

10:5-4.1, 10:5-5

LEGISLATIVE HISTORY CHECKLIST

(Mentally or developmentally handicapped - prohibits discrimination)

WUSA 10:5-4.1, 10:5-5

LAWS OF 1978

CHAPTER 137

Bill No. A710

Sponsor(s) Shapiro

Date Introduced February 14, 1978

Committee: Assembly Institutions, Health & Welfare

Senate Law, Public Safety & Defense

Amended during passage ~~xxx~~ No

Date of Passage: Assembly May 4, 1978

Senate October 19, 1978

Date of approval November 2, 1978

Following statements are attached if available:

Sponsor statement	Yes	<del>xx</del> (Below)
Committee Statement:	Assembly	<del>xx</del>
	Senate	<del>xxx</del> No
Fiscal Note	<del>xxx</del>	No
Veto message	<del>xxx</del>	No
Message on signing	<del>xxx</del>	<del>No</del> Yes

Following were printed.

Reports	<del>xxx</del>	No
Hearings	<del>xxx</del>	No

Sponsor's statement:

This bill amends the "Law Against Discrimination" to ensure that the law protects mentally and developmentally handicapped persons as well as the physically handicapped.

The amendatory language is worded so as to provide protection against discrimination for persons who may have recovered from a handicap as well as those who are presently suffering from a handicap.

med  
9/1/78

JUL 1979

DEPOSITORY COPY  
Do Not Remove From Library

CHAPTER 137 LAWS OF N. J. 1978  
APPROVED 11-2-78

CORRECTED COPY  
ASSEMBLY, No. 710

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Assemblyman SHAPIRO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169), to amend the title of "An act concerning unlawful discrimination against physically handicapped persons and amending and supplementing the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved August 1, 1972 (P. L. 1972, c. 114), so that the same shall read "An act concerning unlawful discrimination against handicapped persons and amending and supplementing the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," and to amend the body of said act.

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

1 1. The title of P. L. 1972, c. 114 is amended to read as follows:

2 An act concerning unlawful discrimination against **[physically]**  
3 handicapped persons and amending and supplementing the "Law  
4 Against Discrimination," approved April 16, 1945 (P. L. 1945,  
5 c. 169).

1 2. Section 2 of P. L. 1972, c. 114 (C. 10:5-4.1) is amended to  
2 read as follows:

3 All of the provisions of the act to which this act is a supple-  
4 ment shall be construed to prohibit any unlawful discrimination  
5 against any person because **[of the physical handicap of such**  
6 **person]** *such person is or has been at any time handicapped* or any  
7 unlawful employment practice against such person, unless the  
8 nature and extent of the handicap reasonably precludes the per-  
9 formance of the particular employment.

1 3. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read  
2 as follows:

3 5. As used in this act, unless a different meaning clearly appears  
4 from the context:

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

5 a. "Person" includes one or more individuals, partnerships,  
6 associations, organizations, labor organizations, corporations, legal  
7 representatives, trustees, trustees in bankruptcy, receivers, and  
8 fiduciaries.

9 b. "Employment agency" includes any person undertaking to  
10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists  
12 and is constituted for the purpose, in whole or in part, of collective  
13 bargaining, or of dealing with employers concerning grievances,  
14 terms or conditions of employment, or of other mutual aid or pro-  
15 tection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-  
17 tion" includes only those unlawful practices and acts specified in  
18 section 11 of this act.

19 e. "Employer" includes all persons as defined in subsection a.  
20 of this section unless otherwise specifically exempt under another  
21 section of this act, and includes the State, any political or civil  
22 subdivision thereof, and all public officers, agencies, boards or  
23 bodies.

24 f. "Employee" does not include any individual employed by his  
25 parents, spouse or child, or in the domestic service of any person.

26 g. "Liability for service in the Armed Forces of the United  
27 States" means subject to being ordered as an individual or member  
28 of an organized unit into active service in the Armed Forces of the  
29 United States by reason of membership in the National Guard,  
30 naval militia or a reserve component of the Armed Forces of the  
31 United States, or subject to being inducted into such armed forces  
32 through a system of national selective service.

33 h. "Division" means the "Division on Civil Rights" created by  
34 this act.

35 i. "Attorney General" means the Attorney General of the State  
36 of New Jersey or his representative or designee.

37 j. "Commission" means the Commission on Civil Rights created  
38 by this act.

39 k. "Director" means the Director of the Division on Civil  
40 Rights.

