

52:27D-170 to 52:27D-177

LEGISLATIVE HISTORY CHECKLIST

("Handicapped Persons Recreational Opportunities Act")

HJSA 52:27D-170 to 52:27D-177

LAWS OF 1977

CHAPTER 379

Bill No. A1157

Sponsor(s) Bornheimer and others

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Sept. 26, 1977

Senate Jan. 5, 1978

Date of approval Feb. 8, 1978

Following statements are attached if available:

Sponsor statement Yes ~~xx~~ Below

Committee Statement: Assembly Yes ~~xx~~

Senate Yes ~~xx~~

Fiscal Note Yes~~xx~~ No

Veto Message Yes~~xx~~ No

Message on signing Yes~~xx~~ No

Following were printed:

Reports Yes ~~xx~~

Hearings Yes~~xx~~ No

Sponsor's Statement:

The purpose of this bill is to provide recreational programs for handicapped persons and to appropriate \$150,000.00 to carry out the provisions of this bill.

(OVER)

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9/1/78

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**ASSEMBLY, No. 1157**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen BORNHEIMER, ORECHIO, NEWMAN,  
FLYNN, MARTIN and BARBOUR

AN ACT concerning recreational **\*[programs]\*** *\*services\** for  
handicapped persons and supplementing "An act establishing  
and concerning a Department of Community Affairs as a principal  
department in the Executive Branch of the State Government,  
and providing an appropriation therefor," approved  
November 23, 1966 (P. L. 1966, c. 293, C. 52:27D-1 et seq.), and  
making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Handicapped  
2 Person's Recreational Opportunities Act of **\*[1974]\*** *\*1978\**."

1 2. It is hereby declared to be public policy of the State of New  
2 Jersey to encourage and support as hereinafter provided the pro-  
3 motion, planning, development, implementation and maintenance  
4 of **\*[adequate recreational programs]\*** *\*comprehensive recreation*  
5 *services\**, by municipalities, counties and nonprofit agencies for  
6 handicapped persons.

1 3. For the purposes of this act:

2 a. "Commissioner" means the Commissioner of the Department  
3 of Community Affairs.

4 b. "Handicapped persons" means **\*[and includes]\*** persons  
5 who are mentally retarded, visually handicapped, auditorily handi-  
6 capped, communication handicapped, neurologically or perceptually  
7 impaired, orthopedically handicapped, chronically ill, emotionally  
8 disturbed, socially maladjusted, multiply handicapped or develop-  
9 mentally disabled.

1 4. The commissioner shall, after consultation with experts in the  
2 area of recreation, develop a comprehensive program for furnish-  
3 ing recreation for handicapped persons, and shall promulgate

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

4 \***[reasonable]**\* rules and regulations for the administration of this  
 5 program *\*pursuant to the Administrative Procedure Act, P. L.*  
 6 *1968, c. 410 (C. 52:14B-1 et seq.)\*.*

1 \***[5. Each municipality and county shall furnish and foster recre-**  
 2 **ational activities for handicapped persons as set forth in the compre-**  
 3 **hensive program developed by the commissioner or contract there-**  
 4 **for with private, nonprofit agencies to provide such services, and**  
 5 **to receive and expend moneys from the State, the Federal Govern-**  
 6 **ment or private individuals, corporations or associations therefor.**  
 7 **The furnishing of such recreation is hereby declared to be a proper**  
 8 **public purpose for which the moneys of such municipality or county**  
 9 **may be raised and expended.]\***

10 *\*5. a. Any municipality or county planning to provide or to*  
 11 *contract with private nonprofit agencies for the provision of recrea-*  
 12 *tion services for handicapped persons under this act, shall apply*  
 13 *to the commissioner for approval. Such application shall be in*  
 14 *accordance with rules and regulations promulgated by the com-*  
 15 *missioner herewith.*

16 *b. Upon approval of said application by the commissioner, there*  
 17 *shall be apportioned and paid annually to each municipality or*  
 18 *county a sum not to exceed \$5.00 for each \$1.00 appropriated by*  
 19 *said municipality or county for implementation of the provisions*  
 20 *of this act.\**

1 \***[6. To establish a recreational project for handicapped persons**  
 2 **each municipality, county or nonprofit agency shall apply to the**  
 3 **commissioner for approval of the project. The application shall be**  
 4 **in accordance with the regulations of the commissioner, shall be in**  
 5 **writing, and shall specify the nature of the project in such detail**  
 6 **as may be required by the commissioner.**

7 **No application for approval of plans for a recreation project**  
 8 **for handicapped persons shall be considered which has not been**  
 9 **first approved by the governing body of the municipality or county**  
 10 **making application.**

1 **7. Upon approval by the commissioner, the municipality or county**  
 2 **shall proceed with implementation of the project thus approved.**

