

30:1-1 et seq.

LEGISLATIVE FACT SHEET

on Organization and reorganization of Dept. of Institutions & Agencies, creating State Board of Institutional Trustees.  
( 1971 Amendment)

N.J.R.S. 30:1-1 et seq.

LAWS OF 1971

CHAPTER 384 Jan. 5, 1972

SENATE BILL 2260

ASSEMBLY BILL

INTRODUCED April 29, 1971

BY Hagedorn, Schiaffo, Sciro et al.

SPONSOR'S STATEMENT

YES  NO

ASSEMBLY COMMITTEE STATEMENT

YES  NO

SENATE COMMITTEE STATEMENT

YES  NO

FISCAL NOTE

YES  NO

AMENDED DURING PASSAGE

YES  NO

HEARING [ 974.90 N.J. Legislature. Senate. Committee on Institutions and Welfare.  
I 52  
1971

VETO

Public hearing on Senate Bill No. 2260 (Organization and Reorganization of Institutions & Agencies)

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CHAPTER 384 LAWS OF N. J. 1971

APPROVED 1-5-72

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SENATE, No. 2260

# STATE OF NEW JERSEY

INTRODUCED APRIL 29, 1971

By Senators HAGEDORN, SCHIAFFO, SCIRO, KNOWLTON,  
DICKINSON, MARAZITI, WALLWORK, MATTURRI,  
GIULIANO, WHITE and DELTUFO

Referred to Committee on Institutions and Welfare

AN ACT relating to the organization and reorganization of the  
Department of Institutions and Agencies, creating the State  
Board of Institutional Trustees, and revising and repealing parts  
of the statutory law.

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

1 1. R. S. 30:1-1 is amended to read as follows:

2 30:1-1. As used in this Title:

3 "Commissioner" means the Commissioner of Institutions and  
4 Agencies.

5 "Department" means the State Department of Institutions and  
6 Agencies.

7 "State board" means the State Board of **[Control of Institu-**  
8 **tions and Agencies]** *Institutional Trustees.*

1 2. R. S. 30:1-2 is amended to read as follows:

2 30:1-2. The Department of Institutions and Agencies created by  
3 an act entitled "An act concerning the charitable, hospital, relief,  
4 training, correctional, reformatory and penal institutions, boards  
5 and commissions located and conducted in this State, which are  
6 supported in whole or in part from county, municipal or State  
7 funds," approved February 28, 1918 (L. 1918, c. 147, p. 343, as  
8 amended by L. 1919, c. 97, p. 222), is continued and is hereby con-  
9 stituted a principal department in the Executive Branch of the  
10 State Government. Such department shall consist of the **[State**  
11 **Board of Control of Institutions and Agencies,** which shall be the  
12 head of the department, and the **] Commissioner of Institutions and**  
13 **Agencies,** who shall be the head of the department and **[the]** *its*  
14 principal executive officer **[of the department],** and the *State Board*

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

15 of *Institutional Trustees*, with such divisions, bureaus, branches,  
 16 committees, officers and employees specifically referred to in said  
 17 act, or as may be constituted or employed by virtue of this Title.

1 3. R. S. 30:1-7 is amended to read as follows:

2 30:1-7. [Within the limitations imposed by general legislation  
 3 applicable to all agencies of the State, the State board is hereby  
 4 granted complete and exclusive jurisdiction, supreme and final  
 5 authority, and the requisite power to accomplish its aims and pur-  
 6 poses in and upon the institutions, boards, commissions and other  
 7 agencies, hereinafter in this section named, and designated as  
 8 charitable, hospital, relief, training institutions and correctional  
 9 institutions of this State, to the end that they shall be humanely,  
 10 scientifically, efficiently and economically operated. Any particular  
 11 grant of power hereinafter in this Title contained shall be in speci-  
 12 fication but not in limitation of the general grant of power.]

