

30: 1AA-1 to 30: 1AA-9

LEGISLATIVE HISTORY CHECKLIST

HJSA 30:1AA-1 to 30:1AA-9 (Establishes and continues Developmental Disabilities Council)

LAWS OF 1979 CHAPTER 105

Bill No. A1510

Sponsor(s) Schwartz and others

Date Introduced June 19, 1978

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

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

Date of Passage: Assembly Oct. 16, 1978

Senate April 26, 1979

Date of approval May 31, 1979

Following statements are attached if available:

Sponsor statement Yes ~~xx~~

Committee Statement: Assembly ~~xxx~~ No

Senate Yes ~~xx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing Yes ~~xx~~

Following were printed:

Reports ~~xxx~~ No

Hearings ~~xxx~~ No

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9/1/78

3 a. A severe, chronic disability of a person which

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

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ASSEMBLY, No. 1510

STATE OF NEW JERSEY

INTRODUCED JUNE 19, 1978

By Assemblymen SCHWARTZ, OTLOWSKI, LESNIAK, DEVERIN, MAYS, FORTUNATO, Assemblywoman KIERNAN, Assemblymen JANISZEWSKI, NEWMAN, DOYLE, COSTELLO, MATTHEWS, VAN WAGNER, KAVANAUGH, BURNS, Assemblywomen KALIK, BERMAN, Assemblyman SHAPIRO, Assemblywoman McCONNELL, Assemblymen BAER, PASCULLI, T. GALLO, RAND, FROUDE, GEWERTZ, Assemblywoman SZABO, KARCHER, PATERO, BURSTEIN, ADUBATO, CALL, Assemblymen STEWART, DiFRANCESCO, GORMAN, SCHUCK, BROWN, MARTIN, FLYNN, WEIDEL, Assemblywoman SCANLON, Assemblymen THOMPSON, HOLLENBECK, SNEDEKER, BATE, PELLECCIA, GIRGENTI, Assemblywomen TOTARO, CROCE, Assemblymen McMANIMON, BORNHEIMER, CODEY, SMITH, LITTELL and BASSANO

Referred to Committee on Institutions, Health and Welfare

AN ACT establishing and continuing the Developmental Disabilities Council.

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

1 1. The Developmental Disabilities Council, established pursuant  
2 to Executive Order Number 20 of 1971, as amended by Executive  
3 Order Number 49 of 1973 and Executive Order Number 42 of 1976,  
4 is hereby established and continued in the Executive Branch of  
5 State Government. For the purpose of complying with the provi-  
6 sions of Article V, Section IV, paragraph 1 of the New Jersey  
7 Constitution, the Developmental Disabilities Council is hereby allo-  
8 cated within the Department of Human Services, but, notwithstand-  
9 ing said allocation, the council shall be independent of any super-  
10 vision or control by the department or any board or officer thereof.

1 2. For the purposes of this act, a "developmental disability"  
2 means:

3 a. A severe, chronic disability of a person which

**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 (1) Is attributable to a mental or physical impairment or com-  
5 bination of mental or physical impairments;

6 (2) Is manifest before age 22;

7 (3) Is likely to continue indefinitely;

8 (4) Results in substantial functional limitations in three or more  
9 of the following areas of major life activity: self-care, receptive  
10 and expressive language, learning, mobility, self-direction, capacity  
11 for independent living, or economic self-sufficiency; and

12 (5) Reflects the need for a combination and sequence of special,  
13 interdisciplinary, or generic care, or other services which are of  
14 lifelong or extended duration.

15 b. Other handicapping conditions requiring services and treat-  
16 ment similar to that required by those who meet the criteria defined  
17 above.

1 3. The council shall consist of 30 members, of whom 18 shall be  
2 public members appointed by the Governor with the advice and  
3 consent of the Senate for terms of 3 years and until their respective  
4 successors have been appointed and have qualified, and 12 shall be  
5 representatives of State agencies who shall serve at the pleasure of  
6 the Governor in accordance with the qualifications established in  
7 section 4 of this act. Vacancies shall be filled in the same manner  
8 as the original appointment. Public members shall receive no com-  
9 pensation, but shall be entitled to reimbursement for necessary  
10 expenses incurred in the performance of their duties. Members of  
11 the council at the time of enactment of this act shall continue to  
12 serve until the expiration of their current terms, and until their  
13 respective successors are appointed and have qualified.

