

52:27E-41.1 to 41.5

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:27E-41.1 to 52:27E-41.5 (Division of Advocacy for the Developmentally Disabled established in Public Advocate)
LAWS 1981 CHAPTER 444
Bill No. A3413
Sponsor(s) Garvin and others
Date Introduced May 14, 1981
Committee: Assembly Institutions, Health and Welfare
Senate State Gov't., Federal & Interstate Relations & Veterans Affairs
Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks
Date of Passage: Assembly Nov. 16, 1981
Senate Jan. 7, 1981
Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement	Yes	No X (Below)
Committee Statement: Assembly	Yes	No X
Senate	Yes X	No
Fiscal Note	Yes X	No
Veto Message	Yes X	No
Message on signing	Yes	No X

Following were printed:

Reports	Yes X	No
Hearings	Yes X	No

Sponsors' statement:

In 1976, following designation by the Governor, the Public Advocate began a program to protect and advocate the rights of developmentally disabled people. The purpose of this bill is to give legislative recognition to that program and to demonstrate the legislature's continued commitment to protect the rights of developmentally disabled people.

6/22/81

PP

- 3 representation and other advocacy services on an individual or
4 class basis as the Public Advocate deems appropriate to protect

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ASSEMBLY, No. 3413

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1981

By Assemblywoman GARVIN, Assemblymen FORTUNATO, VAN-
WAGNER, BROWN, THOMPSON, ZANGARI and McENROE

Referred to Committee on Institutions, Health and Welfare

A SUPPLEMENT to the "Department of the Public Advocate Act of
1974," approved May 13, 1974 (P. L. 1974, c. 27; C. 52:27E-1
et seq.).

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

1 1. There is hereby established in the Department of the Public
2 Advocate the Division of Advocacy for the Developmentally Dis-
3 abled under the supervision of the Director of the Division of
4 Advocacy for the Developmentally Disabled.

1 2. The Director of the Division of Advocacy for the Develop-
2 mentally Disabled may, with the approval of the Public Advocate,
3 employ such assistants **on a full-time basis** as are necessary **to*
4 *protect the rights of developmentally disabled persons. When ex-*
5 *ceptional circumstances arise, the Director of the Division of*
6 *Advocacy for the Developmentally Disabled, with the approval of*
7 *the Public Advocate, may on a temporary basis retain such other*
8 *expert assistants as are necessary pursuant to a reasonable fee*
9 *schedule established in advance by the Public Advocate.*

10 *Cases shall be assigned to staff attorneys or attorneys hired by*
11 *case on a basis calculated to provide competent representation in*
12 *light of the nature of the case, the services to be performed, the*
13 *experience of the particular attorney and other relevant factors*.*

1 3. For purposes of this act, a developmentally disabled person
2 is a person with a developmental disability as that term is defined
3 in section 3 of the "Developmentally Disabled Rights Act," P. L.
4 1977, c. 82 (C. 30:6D-3).

1 4. The Division of Advocacy for the Developmentally Disabled
2 may receive and investigate complaints and provide such legal
3 representation and other advocacy services on an individual or
4 class basis as the Public Advocate deems appropriate to protect

5 and advocate the rights of developmentally disabled persons. The
6 Division of Advocacy for the Developmentally Disabled may also,
7 within the limits of available funding, provide services to other
8 handicapped persons or classes of persons found by the Public
9 Advocate to have needs similar to developmentally disabled people.

1 5. Eligibility for services by the Division of Advocacy for the
2 Developmentally Disabled shall be determined on the basis of the
3 need of the client and in a manner consistent with the conditions
4 of any grant obtained by the Public Advocate to assist in imple-
5 menting this act.

1 6. This act shall take effect immediately.

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STATEMENT

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ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3413

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: JUNE 22, 1981

This bill provides for the statutory establishment of the Division of Advocacy for the Developmentally Disabled in the Department of the Public Advocate.

The Office of Advocacy for the Developmentally Disabled was originally established in 1976. In order to be eligible to receive federal funds available for the establishment of a protection and advocacy system for the developmentally disabled, Governor Byrne designated the Department of the Public Advocate as the agency responsible for ensuring the rights of developmentally disabled individuals.

The definition of developmental disability is the one used in the "Developmentally Disabled Rights Act," P. L. 1977, c. 82 (C. 30:6D-3). A developmental disability is that which is attributable to mental retardation, cerebral palsy, epilepsy or autism; originates before the person reaches 18 years of age; is expected to continue indefinitely; and, constitutes a substantial handicap to the person's ability to function normally in society.

The Department of the Public Advocate and the New Jersey Developmental Disabilities Council strongly support this legislation.

The committee enacted certain technical amendments to this legislation and released the bill.

Solid Waste Management Act to authorize county health departments to collect fees from sanitary landfill operators within their jurisdiction for enforcement activities. The schedule of fees will be established by the Department of Environmental Protection.

A-2268, sponsored by Assemblyman Richard J. Codey (D-Essex), allowing police officers who have resigned in good standing to be placed on reemployment lists. The legislation insures these officers would be in line for appointments after officers who have been laid-off.

A-3787, sponsored by Assemblyman Alan Karcher (D-Middlesex), transferring many of the responsibilities for legislative printing from the Secretary of State and the Division of Purchase and Property to the Legislative Services Commission. The bill also makes changes in the printing format of bills and eliminates the separate printing of amendments and resolutions.

A-3413, sponsored by Assemblywoman Mildred Garvin (D-Essex), establishing within the Department of the Public Advocate a Division on the Developmentally Disabled. The Division has existed on the basis of a gubernatorial letter of authorization in the past.

A-3505, also sponsored by Assemblyman Codey, amending Section 46 of the Public Laws of 1946 to regulate the disposition of parimutuel pools at all horse race meetings with the exception of the New Jersey Sports and Exposition Authority. The act takes effect immediately and is retroactive to May 1, 1981.

A-238/768, sponsored by Thomas Deverin (D-Middlesex) which provides that a chief or other superior fire officer have sole authority within established fire lines. This authority supersedes that of any municipal police authority.

The Governor had returned this bill with a recommendation that this bill did not affect his or the State's emergency powers. The Legislature concurred with the Governor's recommendation.