

34:1-69.1 et al.

LEGISLATIVE HISTORY CHECKLIST



NJSA 34:1-69.1 et al.

Laws of 1977 Chapter 166 (Create a Division of the Deaf)

Bill No. S1220

Sponsor(s) Scardino

Date Introduced February 23, 1976

Committee: Assembly Labor

Senate State Gov't., Fed. & Interstate Rel. & Veterans Aff.;

Amended during passage Yes ~~X~~

Rev., Fin. & Approp. Amendments during passage DENOTED by asterisks

Date of passage: Assembly May 9, 1977

Senate Feb. 17, 1977

Date of approval July 31, 1977

Following statements are attached if available:

Sponsor statement Yes ~~X~~

Committee Statement: Assembly Yes ~~X~~

Senate Yes ~~X~~

6/28/76 & 12/14/76

Fiscal Note ~~XXX~~ No

Veto message ~~XXX~~ No

Message on signing Yes ~~X~~

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

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SENATE, No. 1220

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1976

By Senator SCARDINO

Referred to Committee on State Government and Federal and
Interstate Relations and Veterans Affairs

AN ACT to amend the title of "An act to protect the deaf and to create within the Department of Labor a division to be known as the Division of the Deaf; and to prescribe its powers and duties; supplementing Title 34 of the Revised Statutes," approved June 14, 1941 (P. L. 1941, c. 197), so that the same shall read "An act to protect the deaf and to create within the Department of Labor and Industry a division to be known as the Division of the Deaf; and to prescribe its powers and duties; supplementing Title 34 of the Revised Statutes," and to amend and supplement 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. 1941, c. 197 is amended to read as follows:
2 An act to protect the deaf and to create within the Department of
3 Labor *and Industry* a division to be known as the Division of the
4 Deaf; and to prescribe its powers and duties; supplementing Title
5 34 of the Revised Statutes.

1 2. Section 1 of P. L. 1941, c. 197 (C. 34:1-69.1) is amended to
2 read as follows:

1 1. There **[shall be]** *is hereby* created in the Department of Labor
2 *and Industry* a division to be devoted to the interests of the deaf.

1 3. Section 2 of P. L. 1941, c. 197 (C. 34:1-69.2) is amended to
2 read as follows:

1 2. The Commissioner of Labor *and Industry* shall appoint a
2 competent person to have charge of such division of the deaf, who
3 shall be fully conversant with the sign language of the deaf as
4 **[generally accepted,]** *ascertained by at least three certified mem-*
5 *bers of the New Jersey Registry of Interpreters for the Deaf [and*

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

6 who shall have been a resident of the State for at least 5 years
7 prior to such appointment]; such appointee to be known as Di-
8 rector of the Division of the Deaf, and to be subject to the regular
9 rules and regulations of the Department of Labor *and Industry*.

1 4. Section 3 of P. L. 1941, c. 197 (C. 34:1-69.3) is amended to
2 read as follows:

3 3. The director of such division shall collect and tabulate statis-
4 tics pertaining to the deaf, their employment and welfare; shall
5 ascertain *primarily by annual review of the New Jersey job market,*
6 *by reference to occupational information publications of the United*
7 *States Department of Labor as well as other sources herein identi-*
8 *fied* what trades or occupations are most suitable for them; shall
9 arrange for *Statewide* vocational [training] *retraining* when
10 necessary; shall endeavor to create new fields of employment to
11 which they may adapt themselves, and to place them in such various
12 lines of employment; [may] **[shall investigate or cause to be in-*
13 *vestigated by the Department of the Public Advocate of New*
14 *Jersey]** *may file a complaint with the Division on Civil Rights on*
15 *behalf of any deaf persons and assist them in any subsequent pro-*
16 *ceedings involving** any, and all*[, charges]* *acts** of discrimina-
17 tion against them by [certain] *specific* employers, industries,
18 corporations or organizations with whom they may seek employ-
19 ment [and combat all unfair discrimination] *including the State*
20 and shall use his best efforts for the general welfare of all the deaf
21 within the State. He shall *develop field contacts to increase the em-*
22 *ployability of deaf persons and* seek the cooperation of all State
23 departments, officers and State agencies and minor governmental
24 bodies to the end that deaf persons may be employed in such
25 capacities in the government of the State, or any subdivision
26 thereof, as they may fill as efficiently as other persons. He shall
27 make such reports and recommendations to his superior as may be
28 *requested or as may be* required by law, or otherwise, and issue such
29 reports in pamphlet form, or otherwise, as may be necessary or
30 desirable to advance the best interests of the division and the deaf
31 people of the State in general.