13 The charitable, hospital, relief and training institutions and non-  
 14 institutional agencies of this State, within the meaning of this  
 15 Title, shall include the following, and, as well, any institution es-  
 16 tablished hereafter for any similar purpose, as now established  
 17 and as the same are to be hereafter maintained and operated pur-  
 18 suant to law:

19 Trenton Psychiatric Hospital,  
 20 Greystone Park Psychiatric Hospital,  
 21 Marlboro Psychiatric Hospital,  
 22 Ancora Psychiatric Hospital,  
 23 New Jersey Neuropsychiatric Institute,  
 24 New Jersey Hospital for Chest Diseases,  
 25 North Jersey Training School at Totowa,  
 26 New Lisbon State School,  
 27 Woodbine State School,  
 28 Vineland State School,  
 29 Woodbridge State School,  
 30 Hunterdon State School,  
 31 New Jersey Memorial Home for Disabled Soldiers at Menlo Park,  
 32 New Jersey Memorial Home for Disabled Soldiers, Sailors, Ma-  
 33 rines and their Wives and Widows at Vineland,  
 34 Diagnostic Center at Menlo Park,  
 35 Arthur Brisbane Child Center at Allaire,  
 36 Board of Public Welfare,  
 37 Commission for the Blind and Visually Impaired.

38 The correctional institutions of this State, within the meaning  
 39 of this Title, shall include the following, and as well, any institution  
 40 established hereafter for any similar purpose, as now established

41 and as the same are to be hereafter maintained and operated pur-  
42 suant to law:

43 State Prison, Trenton,  
44 State Prison, Rahway,  
45 State Prison, Leesburg,  
46 Youth Reception and Correction Center, Yardville,  
47 Youth Correctional Institution, Bordentown,  
48 Correctional Institution for Women, Clinton,  
49 Youth Correctional Institution, Annandale,  
50 Training School for Boys, Jamesburg,  
51 Training School for Girls, Trenton,  
52 Training School for Boys, Skillman.

1 4. R. S. 30:1-8 is amended to read as follows:

2 30:1-8. **【The State board shall, subject to the approval of the**  
3 **Governor, appoint a commissioner.】** *The commissioner shall be*  
4 *appointed by the Governor, after consultation with the State board,*  
5 *with the advice and consent of the Senate, and shall serve at the*  
6 *pleasure of the Governor during the Governor's term of office and*  
7 *until the appointment and qualification of the commissioner's suc-*  
8 *cessor. The commissioner shall receive such salary as shall be*  
9 *provided by law. 【His office shall be in the unclassified service list*  
10 *of the civil service.】 He shall devote his entire time to the per-*  
11 *formance of his duties 【and shall, unless and until removed by the*  
12 *Governor, hold office at the will of the State board】. Appointment*  
13 *of a commissioner shall not be restricted to residents of the State.*

14 **【The commissioner may be removed from office by the Governor,**  
15 **upon notice and opportunity to be heard.】**

1 5. R. S. 30:1-9 is amended to read as follows:

2 30:1-9. The **【State board】** *commissioner* may create within the  
3 department **【a division of education, a division of medicine and**  
4 **psychiatry, a division of labor and agriculture, a division of sta-**  
5 **tistics, a division of parole, a division of food and dietetics, a**  
6 **division of architecture and construction and】** such **【other】** divi-  
7 sions as **【it】** *he* may deem necessary. Each division shall be under  
8 the supervision of a **【qualified expert who shall be】** *\*director,*  
8A *who shall be qualified by training and experience,\** appointed by  
9 and receive the compensation fixed by the commissioner **【with the**  
10 **approval of the State board】**, except where otherwise provided by  
11 statute, *and shall devote his entire time to the performance of his*  
12 *duties.*

13 The **【State board】** *commissioner* may in **【its】** *his* discretion  
14 combine the duties of two or more divisions under one head.

15 The division **chiefs** *directors* shall perform such services and  
 16 exercise such powers at such times and places as the commissioner  
 17 shall prescribe.

18 The commissioner may from time to time **with the consent of**  
 19 **the State board** designate one of the division **chiefs** *directors*  
 20 to exercise the powers and perform the duties of the commissioner  
 21 during his disability or absence.

1 6. R. S. 30:1-10 is amended to read as follows:

2 30:1-10. A secretary and the necessary clerks, stenographers and  
 3 assistants shall be appointed, and their compensation shall be fixed  
 4 by the commissioner **under such general rules and regulations as**  
 5 **may be approved by the State board**, subject to the provisions of  
 6 Title 11, Civil Service, except where otherwise provided by statute.