41 l. "A place of public accommodation" shall include, but not be  
42 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-  
43 mer camp, day camp, or resort camp, whether for entertainment  
44 of transient guests or accommodation of those seeking health, rec-  
45 reation or rest; any producer, manufacturer, wholesaler, distrib-  
46 utor, retail shop, store, establishment, or concession dealing with

47 goods or services of any kind; any restaurant, eating house, or place  
48 where food is sold for consumption on the premises; any place  
49 maintained for the sale of ice cream, ice and fruit preparations or  
50 their derivatives, soda water or confections, or where any beverages  
51 of any kind are retailed for consumption on the premises; any  
52 garage, any public conveyance operated on land or water, or in the  
53 air, any stations and terminals thereof; any bathhouse, boardwalk,  
54 or seashore accommodation; any auditorium, meeting place, or hall;  
55 any theatre, motion-picture house, music hall, roof garden, skating  
56 rink, swimming pool, amusement and recreation park, fair, bowling  
57 alley, gymnasium, shooting gallery, billiard and pool parlor, or  
58 other place of amusement; any comfort station; any dispensary,  
59 clinic or hospital; any public library; any kindergarten, primary  
60 and secondary school, trade or business school, high school, acad-  
61 emy, college and university, or any educational institution under  
62 the supervision of the State Board of Education, or the Commis-  
63 sioner of Education of the State of New Jersey. Nothing herein  
64 contained shall be construed to include or to apply to any institu-  
65 tion, bona fide club, or place of accommodation, which is in its  
66 nature distinctly private; nor shall anything herein contained apply  
67 to any educational facility operated or maintained by a bona fide  
68 religious or sectarian institution, and the right of a natural parent  
69 or one in loco parentis to direct the education and upbringing of a  
70 child under his control is hereby affirmed; nor shall anything herein  
71 contained be construed to bar any private secondary or post-  
72 secondary school from using in good faith criteria other than race,  
73 creed, color, national origin or ancestry, in the admission of  
74 students.

75 m. "A publicly assisted housing accommodation" shall include  
76 all housing built with public funds or public assistance pursuant to  
77 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,  
78 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.  
79 1949, c. 184, and all housing financed in whole or in part by a loan,  
80 whether or not secured by a mortgage, the repayment of which is  
81 guaranteed or insured by the Federal Government or any agency  
82 thereof.

83 n. The term "real property" includes real estate, lands, tene-  
84 ments and hereditaments, corporeal, and incorporeal, and lease-  
85 holds, provided however, that, except as to publicly assisted housing  
86 accommodations, the provisions of this act shall not apply to the  
87 rental: (1) of a single apartment or flat in a two-family dwelling,  
88 the other occupancy unit of which is occupied by the owner as his  
89 residence or the household of his family at the time of such rental;

90 or (2) of a room or rooms to another person or persons by the  
91 owner or occupant of a one-family dwelling occupied by him as his  
92 residence or the household of his family at the time of such rental.  
93 Nothing herein contained shall be construed to bar any religious or  
94 denominational institution or organization, or any organization  
95 operated for charitable or educational purposes, which is operated,  
96 supervised or controlled by or in connection with a religious organi-  
97 zation, in the sale, lease or rental of real property, from limiting  
98 admission to or giving preference to persons of the same religion  
99 or denomination or from making such selection as is calculated by  
100 such organization to promote the religious principles for which it  
101 is established or maintained.

102 o. "Real estate broker" includes a person, firm or corporation  
103 who, for a fee, commission or other valuable consideration, or by  
104 reason of promise or reasonable expectation thereof, lists for sale,  
105 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
106 sale, exchange, purchase, or rental of real estate or an interest  
107 therein, or collects or offers or attempts to collect rent for the use  
108 of real estate, or solicits for prospective purchasers or assists or  
109 directs in the procuring of prospects or the negotiation or closing  
110 of any transaction which does or is contemplated to result in the  
111 sale, exchange, leasing, renting or auctioning of any real estate, or  
112 negotiates, or offers or attempts or agrees to negotiate a loan  
113 secured or to be secured by mortgage or other encumbrance upon  
114 or transfer of any real estate for others; or any person who, for  
115 pecuniary gain or expectation of pecuniary gain conducts a public  
116 or private competitive sale of lands or any interest in lands. In the  
117 sale of lots, the term "real estate broker" shall also include any  
118 person, partnership, association or corporation employed by or on  
119 behalf of the owner or owners of lots or other parcels of real estate,  
120 at a stated salary, or upon a commission, or upon a salary and com-  
121 mission, or otherwise, to sell such real estate, or any parts thereof,  
122 in lots or other parcels, and who shall sell or exchange, or offer or  
123 attempt or agree to negotiate the sale or exchange, of any such lot  
124 or parcel of real estate.