1 5. Section 4 of P. L. 1941, c. 197 (C. 34:1-69.4) is amended to read
2 as follows:

3 4. The Commissioner of Labor *and Industry* [may] *shall* employ
4 additional assistants[, or advisers, for such period as he shall
5 consider necessary and at such compensation as shall be fixed by
6 him, or otherwise determinable by authority of law, to properly
7 conduct the Division of the Deaf] *who are competent and experi-*

8 *enced in working and communicating with the deaf at such compen-*
 9 *sation as is required to effectively carry out the provisions of*
 10 *this act.*

1 6. Section 5 of P. L. 1941, c. 197 (C. 34:1-69.5) is amended to
 2 read as follows:

3 5. The Director of the Division of the Deaf shall receive such
 4 compensation as shall be determined by the Commissioner of Labor
 5 *and Industry* and such actual and necessary expenses as shall be
 6 incurred in the performance of their official duties, to be paid in
 7 the same manner as the compensation and expenses of other em-
 8 ployees of the Department of Labor *and Industry*.

1 7. Section 6 of P. L. 1941, c. 197 (C. 34:1-69.6) is amended to
 2 read as follows:

3 6. The term "deaf" [shall include all degrees of deafness, re-
 4 gardless of the amount of residual hearing possessed], *for pur-*
 5 *poses of the Division of the Deaf and as used in this act, means*
 6 *those persons in whom the sense of hearing is nonfunctional for*
 7 *ordinary purposes of life and includes two distinct classes based*
 8 *on the time of the loss of hearing: a. the congenitally deaf, those*
 9 *who were born deaf and, b. the adventitiously deaf, those who*
 10 *were born with normal hearing but in whom the sense of hearing*
 11 *becomes nonfunctional through illness, accident, etc. In clinical*
 12 *terms deaf means a hearing loss above 25 db ISO in the 500-2,000*
 13 *frequency Hz range unaided in the better ear, and so designated*
 14 *by a certified audiologist.*

1 8. (New section) a. There shall be within the Division of the
 2 Deaf an Advisory Council on the Deaf which shall consist of 14
 3 members. One representative *[for]* *from* each of the following
 4 shall be ex-officio members: Department of Education, Department
 5 of Higher Education, Department of Health, Department of *[In-
 6 stitutions and Agencies]* *Human Services*, Division of Voca-
 7 tional Rehabilitation Services *[of]* *in* the Department of Labor
 8 and Industry, Division of Human Resources *[of]* *in* the De-
 9 partment of Community Affairs and the Marie Katzenbach School
 10 for the Deaf. Seven members shall be appointed by the Governor:
 11 one shall be a businessman selected from a list of candidates
 12 supplied by the New Jersey State Chamber of Commerce, one lay
 13 citizen born of deaf parents, five citizens who are deaf, two of
 14 whom shall be chosen from the professions and three to be lay
 15 persons. In considering the appointment of the five citizens who
 16 are deaf the Governor shall give appropriate consideration to per-
 17 sons recommended by profoundly deaf adults represented by the

18 New Jersey Association of the Deaf, Incorporated. Each appoin-
19 tive member shall serve for a term of 3 years and until his successor
20 is appointed and qualifies, except that of the seven members first
21 appointed the Governor shall designate the appointee's terms so
22 that two shall be appointed for terms of 1 year, two for terms of
23 2 years and three for terms of 3 years.

24 b. Members of the Advisory Council on the Deaf shall serve
25 without compensation but shall be entitled to reimbursement for
26 expenses incurred in performance of their duties. Vacancies on
27 the council shall be filled for the unexpired term. Members may
28 be removed by the Governor for cause.

