terms of two years, and three for terms of three years. Appointed
28 members of the council may be removed by the Governor, at any
29 time, for cause. Any vacancy on the council shall be filled for the
30 unexpired term, in the same manner provided for the original
31 appointment. Members shall be eligible for reappointment to the
32 advisory council.

33 d. The advisory council may establish an executive sub-
34 committee and any other sub-committee of its members as it deems
35 necessary or proper, and it may authorize such sub-committees to
36 exercise any powers of the advisory council, except those powers
37 that are expressly required by law to be exercised by the advisory
38 council. If the advisory council establishes an executive committee,
39 the committee shall have at least three members appointed by the
40 chair.

41 e. The purpose of the advisory council shall be to support New
42 Jersey's deaf and hard of hearing community by safeguarding the
43 rights of persons who are deaf or hard of hearing, providing
44 guidance on legislative policy, and ensuring the efficient delivery of
45 government services to the deaf and hard of hearing populations in
46 the State. In effectuating these purposes, the advisory council shall:

- 1 (1) conduct an ongoing review of the programs, services, and
2 proposed legislation in the State that affects or may affect persons
3 who are deaf, persons who are deaf-blind, and persons who are hard
4 of hearing;
- 5 (2) provide the Governor, the Legislature, the judicial branch,
6 and the commissioners of all State agencies with advice and
7 recommendations on: (a) the development of policies, programs,
8 and services affecting persons who are deaf, persons who are deaf-
9 blind, and persons who are hard of hearing; (b) the appropriate use
10 of federal and State money in relation to persons who are deaf,
11 persons who are deaf-blind, and persons who are hard of hearing;
12 (c) the sufficiency of, and deficiencies evident in, the programs,
13 services, and proposed legislation reviewed by the advisory council
14 pursuant to paragraph (1) of this subsection; (d) the new laws, rules,
15 and policies that will be necessary to ensure that persons who are
16 deaf, persons who are deaf-blind, and persons who are hard of
17 hearing have equal access to available programs, services, and
18 benefits; (e) the legislation and policies that will work to improve
19 the economic and social conditions of persons who are deaf,
20 persons who are deaf-blind, and persons who are hard of hearing;
21 (f) the need for revisions to the State's affirmative action plan and
22 programs, or for any other State action that may be necessary to
23 eliminate the underemployment or unemployment of deaf, deaf-
24 blind, and hard of hearing persons in the State's workforce; and (g)
25 the problems that are faced by persons who are deaf, persons who
26 are deaf-blind, and persons who are hard of hearing in the areas of
27 education, employment, human rights, human services, health,
28 housing, and other related areas;
- 29 (3) assist persons who are deaf, persons who are deaf-blind,
30 persons who are hard of hearing, and the parents of minors who are
31 deaf, deaf-blind, or hard of hearing, in affirmatively advocating for
32 equal access to services programs, and opportunities;
- 33 (4) work in consultation with other State and federal agencies
34 and organizations to promote economic opportunities and growth
35 for individuals who are deaf, deaf-blind, or hard of hearing;
- 36 (5) research, formulate, and present to the Governor,
37 Legislature, and any appropriate State agencies, plans for new
38 programs, services, and policies that will serve the needs of persons
39 who are deaf, persons who are deaf-blind, and persons who are hard
40 of hearing;
- 41 (6) encourage and assist in the development of coordinated,
42 interdepartmental goals and objectives, and the coordination of
43 programs, services, and facilities among all State agencies, political
44 subdivisions, and private service providers as they relate to persons
45 who are deaf, persons who are deaf-blind, and persons who are hard
46 of hearing; and

1 (7) enhance public awareness of the special needs and potential
2 of persons who are deaf, persons who are deaf-blind, and persons
3 who are hard of hearing.

4 **【b.】** f. Members of the 【Advisory Council on the Deaf and
5 Hard of Hearing】 advisory council shall serve without
6 compensation, but shall be entitled to reimbursement for necessary
7 and reasonable expenses incurred in performance of their duties,
8 within the limits of funds appropriated or otherwise made available
9 to the council for its purposes. 【Vacancies on the council shall be
10 filled for the unexpired term. Members may be removed by the
11 Governor for cause.】

12 g. The Department of Human Services shall provide
13 professional and clerical staff to the advisory council, as may be
14 necessary for the advisory council's purposes, and the advisory
15 council shall be entitled to call upon the services of any State,
16 county, or municipal department, board, commission, or agency, as
17 may be available to it for its purposes.