1 **8. Upon approval by the commissioner, there shall be apportioned**  
 2 **and paid annually to each municipality or county operating and**  
 3 **maintaining a program approved under the provisions of this act**  
 4 **a sum not to exceed \$5.00 for each \$1.00 appropriated by a munici-**  
 5 **pality or county in carrying out the provisions of this act.**

1 **9. Upon approval by the commissioner, there may be apportioned**  
 2 **and paid to municipalities and counties sums sufficient to provide**  
 3 **training, transportation, and supervision for handicapped persons**  
 4 **participating in special recreational events. The commissioner shall**

5 promulgate a list of special events deemed to be appropriate for  
 6 participation by handicapped persons, and shall make this list  
 7 available to counties and municipalities. In no case shall the  
 8 amount apportioned to any one municipality for such an event  
 9 exceed \$2,000.00. No county shall receive more than \$10,000.00 for  
 10 special program participation. Payments will be made by the State  
 11 Treasurer upon certificate of the commissioner and warrant of the  
 12 Director of the Division of Budget and Accounting.】\*

1 \*6. a. *The commissioner shall prepare a list of special events*  
 2 *deemed appropriate for participation by handicapped persons,*  
 3 *such as the Special Olympics and the Tournament of Champions,*  
 4 *and shall make this list available to municipalities and counties.*  
 5 *Municipalities or counties wishing to operate or participate in a*  
 6 *special event listed by the commissioner shall apply to the com-*  
 7 *missioner for funds for such special events. Such application shall*  
 8 *be in accordance with rules and regulations promulgated by the*  
 9 *commissioner herewith.*

10 *b. Upon the approval of such application for special events, there*  
 11 *may be apportioned and paid to municipalities and counties sums*  
 12 *sufficient to provide training, transportation and supervision for*  
 13 *handicapped persons participating in special recreation events. In*  
 14 *no case shall the annual amount appropriated to any one approved*  
 15 *municipality exceed \$1,000.00 or to any one approved county exceed*  
 16 *\$2,500.00.*

17 *c. No more than a total of \$25,000.00 of the funds appropriated*  
 18 *for this act shall be apportioned to support such special recreational*  
 19 *events in any one year.\**

1 \*【10.】\* \*7.\* *The commissioner may authorize or require the State*  
 2 *Treasurer to withhold the payment of State aid to any municipality*  
 3 *or county in the event that it alters or discontinues an approved*  
 4 *recreation \*【program】\* \*service\*, or fails to make modifications*  
 5 *thereof as required under the provisions of this act, or otherwise*  
 6 *fails to comply with the rules and regulations promulgated under*  
 7 *this act.*

1 \*【11.】\* \*8.\* *The commissioner may accept, as agent of the State*  
 2 *of New Jersey, any gift or grant for any of the purposes of this act,*  
 3 *and any moneys so received may be expended for any purpose*  
 4 *authorized by this act.*

1 \*【12.】\* \*9.\* *The sum of \$150,000.00 is hereby appropriated to*  
 2 *carry out the provisions of this act \*【during the fiscal year com-*  
 3 *mencing July 1, 1976】\*.*

1 \*【13.】\* \*10.\* *This act shall take effect \*【immediately】\* \*90 days*  
 2 *from the date of its enactment\*.*

ASSEMBLY, No. 1157

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen BORNHEIMER, ORECHIO, NEWMAN,  
FLYNN, MARTIN and BARBOUR

AN ACT concerning recreational programs for handicapped persons and supplementing "An act establishing and concerning a Department of Community Affairs as a principal department in the Executive Branch of the State Government, and providing an appropriation therefor," approved November 23, 1966 (P. L. 1966, c. 293, C. 52:27D-1 et seq.), and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Handicapped  
2 Person's Recreational Opportunities Act of 1974."

1 2. It is hereby declared to be public policy of the State of New  
2 Jersey to encourage and support as hereinafter provided the pro-  
3 motion, planning, development, implementation and maintenance  
4 of adequate recreational programs, by municipalities, counties and  
5 nonprofit agencies for handicapped persons.

1 3. For the purposes of this act:

2 a. "Commissioner" means the Commissioner of the Department  
3 of Community Affairs.

4 b. "Handicapped persons means and includes persons who are  
5 mentally retarded, visually handicapped, auditorily handicapped,  
6 communication handicapped, neurologically or perceptually im-  
7 paired, orthopedically handicapped, chronically ill, emotionally dis-  
8 turbed, socially maladjusted, multiply handicapped or develop-  
9 mentally disabled.

1 4. The commissioner shall, after consultation with experts in the  
2 area of recreation, develop a comprehensive program for furnish-  
3 ing recreation for handicapped persons, and shall promulgate  
4 reasonable rules and regulations for the administration of this  
5 program.

