

ASSEMBLY, No. 969

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ASSELTA and GIBSON

1 AN ACT concerning the operation of certain State facilities and
2 supplementing Title 30 of the Revised Statutes and Title 38A of the
3 New Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. As used in sections 1 and 2 of P.L. , c. (C.)
9 (pending before the Legislature as this bill):

10 "Commissioner" means the Commissioner of Human Services.

11 "Facility" means a State psychiatric hospital or a State
12 developmental center listed in R.S.30:1-7.

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14 2. a. The commissioner shall not implement a decision to:
15 temporarily remove all patients or residents residing in a facility;
16 permanently remove all patients or residents residing in a facility and
17 close the facility; reduce the number of patients or residents residing
18 in a facility below two thirds of the capacity of the facility; or privatize
19 any services, functions or units of the facility, unless the commissioner
20 has complied with the procedures set forth in this section.

21 b. If the commissioner seeks to close or reduce the number of
22 patients or residents residing in a facility, or privatize any services,
23 functions or units of the facility, he shall conduct at least three public
24 hearings, one each in the northern, central and southern regions of the
25 State, at least one of which shall be held in the county in which the
26 facility is located, to provide an opportunity for the public to submit
27 testimony on the proposed closing, reduction or privatization. At least
28 30 days shall be required to elapse between the date of each hearing.
29 A notice of the public hearings shall be published in at least two
30 newspapers generally circulated in the region in which each hearing is
31 to be held. The notice shall be published at least twice on two
32 different days no later than one week, but no sooner than three weeks,
33 before the date of each hearing. The commissioner shall select a
34 publicly convenient location for the hearing and shall give all persons
35 the opportunity to testify in person or to submit written testimony.

1 The commissioner shall compile a report of the testimony received at
2 the hearings for submission to the Governor and the Legislature.

3 c. The commissioner shall have an independent public or private
4 agency or organization prepare a report on the impact of the proposed
5 closing, reduction or privatization of a facility. This report shall be
6 prepared after the public hearings required in subsection b. of this
7 section have been completed. The report shall include an evaluation
8 of the reasons for the closing, reduction or privatization, its impact on
9 the patients or residents, its effect on the persons employed at the
10 facility, and its impact on the community in which the facility is
11 located and the communities in which the patients or residents will be
12 placed. The report shall also include a section of evaluation and
13 comment on the testimony received during the public hearings.

14 d. In addition, the commissioner shall have an independent public
15 or private agency or organization prepare a report on the impact of
16 patients or residents who were previously discharged from facilities
17 during the two-year period preceding a decision by the commissioner
18 to close, reduce or privatize a facility. This report shall also be
19 prepared after the public hearings required in subsection b. of this
20 section have been completed.

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22 3. As used in sections 3 and 4 of P.L. , c. (C.)
23 (pending before the Legislature as this bill):

24 "Commissioner" means the Commissioner of Corrections.

25 "Facility" means a State correctional institution or facility listed in
26 section 8 of P.L.1976, c.98 (C.30:1B-8).

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28 4. a. The commissioner shall not implement a decision to:
29 temporarily remove all inmates residing in a facility; permanently
30 remove all inmates residing in a facility and close the facility; reduce
31 the number of inmates residing in a facility below two thirds of the
32 capacity of the facility; or privatize any services, functions or units of
33 the facility, unless the commissioner has complied with the procedures
34 set forth in this section.

35 b. If the commissioner seeks to close or reduce the number of
36 inmates residing in a facility, or privatize any services, functions or
37 units of the facility, he shall conduct at least three public hearings, one
38 each in the northern, central and southern regions of the State, at least
39 one of which shall be held in the county in which the facility is located,
40 to provide an opportunity for the public to submit testimony on the
41 proposed closing, reduction or privatization. At least 30 days shall be
42 required to elapse between the date of each hearing. A notice of the
43 public hearings shall be published in at least two newspapers generally
44 circulated in the region in which each hearing is to be held. The notice
45 shall be published at least twice on two different days no later than one
46 week, but no sooner than three weeks, before the date of each hearing.