1 7. R. S. 30:1-11 is amended to read as follows:

2 30:1-11. The commissioner shall be the \***head and principal**  
 3 **executive and administrative officer** of the **State board** *de-*  
 4 *partment and its*\* official agent *of the department* for all  
 5 purposes. Except as otherwise provided by law the commissioner  
 6 shall be considered the "appointing authority" of the department  
 7 within the contemplation of the Civil Service laws. He shall like-  
 8 wise be the budget officer, and, unless some other official be  
 9 designated by **the State board** *him* for the purpose, he shall be  
 10 its fiscal officer. He shall have general charge and supervision of  
 11 the work of the department.

1 8. R. S. 30:1-12 is amended to read as follows:

2 30:1-12. The **State board** *commissioner* shall have power to  
 3 determine all matters relating to the unified and continuous de-  
 4 velopment of the institutions and noninstitutional agencies within  
 5 **its** *his* jurisdiction. **It** *He* shall determine all matters of policy  
 6 and shall have power to regulate the administration of the institu-  
 7 tions or noninstitutional agencies within **its** *his* jurisdiction,  
 8 correct and adjust the same so that each shall function as an  
 9 integral part of a general system. The rules, regulations, orders  
 10 and directions issued by the **State board or by the** *commissioner*  
 11 pursuant thereto, for this purpose shall be accepted and enforced  
 12 by the **board of managers** *executive* having charge of any in-  
 13 stitution or group of institutions or noninstitutional agencies or any  
 14 phase of the work within the jurisdiction of the **State board**  
 15 *department*.

16 In order to implement the public policy of this State concerning  
 17 the provision of charitable, hospital, relief and training institutions  
 18 established for diagnosis, care, treatment, training, rehabilitation  
 19 and welfare of persons in need thereof, for research and for train-

20 ing of personnel, and in order that the personnel, buildings, land,  
 21 and other facilities provided be most effectively used to these ends  
 22 and to advance the public interest, the [State board] *commissioner*  
 23 is hereby empowered to classify and designate from time to time  
 24 the specific functions to be performed at and by any of the aforesaid  
 25 institutions under [its] *his* \***[exclusive]**\* jurisdiction and to  
 26 designate, by general classification of disease or disability, age or  
 27 sex, the classes of persons who may be admitted to, or served by,  
 28 these institutions or agencies.

29 In addition to and in conjunction with its general facilities and  
 30 services for the mentally ill, mentally retarded and tuberculous, the  
 31 [board] *department* may at its discretion establish and maintain  
 32 specialized facilities and services for the residential care, treatment  
 33 and rehabilitation of persons who are suffering from chronic mental  
 34 or neurological disorders, including, but not limited to alcoholism,  
 35 drug addiction, epilepsy and cerebral palsy.

1 9. R. S. 30:1-13 is amended to read as follows:

2 30:1-13. The *commissioner and the State board* shall arrange  
 3 for personal contact [by its members and the commissioner] with  
 4 each of the institutions and the work of the noninstitutional agen-  
 5 cies, by visitations and by such other means as [it] *they* may  
 6 determine to be necessary and proper, so that [it] *they* may be as  
 7 nearly as is practicable continually in touch with and informed  
 8 concerning the general condition and progress of the several in-  
 9 stitutions and noninstitutional agencies and the general results of  
 10 the management thereof and the condition and welfare of the in-  
 11 mates and other persons committed or admitted. The *commissioner*  
 12 *and the State board* shall, [by special committee or otherwise,]  
 13 *personally or by their designated representative*, visit and inspect  
 14 each institution at least semiannually, at periods which shall not be  
 15 fixed in advance.

1 10. R. S. 30:1-14 is amended to read as follows:

2 30:1-14. In addition to the jurisdiction and power conferred upon  
 3 the [State board] *commissioner* over the institutions and noninsti-  
 4 tutional agencies named in section 30:1-7 of this Title, [it] *he*  
 5 shall have supervision over all institutions and organizations,  
 6 whether county, municipal, public or private, to which payments  
 7 are made from the treasury of the State, directly or indirectly, for  
 8 or on account of the [board] \***[commissioner]**\* \**board*\* and main-  
 9 tenance of any persons admitted or committed thereto, with the  
 10 right of visitation and inspection at any and all times, for the  
 11 purpose of determining the conditions, circumstances and surround-  
 12 ings under which such persons so admitted or committed are