1 5. Each municipality and county shall furnish and foster recrea-  
2 tional activities for handicapped persons as set forth in the compre-  
3 hensive program developed by the commissioner or contract there-  
4 for with private, nonprofit agencies to provide such services, and  
5 to receive and expend moneys from the State, the Federal Govern-  
6 ment or private individuals, corporations or associations therefor.  
7 The furnishing of such recreation is hereby declared to be a proper  
8 public purpose for which the moneys of such municipality or county  
9 may be raised and expended.

1 6. To establish a recreational project for handicapped persons  
2 each municipality, county or nonprofit agency shall apply to the  
3 commissioner for approval of the project. The application shall be  
4 in accordance with the regulations of the commissioner, shall be in  
5 writing, and shall specify the nature of the project in such detail  
6 as may be required by the commissioner.

7 No application for approval of plans for a recreation project  
8 for handicapped persons shall be considered which has not been  
9 first approved by the governing body of the municipality or county  
10 making application.

1 7. Upon approval by the commissioner, the municipality or county  
2 shall proceed with implementation of the project thus approved.

1 8. Upon approval by the commissioner, there shall be apportioned  
2 and paid annually to each municipality or county operating and  
3 maintaining a program approved under the provisions of this act  
4 a sum not to exceed \$5.00 for each \$1.00 appropriated by a munici-  
5 pality or county in carrying out the provisions of this act.

1 9. Upon approval by the commissioner, there may be apportioned  
2 and paid to municipalities and counties sums sufficient to provide  
3 training, transportation, and supervision for handicapped persons  
4 participating in special recreational events. The commissioner shall  
5 promulgate a list of special events deemed to be appropriate for  
6 participation by handicapped persons, and shall make this list  
7 available to counties and municipalities. In no case shall the  
8 amount apportioned to any one municipality for such an event  
9 exceed \$2,000.00. No county shall receive more than \$10,000.00 for  
10 special program participation. Payments will be made by the State  
11 Treasurer upon certificate of the commissioner and warrant of the  
12 Director of the Division of Budget and Accounting.

1 10. The commissioner may authorize or require the State  
2 Treasurer to withhold the payment of State aid to any municipality  
3 or county in the event that it alters or discontinues an approved  
4 recreation program, or fails to make modifications thereof as re-

5 quired under the provisions of this act, or otherwise fails to comply  
6 with the rules and regulations promulgated under this act.

1 11. The commissioner may accept, as agent of the State of New  
2 Jersey, any gift or grant for any of the purposes of this act, and  
3 any moneys so received may be expended for any purpose  
4 authorized by this act.

1 12. The sum of \$150,000.00 is hereby appropriated to carry out  
2 the provisions of this act during the fiscal year commencing July  
3 1, 1976.

1 13. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to provide recreational programs for  
handicapped persons and to appropriate \$150,000.00 to carry out  
the provisions of this bill.

ASSEMBLY INSTITUTIONS, HEALTH AND  
WELFARE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1157**  
with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: JULY 11, 1977

PURPOSE OF THE BILL

To provide for the establishment of comprehensive services for handicapped children, youth and adults.

PROVISIONS

Communities and counties wishing to provide these services shall apply to the Commissioner of the Department of Community Affairs. Furthermore, the commissioner shall develop guidelines for comprehensive recreational programs for handicapped persons and promulgate necessary administrative rules and regulations.

Under this act the amount paid annually to the county or municipality shall not exceed \$5.00 for each \$1.00 contributed by the county or municipality for implementation of approved services.

Also funds appropriated for special events shall not exceed: (1) \$1,000.00 for each municipality; (2) \$2,500.00 for each county; and, (3) a \$25,000.00 total amount for special events in the State.

This act shall take effect 90 days after enactment.

COMMITTEE AMENDMENTS

1. In the original bill yearly amounts for special events were not to exceed \$2,000.00 for each municipality and \$10,000.00 for each county. The "caps" on funds for special events will insure that the major portion of the appropriation will be directed to recreational services for the handicapped.

2. The date that this bill will take effect was changed from "immediately" to 90 days from date of enactment.



ASSEMBLY COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 1157**

**STATE OF NEW JERSEY**

ADOPTED JULY 11, 1977

Amend page 1, title, line 1, omit "programs" and insert "services".

Amend page 1, section 1, line 2, omit "1974" and insert "1978".

Amend page 1, section 2, line 4, omit "adequate recreational programs" and insert "comprehensive recreation services".

Amend page 1, section 3, line 4, after "persons", insert final quote.

Amend page 1, section 3, line 4, omit "and includes".

Amend page 1, section 4, line 4, omit "reasonable".

Amend page 1, section 4, line 5, after "program", insert "pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.)".

