

§1, 2 - C.30:1-7.3
and 30:1-7.4
§§3, 4 - C.30:1B-8.3
and 30:1B-8.4
§§5, 6
C.38A:3-6.4a and
38A:3-6.4b

P.L. 1996, CHAPTER 150, *approved December 20, 1996*
Assembly No. 969 (*Second Reprint*)

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.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
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.

13
14 2. a. ²[The commissioner shall not implement a decision to:
15 temporarily remove ¹, except in the case of an emergency condition,¹
16 all patients or residents residing in a facility; permanently remove all
17 patients or residents residing in a facility and close the facility; reduce
18 the number of patients or residents residing in a facility below two
19 thirds of the capacity of the facility; or privatize any services, functions
20 or units of the facility, unless the commissioner has complied with the
21 procedures set forth in this section] Except in the case of an
22 emergency condition, the commissioner shall not implement a decision
23 to close an existing facility or to privatize any services, functions or
24 units of an existing facility, if the commissioner finds that the decision
25 shall result in the abolition of 100 or more non-vacant, full-time
26 positions in the career service at the existing facility or facilities
27 affected by the decision, unless the commissioner has complied with
28 the procedures set forth in this section².

29 b. ²[If the commissioner seeks to close or reduce the number of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted February 15, 1996.

² Assembly amendments adopted in accordance with Governor's recommendations September 19, 1996.

1 patients or residents residing in a facility, or privatize any services,
2 functions or units of the facility, he] Pursuant to subsection a. of this
3 section, the commissioner² shall conduct at least ²[three]one² public
4 ²[hearings, one each in the northern, central and southern regions of
5 the State, at least one of] hearing² which shall be held in the ²[county]
6 region² in which the facility is located, or a central location
7 designated by the commissioner if more than one facility is affected by
8 the decision.² to provide an opportunity for the public to submit
9 testimony on the proposed closing² [, reduction]² or privatization. ²[
10 At least 30 days shall be required to elapse between the date of each
11 hearing. A notice of the public hearings shall be published in at least
12 two newspapers generally circulated in the region in which each
13 hearing is to be held. The notice shall be published at least twice on
14 two different days no later than one week, but no sooner than three
15 weeks, before the date of each hearing] The hearing shall be conducted
16 at least 45 days in advance of a facility closure, or at least 30 days
17 prior to the issuance of a Request for Proposal. For a facility closure,
18 the public hearing shall be held within 15 days of publication of a
19 Notice of Intent to close a facility by the commissioner in accordance
20 with subsection c. of this section². The commissioner shall select a
21 publicly convenient location for the hearing and shall give all persons
22 the opportunity to testify in person or to submit written testimony.
23 ²[The commissioner shall compile a report of the testimony received
24 at the hearings for submission to the Governor and the Legislature.]²
25 c. ²[The commissioner shall have an independent public or private
26 agency or organization prepare a report on the impact of the proposed
27 closing, reduction or privatization of a facility. This report shall be
28 prepared after the public hearings required in subsection b. of this
29 section have been completed. The report shall include an evaluation
30 of the reasons for the closing, reduction or privatization, its impact on
31 the patients or residents, its effect on the persons employed at the
32 facility, and its impact on the community in which the facility is
33 located and the communities in which the patients or residents will be
34 placed. The report shall also include a section of evaluation and
35 comment on the testimony received during the public hearings] The
36 Notice of Intent to close a facility pursuant to subsection b. of this
37 section shall be mailed, telephoned, telegraphed or hand delivered to
38 at least two newspapers for publication, at least one of which shall be
39 within the geographic boundaries of the county where the facility is
40 located. Failure to comply with the requirements of this subsection
41 shall not invalidate or delay any facility closure².
42 d. ²[In addition, the commissioner shall have an independent public
43 or private agency or organization prepare a report on the impact of
44 patients or residents who were previously discharged from facilities
45 during the two-year period preceding a decision by the commissioner
46 to close, reduce or privatize a facility. This report shall also be

1 prepared after the public hearings required in subsection b. of this
2 section have been completed] The commissioner shall prepare a report
3 setting forth a fiscal impact analysis, policy rationale and summary of
4 the testimony received at any hearing held pursuant to this section.
5 This report shall be submitted to the chairmen of the Joint Budget
6 Oversight Committee within five days of the issuance of a Notice of
7 Intent to Award or within 30 days following the last scheduled public
8 hearing for a facility closure².