13 lodged, boarded, cared for and maintained. In the execution of this  
 14 power any member of the State board, the commissioner, or his  
 15 duly authorized agent, shall have the right of admission to all parts  
 16 of any building or buildings in which such persons are lodged,  
 17 cared for or treated, as often as may be necessary. The books,  
 18 records and accounts of such institution or organization shall be  
 19 open to his inspection, or for inspection and audit by the State  
 20 Auditor, or any of his subordinates, in so far as they relate to the  
 21 receipt and expenditure of State moneys, in order to determine  
 22 whether the amount so paid by the State is a proper charge, which  
 23 question the **State board** commissioner shall determine, and also  
 24 to determine whether such persons so admitted or committed are  
 25 properly and adequately boarded, lodged, treated, cared for and  
 26 maintained. The extent and results of such supervision and in-  
 27 spection shall be included in the annual or any special report of the  
 28 **State board** commissioner with such recommendations as **it**  
 29 *he* may deem necessary.

1 11. R. S. 30:1-15 is amended to read as follows:

2 30:1-15. The *commissioner and the State board* shall have the  
 3 power of visitation and inspection of all county and city jails or  
 4 places of detention, county or city workhouses, county peniten-  
 5 tiaries, county mental and tuberculosis hospitals, poor farms, alms-  
 6 houses, county and municipal schools of detention, and privately  
 7 maintained institutions and noninstitutional agencies for the care  
 8 and treatment of the mentally ill, the blind, the deaf, the mentally  
 9 retarded, or other institutions, and noninstitutional agencies con-  
 10 ducted for the benefit of the physically and mentally defective, or  
 11 the furnishing of board, lodging or care for children. **Any member**  
 12 **of the State board or committee thereof, or the** *The commissioner*  
 13 *or his duly authorized agent, and any member of the State board*  
 14 shall be admitted to any and all parts of any such institutions at any  
 15 time, for the purpose of inspecting and observing the physical con-  
 16 dition thereof, the methods of management and operation thereof,  
 17 the physical condition of the inmates, the care, treatment and dis-  
 18 cipline thereof, and also to determine whether such persons so  
 19 admitted or committed are properly and adequately boarded,  
 20 lodged, treated, cared for and maintained. *The commissioner and*  
 21 *the State board* may make such report with reference to the result  
 22 of such observation and inspection and recommendation with refer-  
 23 ence thereto, as **it** *they* may determine.

1 12. R. S. 30:1-16 is amended to read as follows:

2 30:1-16. If it shall appear after any such investigation of any  
 3 of the institutions or noninstitutional agencies enumerated in sec-

4 tions 30:1-14 and 30:1-15 of this Title, [except institutions con-  
 5 ducted by properly organized and accredited churches and fraternal  
 6 societies organized for aid and relief of their members,] that the  
 7 laws relating to the construction, management and affairs of any  
 8 such institution, and the care, treatment, government and discipline  
 9 of its inmates or patients are being violated, or that inmates or  
 10 patients in any such institution are cruelly, negligently or improp-  
 11 erly treated or inadequate provision is made for their sustenance,  
 12 clothing, care, supervision or other condition necessary to their suit-  
 13 able and proper well being, the *commissioner or the* State board may  
 14 institute a civil action in [the County Court of the county] *any*  
 15 *court of competent jurisdiction* [in which such institution is located,  
 16 or in the Superior Court] against the proper superintendent, com-  
 17 missioner, agent, medical director, warden, manager, keeper, chief  
 18 executive officer or other officer of such institution or in control  
 19 thereof, or responsible for such violation or omission. The court  
 20 may proceed in the action in a summary manner or otherwise and  
 21 may direct him to modify any treatment or to apply such remedy,  
 22 or both, or carry out the requirements of the *commissioner or the*  
 23 State board [or the commissioner] as may be just and effectual.

1 13. R. S. 30:1-17 is amended to read as follows:

2 30:1-17. The rights and powers conferred upon the State board  
 3 and the commissioner by sections 30:1-14, 30:1-15 and 30:1-16 of  
 4 this Title, so far as they relate to the investigation of the institu-  
 5 tions and noninstitutional agencies enumerated therein may be en-  
 6 forced by a civil action against the officer or board having charge  
 7 of the institution, brought in the County Court of the county in  
 8 which the institution is situated, or the Superior Court. The court  
 9 may proceed in the action in a summary manner or otherwise.