125 p. "Real estate salesman" includes any person who, for compen-  
126 sation, valuable consideration or commission, or other thing of  
127 value, or by reason of a promise or reasonable expectation thereof,  
128 is employed by and operates under the supervision of a licensed real  
129 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
130 the purchase, sale or exchange of real estate, or offers or attempts  
131 to negotiate a loan secured or to be secured by a mortgage or other  
132 encumbrance upon or transfer of real estate, or to lease or rent, or

133 offer to lease or rent any real estate for others, or to collect rents  
134 for the use of real estate, or to solicit for prospective purchasers  
135 or lessees of real estate, or who is employed by a licensed real estate  
136 broker to sell or offer to sell lots or other parcels of real estate, at  
137 a stated salary, or upon a commission, or upon a salary and com-  
138 mission, or otherwise to sell real estate, or any parts thereof, in lots  
139 or other parcels.

140 q. [“Physical handicap”] “*Handicapped*” means [any] *suffer-*  
141 *ing from* physical disability, infirmity, malformation or disfigure-  
142 ment which is caused by bodily injury, birth defect or illness in-  
143 cluding epilepsy, and which shall include, but not be limited to, any  
144 degree of paralysis, amputation, lack of physical coordination,  
145 blindness or visual impediment, deafness or hearing impediment,  
146 muteness or speech impediment or physical reliance on a seeing eye  
147 dog, wheelchair, or other remedial appliance or device, *or from any*  
148 *mental, psychological or developmental disability resulting from*  
149 *anatomical, psychological, physiological or neurological conditions*  
150 *which prevents the normal exercise of any bodily or mental func-*  
151 *tions or is demonstrable, medically or psychologically, by accepted*  
152 *clinical or laboratory diagnostic techniques.*

1 4. This act shall take effect immediately.

---

#### STATEMENT

This bill amends the “Law Against Discrimination” to ensure that the law protects mentally and developmentally handicapped persons as well as the physically handicapped.

The amendatory language is worded so as to provide protection against discrimination for persons who may have recovered from a handicap as well as those who are presently suffering from a handicap.

---

ASSEMBLY INSTITUTIONS, HEALTH AND  
WELFARE COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 710

---

STATE OF NEW JERSEY

---

DATED: FEBRUARY 27, 1978

This bill amends the State's basic civil rights law to ensure that persons who are mentally and developmentally handicapped receive the same protections as are afforded to other citizens. The definition of "handicapped" is extended in this bill to include persons suffering from any mental, psychological or developmental disability resulting from anatomical, psychological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory techniques. It also includes persons who have been handicapped.

FOR IMMEDIATE RELEASE  
NOVEMBER 2, 1978

PROPERTY OF  
NEW JERSEY STATE LIBRARY.

FOR FURTHER INFORMATION  
KATHRYN FORSYTH

Governor Brendan Byrne signed two bills sponsored by Assemblyman Peter Shapiro today in a ceremony at the College of Medicine and Dentistry of New Jersey in Newark.

The first bill, A-1682, appropriates \$2,158,000 from the \$25 million State Medical Education Facilities fund established by the New Jersey Medical Facilities Bond Act of 1977, for the construction of a 33-bed in-patient psychiatric unit at CMDNJ's Community Mental Health Center in Newark.

Byrne said the construction of the new unit is "an outstanding example of the benefits of refinancing."

"A similar issue will be presented to the voters as Public Question #3 on Tuesday's ballot, which would authorize the State to refinance the bonds of the Meadowlands Sports Complex."

"The College Hospital was refinanced last year with State General Obligation bonds which sold at a considerably lower rate of interest than the revenue bonds which they replaced," he said.

"As a result of the \$25 million in savings we realized from that transaction, this new facility is now being built at no cost to the State."

"If the voters approve Question #3 on Tuesday, we will be able to save more than \$100 million over the next thirty years in interest payments on the Meadowlands Sports Complex bonds," Byrne said.

The new psychiatric unit will replace the outdated facilities at Martland Medical Center in Newark.

The second bill, A-710 amends the "Law Against Discrimination" to insure that the law protects mentally and developmentally handicapped persons as well as the physically handicapped.

The amendatory language is worded so as to protect persons who may have recovered from a handicap as well as those who are currently handicapped.

###

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