9
10 3. As used in sections 3 and 4 of P.L. , c. (C.)
11 (pending before the Legislature as this bill):

12 "Commissioner" means the Commissioner of Corrections.

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

15
16 4. a. ²[The commissioner shall not implement a decision to:
17 temporarily remove ¹, except in the case of an emergency condition,¹
18 all inmates residing in a facility; permanently remove all inmates
19 residing in a facility and close the facility; reduce the number of
20 inmates residing in a facility below two thirds of the capacity of the
21 facility; or privatize any services, functions or units of the facility,
22 unless the commissioner has complied with the procedures set forth in
23 this section] Except in the case of an emergency condition, the
24 commissioner shall not implement a decision to close an existing
25 facility or to privatize any services, functions or units of an existing
26 facility, if the commissioner finds that the decision shall result in the
27 abolition of 100 or more non-vacant, full-time positions in the career
28 service at the existing facility or facilities affected by the decision,
29 unless the commissioner has complied with the procedures set forth in
30 this section².

31 b. ²[If the commissioner seeks to close or reduce the number of
32 inmates residing in a facility, or privatize any services, functions or
33 units of the facility, he] Pursuant to subsection a. of this section, the
34 commissioner² shall conduct at least ²[three]one² public ²[hearings,
35 one each in the northern, central and southern regions of the State, at
36 least one of] hearing² which shall be held in the ²[county]region² in
37 which the facility is located, ²or a central location designated by the
38 commissioner if more than one facility is affected by the decision,² to
39 provide an opportunity for the public to submit testimony on the
40 proposed closing²[, reduction]² or privatization. ²[At least 30 days
41 shall be required to elapse between the date of each hearing. A notice
42 of the public hearings shall be published in at least two newspapers
43 generally circulated in the region in which each hearing is to be held.
44 The notice shall be published at least twice on two different days no
45 later than one week, but no sooner than three weeks, before the date
46 of each hearing] The hearing shall be conducted at least 45 days in

1 advance of a facility closure, or at least 30 days prior to the issuance
2 of a Request for Proposal. For a facility closure, the public hearing
3 shall be held within 15 days of publication of a Notice of Intent to
4 close a facility by the commissioner in accordance with subsection c.
5 of this section². The commissioner shall select a publicly convenient
6 location for the hearing and shall give all persons the opportunity to
7 testify in person or to submit written testimony. ²[The commissioner
8 shall compile a report of the testimony received at the hearings for
9 submission to the Governor and the Legislature.]²

10 c. ²[The commissioner shall have an independent public or private
11 agency or organization prepare a report on the impact of the proposed
12 closing, reduction or privatization of a facility. This report shall be
13 prepared after the public hearings required in subsection b. of this
14 section have been completed. The report shall include an evaluation
15 of the reasons for the closing, reduction or privatization, its effect on
16 the persons employed at the facility, and its impact on the community
17 in which the facility is located. The report shall also include a section
18 of evaluation and comment on the testimony received during the public
19 hearings] The Notice of Intent to close a facility pursuant to
20 subsection b. of this section shall be mailed, telephoned, telegraphed
21 or hand delivered to at least two newspapers for publication, at least
22 one of which shall be within the geographic boundaries of the county
23 where the facility is located. Failure to comply with the requirements
24 of this subsection shall not invalidate or delay any facility closure².

25 ²d. The commissioner shall prepare a report setting forth a fiscal
26 impact analysis, policy rationale and summary of the testimony
27 received at any hearing held pursuant to this section. This report shall
28 be submitted to the chairmen of the Joint Budget Oversight Committee
29 within five days of the issuance of a Notice of Intent to Award or
30 within 30 days following the last scheduled public hearing for a facility
31 closure.²

32
33 5. As used in sections 5 and 6 of P.L. , c. (C.)
34 (pending before the Legislature as this bill):

35 "Adjutant General" means the Adjutant General of the Department
36 of Military and Veterans' Affairs.

