

[First Reprint]  
SENATE, No. 710

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators CAFIERO, BASSANO, McGreevey and Lipman

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. )(pending  
9 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. The commissioner shall not implement a decision to:  
15 temporarily remove <sup>1</sup>, except in the case of an emergency condition,<sup>1</sup>  
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.

22 b. If the commissioner seeks to close or reduce the number of  
23 patients or residents residing in a facility, or privatize any services,  
24 functions or units of the facility, he shall conduct at least three public  
25 hearings, one each in the northern, central and southern regions of the  
26 State, at least one of which shall be held in the county in which the  
27 facility is located, to provide an opportunity for the public to submit  
28 testimony on the proposed closing, reduction or privatization. At least  
29 30 days shall be required to elapse between the date of each hearing.  
30 A notice of the public hearings shall be published in at least two  
31 newspapers generally circulated in the region in which each hearing is

**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:**

<sup>1</sup> Senate floor amendments adopted May 16, 1996.

1 to be held. The notice shall be published at least twice on two  
2 different days no later than one week, but no sooner than three weeks,  
3 before the date of each hearing. The commissioner shall select a  
4 publicly convenient location for the hearing and shall give all persons  
5 the opportunity to testify in person or to submit written testimony.  
6 The commissioner shall compile a report of the testimony received at  
7 the hearings for submission to the Governor and the Legislature.

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

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

26  
27 3. As used in sections 3 and 4 of P.L. , c. (C. )(pending  
28 before the Legislature as this bill):

29 "Commissioner" means the Commissioner of Corrections.

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

32  
33 4. a. The commissioner shall not implement a decision to:  
34 temporarily remove <sup>1</sup>, except in the case of an emergency condition,<sup>1</sup>  
35 all inmates residing in a facility; permanently remove all inmates  
36 residing in a facility and close the facility; reduce the number of  
37 inmates residing in a facility below two thirds of the capacity of the  
38 facility; or privatize any services, functions or units of the facility,  
39 unless the commissioner has complied with the procedures set forth in  
40 this section.

41 b. If the commissioner seeks to close or reduce the number of  
42 inmates residing in a facility, or privatize any services, functions or  
43 units of the facility, he shall conduct at least three public hearings, one  
44 each in the northern, central and southern regions of the State, at least  
45 one of which shall be held in the county in which the facility is located,  
46 to provide an opportunity for the public to submit testimony on the

1 proposed closing, reduction or privatization. At least 30 days shall be  
2 required to elapse between the date of each hearing. A notice of the  
3 public hearings shall be published in at least two newspapers generally  
4 circulated in the region in which each hearing is to be held. The notice  
5 shall be published at least twice on two different days no later than one  
6 week, but no sooner than three weeks, before the date of each hearing.  
7 The commissioner shall select a publicly convenient location for the  
8 hearing and shall give all persons the opportunity to testify in person  
9 or to submit written testimony. The commissioner shall compile a  
10 report of the testimony received at the hearings for submission to the  
11 Governor and the Legislature.

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

22  
23 5. As used in sections 5 and 6 of P.L. , c. (C. )(pending  
24 before the Legislature as this bill):

25 "Adjutant General" means the Adjutant General of the Department  
26 of Military and Veterans' Affairs.

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

29

30 6. a. The Adjutant General shall not implement a decision to:  
31 temporarily remove <sup>1</sup>, except in the case of an emergency condition,<sup>1</sup>  
32 all patients or residents residing in a facility; permanently remove all  
33 patients or residents residing in a facility and close the facility; reduce  
34 the number of patients or residents residing in a facility below two  
35 thirds of the capacity of the facility; or privatize any services, functions  
36 or units of the facility, unless the Adjutant General has complied with  
37 the procedures set forth in this section.

38 b. If the Adjutant General seeks to close or reduce the number of  
39 patients or residents residing in a facility, or privatize any services,  
40 functions or units of the facility, he shall conduct at least three public  
41 hearings, one each in the northern, central and southern regions of the  
42 State, at least one of which shall be held in the county in which the  
43 facility is located, to provide an opportunity for the public to submit  
44 testimony on the proposed closing, reduction or privatization. At least  
45 30 days shall be required to elapse between the date of each hearing.  
46 A notice of the public hearings shall be published in at least two

1 newspapers generally circulated in the region in which each hearing is  
2 to be held. The notice shall be published at least twice on two  
3 different days no later than one week, but no sooner than three weeks,  
4 before the date of each hearing. The Adjutant General shall select a  
5 publicly convenient location for the hearing and shall give all persons  
6 the opportunity to testify in person or to submit written testimony.  
7 The Adjutant General shall compile a report of the testimony received  
8 at the hearings for submission to the Governor and the Legislature.

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

19

20 7. This act shall take effect immediately and be retroactive to  
21 <sup>1</sup>[January 1, 1996] January 1, 1995.<sup>1</sup>

22

23

24

25

26 \_\_\_\_\_  
27 Requires public hearings and study prior to closing of State human  
services, correctional and veterans' facilities.