10 If, in the opinion of the *commissioner or the* State board, any  
 11 matter with regard to the management or affairs of any such institu-  
 12 tion or any inmate or person in any way connected with either  
 13 required legal investigation or action of any kind, notice thereof  
 14 may be given by the *commissioner or the* State board to the county  
 15 prosecutor of the county, and he shall thereupon make inquiry and  
 16 take such proceedings in the premises as he may deem necessary  
 17 and proper. It shall be the duty of the county prosecutor when so  
 18 required to furnish such legal assistance, counsel or advice as the  
 19 commissioner or the State board may require in the discharge of his  
 20 or its duties.

1 14. Section 1 of P. L. 1956, c. 223 (C. 30:1-23) is amended to read  
 2 as follows:

3 1. When any lands of the Department of Institutions and Agen-



4 cies have been declared by the **[State Board of Control]** *Commis-*  
 5 *sioner* of the Department of Institutions and Agencies to be surplus  
 6 or unsuitable for use for the purposes of the Department of In-  
 7 stitutions and Agencies, and the sale of such lands is authorized  
 8 by the Governor, such lands may be sold to the municipality in  
 9 which same are situate, as such fair price and upon such terms and  
 10 conditions as shall be fixed by the State House Commission.

11 Upon acceptance by the municipality of the terms and conditions  
 12 fixed by the State House Commission, and performance by the  
 13 municipality of such of the terms and conditions as the State House  
 14 Commission may require to be performed prior to the conveyance  
 15 of title, the Commissioner of the Department of Institutions and  
 16 Agencies, on behalf of the State, shall be authorized to convey to  
 17 such municipality title to said property.

1 15. R. S. 30:2-1 is amended to read as follows:

2 30:2-1. All appropriations of money from the State treasury for  
 3 the uses and purposes of the several institutions and noninstitu-  
 4 tional agencies included within the provisions of section 30:1-7 of  
 5 this Title, and for all expenses incidental thereto or connected  
 6 therewith, as well as appropriations for the uses and purposes of  
 7 the department, shall be made to the department as one item.

8 The several institutions and noninstitutional agencies included  
 9 within the provisions of section 30:1-7 of this Title shall submit  
 10 their requests for appropriations to the **[State board]** *commis-*  
 11 *sioner* in the form and at the time prescribed by law. The **[State**  
 12 **board]** *commissioner* shall be the sole agency for the transmission  
 13 **[to the State Budget Commissioner]** of the requests for appropria-  
 14 tions on behalf of the department and the institutions and non-  
 15 institutional agencies included within the provisions of said section  
 16 30:1-7, with such modifications of the requests of the several institu-  
 17 tions as **[the board]** *he* may determine. The **[State board]** *com-*  
 18 *missioner* shall be the sole **[board]** *agent* authorized to submit a  
 19 request **[to the State Budget Commissioner]** for appropriations on  
 20 behalf of any of the charitable, hospital, relief and training institu-  
 21 tions or correctional institutions or noninstitutional agencies in-  
 22 cluded within the provisions of said section 30:1-7. Appropriations  
 23 for working capital for all institutions and noninstitutional agencies  
 24 included within the provisions of section 30:1-7 of this Title shall  
 25 be made in bulk and may be allotted by the **[State board]** *commis-*  
 26 *sioner* or used as a general fund, as **[it]** *he* may determine.

1 16. R. S. 30:4-1 is amended to read as follows:

2 30:4-1. The State board, *with the approval of the Governor*, shall  
 3 appoint a board of **[managers]** *trustees* for each institution or

4 agency within the department or for each group or class thereof as  
5 it may determine.

6 Whenever the establishment or assumption of jurisdiction over  
7 an additional institution, or the acquisition of a site therefor, is  
8 authorized by the Legislature the State board, *with the approval*  
9 *of the Governor*, may appoint a board of [managers] trustees  
10 therefor or [in its discretion] may authorize or designate any  
11 existing board of [managers] trustees to assume jurisdiction  
12 thereof. Each board of [managers] trustees [in charge] of an  
13 institution shall be known as "the board of [managers] trustees"  
14 naming the institution or group or class for which the board is  
15 appointed. The State board, *with the approval of the Governor*,  
16 shall determine the names of the boards [in charge] of non-  
17 institutional agencies.

