

SENATE, No. 920

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1996

By Senator LaROSSA

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 , except in the case of an emergency condition, all
16 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
32 to be held. The notice shall be published at least twice on two
33 different days no later than one week, but no sooner than three weeks,
34 before the date of each hearing. The commissioner shall select a
35 publicly convenient location for the hearing and shall give all persons
36 the opportunity to testify in person or to submit written testimony.
37 The commissioner shall compile a report of the testimony received at

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

2 c. The commissioner 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 impact on
8 the patients or residents, its effect on the persons employed at the
9 facility, and its impact on the community in which the facility is
10 located and the communities in which the patients or residents will be
11 placed. The report shall also include a section of evaluation and
12 comment on the testimony received during the public hearings.

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

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

23 "Commissioner" means the Commissioner of Corrections.

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

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

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

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

3 c. The Adjutant General 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 effect on
9 the persons employed at the facility, and its impact on the community
10 in which the facility is located. The report shall also include a section
11 of evaluation and comment on the testimony received during the public
12 hearings.

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

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STATEMENT

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

28 The bill requires each of the respective departments to:

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

34 C give all persons the opportunity to testify in person or to submit
35 written testimony;

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

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

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