1 The commissioner shall select a publicly convenient location for the
2 hearing and shall give all persons the opportunity to testify in person
3 or to submit written testimony. The commissioner shall compile a
4 report of the testimony received at the hearings for submission to the
5 Governor and the Legislature.

6 c. The commissioner shall have an independent public or private
7 agency or organization prepare a report on the impact of the proposed
8 closing, reduction or privatization of a facility. This report shall be
9 prepared after the public hearings required in subsection b. of this
10 section have been completed. The report shall include an evaluation
11 of the reasons for the closing, reduction or privatization, its effect on
12 the persons employed at the facility, and its impact on the community
13 in which the facility is located. The report shall also include a section
14 of evaluation and comment on the testimony received during the public
15 hearings.

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17 5. As used in sections 5 and 6 of P.L. , c. (C.)
18 (pending before the Legislature as this bill):

19 "Adjutant General" means the Adjutant General of the Department
20 of Military and Veterans' Affairs.

21 "Facility" means a veterans' facility as defined in section 1 of
22 P.L.1989, c.162 (C.38A:3-6.3).

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24 6. a. The Adjutant General shall not implement a decision to:
25 temporarily remove all patients or residents residing in a facility;
26 permanently remove all patients or residents residing in a facility and
27 close the facility; reduce the number of patients or residents residing
28 in a facility below two thirds of the capacity of the facility; or privatize
29 any services, functions or units of the facility, unless the Adjutant
30 General has complied with the procedures set forth in this section.

31 b. If the Adjutant General seeks to close or reduce the number of
32 patients or residents residing in a facility, or privatize any services,
33 functions or units of the facility, he shall conduct at least three public
34 hearings, one each in the northern, central and southern regions of the
35 State, at least one of which shall be held in the county in which the
36 facility is located, to provide an opportunity for the public to submit
37 testimony on the proposed closing, reduction or privatization. At least
38 30 days shall be required to elapse between the date of each hearing.
39 A notice of the public hearings shall be published in at least two
40 newspapers generally circulated in the region in which each hearing is
41 to be held. The notice shall be published at least twice on two
42 different days no later than one week, but no sooner than three weeks,
43 before the date of each hearing. The Adjutant General shall select a
44 publicly convenient location for the hearing and shall give all persons
45 the opportunity to testify in person or to submit written testimony.
46 The Adjutant General shall compile a report of the testimony received

1 at the hearings for submission to the Governor and the Legislature.

2 c. The Adjutant General shall have an independent public or private
3 agency or organization prepare a report on the impact of the proposed
4 closing, reduction or privatization of a facility. This report shall be
5 prepared after the public hearings required in subsection b. of this
6 section have been completed. The report shall include an evaluation
7 of the reasons for the closing, reduction or privatization, its effect on
8 the persons employed at the facility, and its impact on the community
9 in which the facility is located. The report shall also include a section
10 of evaluation and comment on the testimony received during the public
11 hearings.

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13 7. This act shall take effect immediately and be retroactive to
14 January 1, 1995.

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STATEMENT

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19 This bill provides procedures with which the Departments of
20 Human Services, Corrections, and Military and Veterans' Affairs must
21 comply prior to implementing a decision to: temporarily remove all
22 persons residing in a State facility under their respective jurisdictions;
23 permanently remove all such persons; reduce the number of such
24 persons below two thirds of the capacity of the facility; or privatize
25 any services, functions or units of the facility.

26 The bill requires each of the respective departments to:

27 C provide public notice and obtain public input through a minimum
28 of three public hearings Statewide before implementing a decision to
29 close, reduce or privatize a facility, at least one of which shall be held
30 in the county in which the facility is located, with at least 30 days
31 between the date of each hearing;

32 C give all persons the opportunity to testify in person or to submit
33 written testimony;

34 C compile a report of the testimony received at the hearings for
35 submission to the Governor and the Legislature; and

36 C have an independent public or private agency or organization
37 prepare a report on the impact of the proposed closing, reduction or
38 privatization of the facility.

39 The bill would take effect immediately and be retroactive to
40 January 1, 1995.

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45 Requires public hearings and study prior to closing of State human
46 services, correctional and veterans' facilities.