18 Except [in the case of the Board of Public Welfare] as otherwise  
19 specifically provided by statute, the boards of [managers] trustees  
20 shall consist of not less than five nor more than seven members  
21 appointed with the approval of the Governor from residents of  
22 the State at large without respect to political affiliation or  
23 \*[behalf]\* *\*belief\**. At least two women shall be members of each  
24 board in charge of the [State Home] *Training School* for Boys,  
25 *Jamesburg*, the Home for Disabled Soldiers, Sailors, Marines and  
26 their Wives and Widows, and the institutions or agencies for the  
27 blind, feebleminded, the tubercular, the epileptic and the insane and  
28 at least two members of the Commission for the Blind *\*and Visually*  
29 *Impaired\** shall themselves be *\*legally\** blind but they shall not be  
30 employees, or related by blood, marriage or adoption to any em-  
31 ployee, of said commission. At least a majority of the members of  
32 each board in charge of the [State Home] *Training School* for  
33 Girls, *Trenton*, and the women's reformatory shall be women.

34 [The Department Commander, Department of New Jersey,  
35 Grand Army of the Republic, shall be ex officio a member of the  
36 board of managers of the New Jersey Memorial Home for Dis-  
37 abled Soldiers, Sailors, Marines and Their Wives and Widows and  
38 of the board of managers of the New Jersey Memorial Home for  
39 Disabled Soldiers.] The term of each board member shall be 3  
40 years commencing on July 1 and ending on June 30 of the third  
41 year thereafter. A vacancy shall be filled by the [State board]  
42 *commissioner* for the unexpired term only.

43 The members of new or additional boards of [managers] trustees  
44 shall at the time of their appointment be divided into groups so  
45 that the terms of two members shall expire on June 30 of the year  
46 next succeeding appointment; the terms of two others on June 30

47 of the second year succeeding appointment; the term of the fifth  
 48 member and in case of larger boards the term of the sixth member.  
 49 on June 30 of the third year succeeding appointment; the term  
 50 of the seventh member of a board having seven members, on June  
 51 30 of the fourth year succeeding appointment. Their successors  
 52 shall be appointed for 3-year terms.

53 The members of such boards shall receive no compensation for  
 54 services but shall be reimbursed for actual expenditures incurred  
 55 in the performance of duty. They shall be subject to removal by  
 56 the **[State board]** *commissioner* at any time for good and sufficient  
 57 cause.

58 *\*On or before July 1 of each year each such board shall reorganize*  
 59 *by the election from among its members of a chairman and vice*  
 60 *chairman and shall appoint a secretary, with the approval of the*  
 61 *chief executive officer of the institution, who shall be an employee*  
 62 *of the department and shall serve at the pleasure of the board*  
 63 *without additional compensation. The term of office of the chairman*  
 64 *and vice chairman shall be until June 30 of the following year or*  
 65 *until their successors are elected and qualified.\**

1 17. R. S. 30:4-3 is amended to read as follows:

2 30:4-3. Unless and until otherwise provided by the **[State board]**  
 3 *commissioner* by rule, regulation or order formally adopted, each  
 4 board of **[managers]** *trustees* may determine the number, qualifica-  
 5 tions, powers and duties of the officers and employees of *\*[the*  
 6 *institutions or agencies committed to its charge]\** *\*its respective*  
 7 *institution or agency\**, and their compensation except as the same  
 8 is fixed by statute or otherwise determinable by law. **[Each board,**  
 9 **with the approval of the State board,]** *The commissioner, with the*  
 10 *approval of the \***[Governor]**\** *\*Board of Trustees\**, shall appoint  
 11 the chief executive officer of each institution or agency in **[its]** *his*  
 12 charge, and determine his official title. The chief executive officer  
 13 shall appoint, with the approval of the **[board of managers]** *com-*  
 14 *missioner*, all officers and employees of the institution or agency.

1 18. It shall be the duty of the local boards of trustees to advance  
 2 long-range planning for the medical care, correctional and training  
 3 programs at their respective institutions; and maintain general  
 4 oversight of the institution. The board shall not administer the  
 5 individual institutions.