1 4. The public members shall be representative of the diverse  
2 social, economic and geographical interests in the State, and shall  
3 include at least 15 persons who are consumers or representatives  
4 of consumers of services for persons with developmental dis-  
5 abilities. The State members shall be official representatives of  
6 State agencies responsible for the following programs: Special  
7 Education; Residential Services for Mentally Retarded Persons;  
8 Health Services for Crippled Children and for Maternal and Child  
9 Health; Comprehensive Health Planning; Medical Assistance;  
10 Higher Education; Community Affairs, Youth and Family Ser-  
11 vices; Public Welfare; Mental Health Services; Vocational Re-  
12 habilitation Services; and the Public Advocate.

1 5. The Governor shall appoint a \***chairman**)\* \**chairperson*\*  
2 from among the public members to serve in such capacity at the  
3 capacity at the pleasure of the Governor. The members shall elect

4 annually from among themselves a vice-~~chairman~~\* *chair-*  
 5 *person*\* and other such officers as may be necessary, and may  
 6 appoint a secretary who need not be a member of the council.

1 6. The council shall employ, subject to the provisions of Title 11,  
 2 Civil Service, of the Revised Statutes, and other applicable statutes,  
 3 an executive director and such other employees as it deems neces-  
 4 sary. The executive director shall:

5 a. Supervise and administer the work of the council;

6 b. Appoint and remove such other employees as may be necessary  
 7 to perform the duties and responsibilities of the council and shall  
 8 promulgate fees and compensation within the limits of available  
 9 appropriations and as shall be provided by law; and

10 c. Select and retain the services of consultants whose advice is  
 11 considered necessary to assist the council in obtaining information  
 12 or developing plans or programs required for the performance of  
 13 the duties and responsibilities of the council.

1 7. The council shall promulgate such rules as it deems necessary  
 2 for the proper conduct of its work.

1 8. It shall be the duty of the council to:

2 a. Study and review the needs and problems of the develop-  
 3 mentally disabled in this State and the nature and extent of public  
 4 and private services for such persons, and to recommend immediate  
 5 and long range program and construction priorities.

6 b. Foster cooperation and communication among State, county,  
 7 municipal, voluntary and private agencies providing services to the  
 8 developmentally disabled to assure that such services are delivered  
 9 effectively, efficiently and without duplication;

10 c. Promote public awareness of the needs and problems of the  
 11 developmentally disabled and their related budgetary implications;

12 d. Be designated as the State Planning Council in accordance with  
 13 the requirements of P. L. 94-103 and subsequent amendments  
 14 thereto and

15 (1) Be responsible for reviewing and evaluating from time to  
 16 time, and not less often than annually, the State Plan on Develop-  
 17 mental Disabilities and submitting such appropriate modifications  
 18 as may be required to the United States Secretary of Health,  
 19 Education and Welfare and

20 (2) Make such reports in such form and containing such informa-  
 21 tion as the United States Secretary of Health, Education and Wel-  
 22 fare may reasonably require, and keep such records and afford such  
 23 access thereto as the Governor or the Secretary of Health, Educa-  
 24 tion and Welfare find necessary to assure the correctness and  
 25 verification of such reports;

26 e. Review and comment upon laws and practices relating to the  
27 developmentally disabled;

28 f. Propose training and scholarship programs to prepare pro-  
29 fessionals to work with the developmentally disabled;

30 g. Recommend training and recruitment programs to encourage  
31 employment of the developmentally disabled;

32 h. Encourage and support pertinent research efforts and pre-  
33 ventative measures;

34 i. Inform local government agencies of Federal and State pro-  
35 grams and requirements concerning developmentally disabled and  
36 other handicapped persons and provide technical assistance to such  
37 agencies as to methods for participating in such programs or  
38 meeting such requirements;

39 j. Promote the establishment of local commissions on the develop-  
40 mentally disabled and other handicapped for the identification and  
41 development of locally-based programs for such persons, and to  
42 stimulate planning at the community level;

43 k. Administer loan and grant programs, if and when funds  
44 become available, to enable local agencies, commissions and indi-  
45 viduals concerned with the handicapped to acquire or improve  
46 relevant facilities, services and personnel;

47 l. Undertake at the request of the Governor and the Legislature  
48 such activities as may be pertinent for the accomplishment of legis-  
49 lative and executive functions.