1 9. (New section) The Director of the Division of the Deaf shall
2 report annually to the Legislature. Such report shall include,
3 but not be limited to, a review of the status of services to deaf
4 persons within the State, recommended priorities for development
5 and coordination of such services, evaluation of achievements re-
6 sulting from recommendations made in the preceding annual re-
7 port, and a statement of the division's goals for the next year and
8 the programs planned to achieve them.

1 10. The sum of \$200,000.00 is hereby appropriated to the Depart-
2 ment of Labor and Industry for the fiscal year ending June 30,
3 ***[1977]*** *1978* to effectuate the purposes of this act.

1 11. This act shall take effect immediately.

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22 terms of 1 year, two for terms of 2 years and three for terms of
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2 ment of Labor and Industry for the fiscal year ending June 30,
3 1977 to effectuate the purposes of this act.

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STATEMENT

The purpose of this bill is to enlarge the State's role in matters of concern to the deaf by appropriating funds for the creation and operation of a Division of the Deaf in the Department of Labor and Industry. The bill provides for an advisory council to support and guide the work of the division, clarifies the functions and responsibilities of the division, specifies a number of the duties of the Division Director and treats other features of service to the deaf.

A law approved in 1941 provided for the creation of a Division of the Deaf in the then Department of Labor. While the department has performed some part of the functions which might have been carried on by the division, the division, as such, has not been funded by the Legislature.

1 6. Section 5 of P. L. 1941, c. 197 (C. 34:1-69.5) is amended to
2 read as follows:

3 5. The Director of the Division of the Deaf shall receive such
4 compensation as shall be determined by the Commissioner of Labor
5 *and Industry* and such actual and necessary expenses as shall be
6 incurred in the performance of their official duties, to be paid in
7 the same manner as the compensation and expenses of other em-
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14 *by a certified audiologist.*

1 8. (New section) a. There shall be within the Division of the
2 Deaf an Advisory Council on the Deaf which shall consist of 14
3 members. One representative for each of the following shall be
4 ex officio members: Department of Education, Department of
5 Higher Education, Department of Health, Department of Institu-
6 tions and Agencies, Division of Vocational Rehabilitation Services
7 of the Department of Labor and Industry, Division of Human
8 Resources of the Department of Community Affairs and the Marie
9 Katzenbach School for the Deaf. Seven members shall be ap-
10 pointed by the Governor: one shall be a businessman selected
11 from a list of candidates supplied by the New Jersey State Chamber
12 of Commerce, one lay citizen born of deaf parents, five citizens who
13 are deaf, two of whom shall be chosen from the professions and
14 three to be lay persons. In considering the appointment of the five
15 citizens who are deaf the Governor shall give appropriate con-
16 sideration to persons recommended by profoundly deaf adults
17 represented by the New Jersey Association of the Deaf, In-
18 corporated. Each appointive member shall serve for a term of 3
19 years and until his successor is appointed and qualifies, except
20 that of the seven members first appointed the Governor shall

REFERENCE USE ONLY

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1220

STATE OF NEW JERSEY

DATED: MAY 2, 1977

The Assembly Labor Committee favorably reports this bill and endorses the Senate committee statement thereon.

This legislation funds and expands the role of the Division of the Deaf in the Department of Labor and Industry for the first time since its inception under P. L. 1941, c. 197 (C. 34:1-69.1 et seq.).

In approving legislation to activate the aforementioned division, the committee determined that the Division on Civil Rights should have exclusive State jurisdiction to act on complaints of employment discrimination against the deaf and so removed the investigatory role of the Department of the Public Advocate and the "new" division from the bill. In addition, committee amendments empower the Division of the Deaf to file complaints with the Division on Civil Rights on behalf of any deaf persons and assist them in any subsequent proceedings, due to the special communication handicap of this group.

The bill was supported in the committee by the New Jersey Association for the Deaf. The Department of Labor and Industry asked for a higher level of finding than the \$200,000.00 appropriated to staff the newly-activated division under its charge.