Amend page 2, section 5, lines 1-9, omit in its entirety and insert new section 5 as follows:

"5. a. Any municipality or county planning to provide or to contract with private nonprofit agencies for the provision of recreation services for handicapped persons under this act, shall apply to the commissioner for approval. Such application shall be in accordance with rules and regulations promulgated by the commissioner herewith.

b. Upon approval of said application by the commissioner, there shall be apportioned and paid annually to each municipality or county a sum not to exceed \$5.00 for each \$1.00 appropriated by said municipality or county for implementation of the provisions of this act."

Amend page 2, section 6, lines 1-10, omit in its entirety.

Amend page 2, section 7, lines 1-2, omit in its entirety.

Amend page 2, section 8, lines 1-5, omit in its entirety.

Amend page 2, section 9, lines 1-12, omit in its entirety and insert new section 6 as follows:

"6. a. The commissioner shall prepare a list of special events deemed appropriate for participation by handicapped persons, such as the Special Olympics and the Tournament of Champions, and shall make this list available to municipalities and counties. Municipalities of counties wishing to operate or participate in a special event listed by the commissioner shall apply to the commissioner for funds for such special events. Such application shall be in accordance with rules and regulations promulgated by the commissioner herewith.

b. Upon the approval of such application for special events, there may be apportioned and paid to municipalities and counties sums sufficient to provide training, transportation and supervision for handicapped persons participating in special recreation events. In no case shall the annual amount appropriated to any one approved municipality exceed \$1,000.00 or to any one approved county exceed \$2,500.00.

c. No more than a total of \$25,000.00 of the funds appropriated for this act shall be apportioned to support such special recreational events in any one year.”.

Amend page 2, section 10, line 1, omit “10.” and insert “7.”.

Amend page 2, section 10, line 4, omit “program” and insert “service”.

Amend page 3, section 11, line 1, omit “11.” and insert “8.”.

Amend page 3, section 12, line 1, omit “12.” and insert “9.”.

Amend page 3, section 12, line 2, omit “during the fiscal year commencing July”.

Amend page 3, section 12, line 3, omit “1, 1976”.

Amend page 3, section 13, line 1, omit “13.” and insert “10.”.

Amend page 3, section 13, line 1, omit “immediately” and insert “90 days from the date of its enactment”.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1157**

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 1, 1977

This bill promotes the development of recreational services for handicapped persons by counties and municipalities.

As amended in the Assembly committee, the bill authorizes the Department of Community Affairs to approve county or municipal recreational programs seeking financial assistance from the State. The funds appropriated under this act would allow the department to pay \$5.00 for every \$1.00 raised by a county or municipality. The department could also provide a county with a maximum of \$2,500.00 and a municipality with a maximum of \$1,000.00 for special recreational events for the handicapped, such as a "Special Olympics" day. However, State funds for these special events would be limited to \$25,000.00 of the total funds appropriated in any one year to implement the act.

The bill has an appropriation of \$150,000.00.

The Director of the Office of Community Recreation for Handicapped Persons in the Department of Community Affairs testified before the committee. She indicated the department's support of the measure and mentioned the steps which it has already taken to insure that the "Handicapped Person's Recreational Opportunities Act" is fully implemented upon enactment.

The committee agreed with the intent of the legislation and released the bill without amendment.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 8, 1978

ANNE BURNS

1976-77

Governor Brendan Byrne today signed the following bills into law:

A-442, sponsored by Assemblyman Robert Hollenbeck, (D-Bergen), which allows county sewer districts authorities to vary the rates charged to participants. This will allow the authority to include the cost of extending the system to new participants in the rates charged them. Prior to this, county sewer district authorities were not permitted to vary the rates charges to their participants.

The bill specifically authorizes the authority to consider peak flow as a factor in establishing rates.

The bill also makes several other changes in the law governing authorities including allowing them to: 1) consider service contract terms in determining project economy; 2) use estimated flows for billing until a municipality is entirely serviced; 3) connect to a local system at a point outside the district; and 4) make provision for engineering services to cover these changes in the act.

A-1157, sponsored by Assemblyman James Bornheimer, (D-Middlesex), which promotes the development of county and municipal recreational services for handicapped persons.

The bill authorizes the Department of Community Affairs to develop a comprehensive program for furnishing recreation for handicapped persons, and to develop rules and regulations for administering this program. DCA would then approve county or municipal recreation programs seeking financial assistance from the State. The funds appropriated under this act would allow DCA to pay \$5.00 for every \$1.00 raised by a county or municipality.

The Department could also provide a county with a maximum of \$2,500 and a municipality with a maximum of \$1,000 for special recreational events for the handicapped, such as a "Special Olympics" day. State funds for these special events would be limited to \$25,000 of the total funds appropriated in any one year to implement the act.

The bill has an appropriation of \$150,000.