1 9. The council shall report annually, not later than July 1, to the  
2 Governor and the Legislature as to its activities and including any  
3 recommendations for administrative and legislative action it deems  
4 appropriate.

1 10. This act shall take effect immediately.

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STATEMENT

This bill gives statutory authority to the Developmental Disabilities Council which was established in 1971 by Executive Order. In addition to its existing duties, the Council is given the responsibility to inform local government agencies of Federal and State programs and requirements concerning the developmentally disabled and other handicapped persons and to provide technical assistance to such agencies so that they may participate in such programs or meet such requirements. The council is also directed to encourage the establishment of local commissions on the developmentally disabled and other handicapped.

A1510 (1979)

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1510**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 1979

This bill would give statutory authority to the Developmental Disabilities Council, a planning body first formed by executive order in 1971 and reestablished by two subsequent executive orders.

The bill allocates the council to the Department of Human Services, but specifies that it be independent of any supervision or control by the department (section 1). It defines "developmental disability" very broadly in accord with the definition adopted by Congress this year. The bill also: identifies those who will serve on the council (sections 3 and 4); summarizes the duties of the executive director who must be employed by the council (section 6); identifies the duties of the council itself (section 8); and requires the council to submit an annual report to the Governor and the Legislature.

The committee heard testimony highly laudatory of the Developmental Disabilities Council. The testimony confirmed that there is no other agency capable of performing the critical planning and liaison work which the council does. At issue in the committee's debate on the bill was whether or not the council should be established by law rather than continued by executive order. Changes in the Federal Developmental Disabilities Act or in Federal regulations might later necessitate legislative amendments to this act— a more time-consuming process than changing an executive order. But the committee believes that because the council is such an important body, and because it disburses so much money (about \$1.1 million annually, \$260,000.00 of this being State money) any changes in the membership or role of the council, however minor, should be subject to legislative scrutiny and review.

FROM THE OFFICE OF THE GOVERNOR

MAY 31, 1979

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills into law in a public ceremony in his office:

A-331, sponsored by Assemblywoman Barbara Berman (D-Camden), which makes it unlawful to advertise merchandise for sale under a "going out of business sale" for a period of more than 90 days or to advertise more than one such sale in 360 days.

The bill amends the "Unit Price Disclosure Act." By existing law, anyone who violates the act would be liable to a penalty of not more than \$2,000 for the first offense and not more than \$5,000 for the second offense.

A-1510, sponsored by Assemblyman David C. Schwartz (D-Middlesex), which makes the Developmental Disabilities Council a statutory body allocated within the Department of Human Services, but independent of any supervision or control by the department.

The Developmental Disabilities Council was created in 1971 by former Governor William T. Cahill's Executive Order #20 as a response to federal legislation requiring a state planning council in order for the state to receive federal developmental disabilities funds.

According to the Executive Order, the purposes of the Council are to identify the needs of the developmentally disabled, to foster cooperation among the agencies providing services to the developmentally disabled and to review, evaluate and submit the state plan on developmental disabilities to the U.S. Department of Health, Education and Welfare.

The bill also redefines the term "developmental disability" to conform with current federal law, as a severe, chronic disability of a person which is attributable to a mental and/or physical impairment, is manifest before age 22, is likely to continue indefinitely and results in substantial functional limitations and the need for special care or services for life or for a period of extended duration.

The membership of the Council as a statutory body remains the same as it was under the Executive Order. It consists of 30 members, all appointed by the Governor. Twelve members are official representatives of state agencies dealing with various aspects of developmental disabilities problems; and the other eighteen members are public members.

The bill involves no additional cost to the state.