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

39
40 6. a. ²[The Adjutant General shall not implement a decision to:
41 temporarily remove ¹, except in the case of an emergency condition,¹
42 all patients or residents residing in a facility; permanently remove all
43 patients or residents residing in a facility and close the facility; reduce
44 the number of patients or residents residing in a facility below two
45 thirds of the capacity of the facility; or privatize any services, functions
46 or units of the facility, unless the Adjutant General has complied with

1 the procedures set forth in this section] Except in the case of an
2 emergency condition, the Adjutant General shall not implement a
3 decision to close an existing facility or to privatize any services,
4 functions or units of an existing facility, if the Adjutant General finds
5 that the decision shall result in the abolition of 100 or more non-
6 vacant, full-time positions in the career service at the existing facility
7 or facilities affected by the decision, unless the Adjutant General has
8 complied with the procedures set forth in this section².

9 b. ²[If the Adjutant General seeks to close or reduce the number of
10 patients or residents residing in a facility, or privatize any services,
11 functions or units of the facility, he] Pursuant to subsection a. of this
12 section, the Adjutant General² shall conduct at least ~~three~~one²
13 public ²[hearings, one each in the northern, central and southern
14 regions of the State, at least one of] hearing² which shall be held in the
15 ²[county] region² in which the facility is located, ²or a central location
16 designated by the Adjutant General if more than one facility is affected
17 by the decision,² to provide an opportunity for the public to submit
18 testimony on the proposed closing²[, reduction]² or privatization. ²[At
19 least 30 days shall be required to elapse between the date of each
20 hearing. A notice of the public hearings shall be published in at least
21 two newspapers generally circulated in the region in which each
22 hearing is to be held. The notice shall be published at least twice on
23 two different days no later than one week, but no sooner than three
24 weeks, before the date of each hearing] The hearing shall be conducted
25 at least 45 days in advance of a facility closure, or at least 30 days
26 prior to the issuance of a Request for Proposal. For a facility closure,
27 the public hearing shall be held within 15 days of publication of a
28 Notice of Intent to close a facility by the Adjutant General in
29 accordance with subsection c. of this section². The Adjutant General
30 shall select a publicly convenient location for the hearing and shall give
31 all persons the opportunity to testify in person or to submit written
32 testimony. ²[The Adjutant General shall compile a report of the
33 testimony received at the hearings for submission to the Governor and
34 the Legislature.]²

35 c. ²[The Adjutant General shall have an independent public or
36 private agency or organization prepare a report on the impact of the
37 proposed closing, reduction or privatization of a facility. This report
38 shall be prepared after the public hearings required in subsection b. of
39 this section have been completed. The report shall include an
40 evaluation of the reasons for the closing, reduction or privatization, its
41 effect on the persons employed at the facility, and its impact on the
42 community in which the facility is located. The report shall also
43 include a section of evaluation and comment on the testimony received
44 during the public hearings] The Notice of Intent to close a facility
45 pursuant to subsection b. of this section shall be mailed, telephoned,
46 telegrammed or hand delivered to at least two newspapers for

1 publication, at least one of which shall be within the geographic
2 boundaries of the county where the facility is located. Failure to
3 comply with the requirements of this subsection shall not invalidate or
4 delay any facility closure².

5 ²d. The Adjutant General shall prepare a report setting forth a
6 fiscal impact analysis, policy rationale and summary of the testimony
7 received at any hearing held pursuant to this section. This report shall
8 be submitted to the chairmen of the Joint Budget Oversight Committee
9 within five days of the issuance of a Notice of Intent to Award or
10 within 30 days following the last scheduled public hearing for a facility
11 closure.²

12

13 7. This act shall take effect immediately ²[and be retroactive to
14 January 1, 1995]².

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19 _____
Requires public hearing and report prior to closing