18 h. In executing its duties under this section, the advisory
19 council shall coordinate with other State and local agencies that
20 serve persons who are deaf, deaf-blind, or hard of hearing, and shall
21 consult with associations, organizations, and individuals who are
22 knowledgeable about the needs of persons who are deaf, deaf-blind,
23 or hard of hearing, and the needs of their families.

24 (cf: P.L.1995, c.168, s.1)

25
26 2. This act shall take effect immediately.

27
28
29 STATEMENT

30
31 Under the amendments, the advisory council's membership will
32 include two new public members (increasing the total public
33 membership from 16 to 18 members and the total membership to
34 25). These two new members will include a parent of a child who
35 is deaf or hard of hearing and has special needs, and a second lay
36 person who is deaf-blind (the second reprint of the bill already
37 provided for one member to be a lay person who is deaf-blind).

38 Under the amended bill, the advisory council will have the duty
39 to:

40 1) conduct an ongoing review of the programs, services, and
41 proposed legislation in the State that affects or may affect persons
42 who are deaf, persons who are deaf-blind, and persons who are hard
43 of hearing;

44 2) provide the Governor, the Legislature, the judicial branch,
45 and the commissioners of all State agencies with advice and
46 recommendations on: a) the development of policies, programs,
47 and services affecting persons who are deaf, persons who are deaf-
48 blind, and persons who are hard of hearing; b) the appropriate use

1 of federal and State money in relation to persons who are deaf,
2 persons who are deaf-blind, and persons who are hard of hearing; c)
3 the sufficiency of, and deficiencies evident in, the programs,
4 services, and proposed legislation reviewed by the advisory council;
5 d) the new laws, rules, and policies that will be necessary to ensure
6 that persons who are deaf, persons who are deaf-blind, and persons
7 who are hard of hearing have equal access to available programs,
8 services, and benefits; e) the legislation and policies that will work
9 to improve the economic and social conditions of persons who are
10 deaf, persons who are deaf-blind, and persons who are hard of
11 hearing; f) the need for revisions to the State's affirmative action
12 plan and programs, or for any other State action that may be
13 necessary to eliminate the underemployment or unemployment of
14 deaf, deaf-blind, and hard of hearing persons in the State's
15 workforce; and g) the problems that are faced by persons who are
16 deaf, persons who are deaf-blind, and persons who are hard of
17 hearing in the areas of education, employment, human rights,
18 human services, health, housing, and other related areas;

19 3) assist persons who are deaf, persons who are deaf-blind,
20 persons who are hard of hearing, and the parents of minors who are
21 deaf, deaf-blind, or hard of hearing, in affirmatively advocating for
22 equal access to services programs, and opportunities;

23 4) work in consultation with other State and federal agencies
24 and organizations to promote economic opportunities and growth
25 for individuals who are deaf, deaf-blind, or hard of hearing;

26 5) research, formulate, and present to the Governor,
27 Legislature, and any appropriate State agencies, plans for new
28 programs, services, and policies that will serve the needs of persons
29 who are deaf, persons who are deaf-blind, and persons who are hard
30 of hearing;

31 6) encourage and assist in the development of coordinated,
32 interdepartmental goals and objectives, and the coordination of
33 programs, services, and facilities among all State agencies, political
34 subdivisions, and private service providers as they relate to persons
35 who are deaf, persons who are deaf-blind, and persons who are hard
36 of hearing; and

37 7) enhance public awareness of the special needs and potential
38 of persons who are deaf, persons who are deaf-blind, and persons
39 who are hard of hearing.

40 The amendments would also require the advisory council, in
41 effectuating its duties under the bill, to coordinate with other State
42 and local agencies that serve persons who are deaf, deaf-blind, or
43 hard of hearing, and to consult with associations, organizations, and
44 individuals who are knowledgeable about the needs of persons who
45 are deaf, deaf-blind, or hard of hearing, and the needs of their
46 families.

47 Finally, the amendments would authorize the advisory council to
48 establish an executive sub-committee and any other sub-committee

1 of its members as it deems necessary or proper, and to authorize
2 such sub-committees to exercise any powers of the advisory
3 council, except those that are expressly required by law to be
4 exercised by the advisory council. The amendments provide that, if
5 the advisory council establishes an executive committee, the
6 committee is to have at least three members appointed by the chair.