REFERENCE USE ONLY

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 1220

STATE OF NEW JERSEY

DATED: JUNE 28, 1976

The purpose of the bill is to amend and supplement P. L. 1941, c. 197, approved June 14, 1941 (C. 34:68.1 et seq.). The bill revises already existing law creating the Division of the Deaf in the Department of Labor and Industry so that the functions and responsibilities of the division are clarified and money is appropriated for the operation of the division. A new section creates 14-member advisory council, seven members of which are to be appointed by the Governor.

The function and duties of the division are to collect, tabulate and analyze statistics pertaining to the employment of the deaf, to make an annual review of the New Jersey job market for trades and occupations suitable for the deaf, to arrange for Statewide retraining programs where necessary, to investigate charges of discrimination against the deaf, to develop contacts for employment for the deaf and to report annually to the Legislature. The advisory council is to have seven ex-officio members and seven members appointed by the Governor. The ex-officio members are to be representatives of the Department of Education, the Department of Higher Education, the Department of Health, the Department of Institutions and Agencies, the Division of Vocational Rehabilitation (Labor and Industry), the Division of Human Resources (Institutions and Agencies) and the Marie Katzenbach School for the Deaf. The members to be appointed by the Governor are one businessman selected from a list submitted by the New Jersey State Chamber of Commerce, one lay citizen born of deaf parents, and five deaf citizens based on the recommendations of the New Jersey Association of the Deaf.

The bill appropriates a sum of \$200,000.00 for the purpose of funding the division.

The bill is supported by the New Jersey Association for the Deaf. While the Department of Labor and Industry favors the concept of the bill it would prefer that the agency representing the deaf be established as a bureau in the Division of Vocational Rehabilitation. It is

the Department's position that the creation of such an agency at division level would motivate other groups representing the handicapped to want a division-level agency also. The sponsor and representatives of the department are working together to determine if the bill can be amended to suit the interests of all concerned parties.

The committee is reporting Senate Bill No. 1220 simultaneously with Senate Bill No. 869, which is sponsored by Senator Beadleston. Senate, No. 869 establishes a Bureau of the Deaf in the Department of Education. After careful consideration the committee has decided that there is no basic conflict between the bills. Each deals with different aspects of the same problem.

REFERENCE USE ONLY

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1220

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1976

The purpose of this bill is to enlarge the State's role in matters of concern to the deaf by appropriating funds for the creation and operation of a Division of the Deaf in the Department of Labor and Industry. The bill provides for an advisory council to support and guide the work of the division, clarifies the functions and responsibilities of the division, specifies a number of the duties of the Division Director and treats other features of service to the deaf.

A law approved in 1941 provided for the creation of a Division of the Deaf in the then Department of Labor. While the department has performed some part of the functions which might have been carried on by the division, the division, as such, has not been funded by the Legislature.

This bill is effective immediately and makes an appropriation of \$200,000.00 for the current fiscal year.

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FROM THE OFFICE OF THE GOVERNOR

AUGUST 1, 1977

FOR FURTHER INFORMATION

FDR IMMEDIATE RELEASE

ANNE BURNS

Governor Brendan Byrne has signed S-1220 sponsored by Senator Anthony Scardino, D-Bergen, which creates a Division of the Deaf within the Department of Labor and Industry. The bill also appropriates \$200,000 for funding during the Fiscal Year 1978.

Under this legislation, the Department of Labor and Industry will work with businesses and industry to develop new jobs and find employment for the deaf in New Jersey. The bill instructs the Division of the Public Advocate to look closely at any evidence of discrimination against the deaf and take appropriate action.

Governor Byrne attributed the bill's passage to the efforts and persistence of the New Jersey Association for the Deaf and Senator Scardino.

Scardino said the bill represents "a milestone, an accomplishment, a commitment by the New Jersey Legislature that went unfulfilled for thirty-six years. This legislation will provide the means for the Department of Labor and Industry to tabulate, analyze and put together programs necessary to the training and retraining of the deaf for employment," he said.

Eleanor Murad, Legislative Director for the Association for the Deaf, noted New Jersey's action is being watched by the nation as a model for integrating the deaf into modern society.

"The invisible barriers are being forced today," Murad said. "We are again making history in New Jersey. Let's continue to destroy these barriers and provide education according to the needs of the individual. That is the road -- and total communication is the method."

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