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)

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

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

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

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

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

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

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

professions and three to be lay persons,**]** two citizens who are deaf and are recommended by the Speaker of the General Assembly, one of whom shall be recommended by the Speaker based on a list of candidates supplied by the New Jersey Association of the Deaf; **[**and five**]** two citizens who are hard of hearing and are recommended by the President of the Senate, one of whom shall be recommended by the President of the Senate based on a list of candidates supplied by the Hearing Loss Association of New Jersey; and two citizens who are hard of hearing and are recommended by the Speaker of the General Assembly, one of whom shall be recommended by the Speaker based on a list of candidates supplied by the Hearing Loss Association of New Jersey. **[**In considering the appointment of the five citizens who are deaf the Governor shall give appropriate consideration to persons recommended by profoundly deaf adults represented by the New Jersey Association of the Deaf, Incorporated. In considering the appointment of the five citizens who are hard of hearing, the Governor shall give appropriate consideration to persons recommended by hard of hearing adults represented by the organization, Self Help for Hard of Hearing People, Inc.**]**

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

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

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

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

(2) provide the Governor, the Legislature, the judicial branch, and the commissioners of all State agencies with advice and recommendations on: (a) the development of policies, programs, and services affecting persons who are deaf, persons who are deaf-blind, and persons who are hard of hearing; (b) the appropriate use of federal and State money in relation to persons who are deaf, persons who are deaf-blind, and persons who are hard of hearing; (c) the sufficiency of, and deficiencies evident in, the programs, services, and proposed legislation reviewed by the advisory council pursuant to paragraph (1) of this subsection; (d) the new laws, rules, and policies that will be necessary to ensure that persons who are deaf, persons who are deaf-blind, and persons who are hard of hearing have equal access to available programs, services, and benefits; (e) the legislation and policies that will work to improve the economic and social conditions of persons who are deaf, persons who are deaf-blind, and persons who are hard of hearing; (f) the need for revisions to the State's affirmative action plan and programs, or for any other State action that may be necessary to eliminate the underemployment or unemployment of deaf, deaf-blind, and hard of hearing persons in the State's workforce; and (g) the problems that are faced by persons who are deaf, persons who are deaf-blind, and persons who are hard of hearing in the areas of education, employment, human rights, human services, health, housing, and other related areas;

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

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

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

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

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

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

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

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

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

2. This act shall take effect immediately.

STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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