6 The board of trustees shall have power to:

- 7 a. Review institutional needs;
- 8 b. Exercise visitorial supervision over the institution under the
- 9 supervision or control of the department. Its visitorial general
- 10 powers of supervision are hereby defined as visiting such institu-

11 tion to examine into its manner of conducting its affairs and to  
 12 advise the commissioner on the observance and enforcement of the  
 13 laws of the State;

14 c. Develop \***[an]**\* *\*with the commissioner and his staff and*  
 15 *jointly promulgate and\** maintain a comprehensive master plan  
 16 which shall be long-range in nature and be regularly revised and  
 16A updated\*, *including priorities for the construction of new institu-*  
 16B *tions and the development of new programs\**;

16C d. Recommend and advise the commissioner on building pro-  
 17 grams of the institution as required by the master plan, provided  
 18 that provision is made therefor in the annual or a supplemental  
 19 or special appropriation act of the Legislature or otherwise;

20 e. Review and comment upon budget requests from the institu-  
 21 tion;

22 f. Encourage harmonious and cooperative relationship with other  
 23 similar institutions in the area, public and private;

24 g. Review periodically existing programs of care, training,  
 25 rehabilitation, research and public service in the institution, *\*and in*  
 26 *similar institutions of other states,\** and advise the State board and  
 27 the commissioner as to any desirable change;

28 h. Make to the commissioner such recommendations as it deems  
 29 necessary with regard to services, lands, buildings, and equipment  
 30 to be furnished by the institution;

31 i. Authorize such studies and require such reports from the chief  
 32 executive officer of the institution as it may deem necessary from  
 33 time to time.

34 j. Advise the institutional head;

35 k. Control and determine the use of patient or inmate welfare  
 36 funds within the general regulation of the State board.

37 l. Interpret the mandate and work of the institution to the public.

38 m. Carry out such other duties as the commissioner or the State  
 39 board may assign to the board or to its individual members.

1 19. R. S. 30:4-4 is amended to read as follows:

2 30:4-4. Subject to the supervision\***[**, control and ultimate au-  
 3 thority]\* of the **[State board]** *commissioner*, the management\***[**,  
 4 direction and control]\* of the several institutions and noninstitu-  
 5 tional agencies shall be vested in the **[several boards of managers]**  
 6 *chief executive officer thereof* who shall be responsible to the **[State**  
 7 **board]** *commissioner* for their efficient, economical and scientific  
 8 operation.

1 20. The State Board of Control of Institutions and Agencies  
 2 established pursuant to R. S. 30:1-2 is continued as the State Board  
 3 of Institutional Trustees. The members of the board in office on the

4 effective date of this act shall continue in office for the duration of  
5 the terms for which they were respectively appointed and until the  
6 appointment of their successors.

7 There is hereby created in the Department of Institutions and  
8 Agencies a State Board of Institutional Trustees. The State board  
9 shall be composed of 12 members, residents of this State including  
10 the Governor or officer administering the State Government, the  
11 Commissioner of the Department, and the Commissioner of Health  
12 who shall be ex-officio members of the State board during their  
13 respective terms of office. The members of the State board shall be  
14 appointed by the Governor, without regard to political affiliation,  
15 subject to confirmation by the Senate, and shall be subject to re-  
16 moval by the Governor at any time for good and sufficient cause.

17 The members appointed by the Governor pursuant to this act  
18 shall be appointed for terms of 4 years. All appointed members  
19 shall serve after the expiration of their terms until their respective  
20 successors are appointed and shall qualify. Vacancies shall be filled  
21 for the unexpired term.

22 Members of the State board shall receive no compensation for  
23 services, but shall be reimbursed for actual expenditures incurred  
24 in the performance of their duties.

25 *\*On and after July 1 of each year the State board shall reorganize*  
26 *by the election from among its appointed members of a chairman*  
27 *and vice chairman. The board may appoint a secretary, with the*  
28 *approval of the commissioner, who shall be an employee of the*  
29 *department and shall serve at the pleasure of the board without*  
30 *additional compensation. The term of office of the chairman and*  
31 *vice chairman shall be until June 30 of the following year or until*  
32 *their successors are elected and qualified.\**

1 21. It shall be the duty of the State Board of Institutional Trus-  
2 tees to advance long-range planning and policy for the system  
3 of State institutions of medical care, correctional and training  
4 institutions, State charitable and relief institutions, training in-  
5 stitutions and noninstitutional agencies of the State; establish  
6 general policy for the governance of the separate institutions;  
7 coordinate the activities of the individual institutions; and main-  
8 tain general oversight of the State system of institutions. The  
9 board shall not administer the department or its individual in-  
10 stitutions.

11 The board of institutional trustees shall have power to:

12 a. Conduct research on institutional needs;

13 b. Develop *\*with the commissioner and his staff and jointly*  
13A *promulgate\** and maintain a comprehensive master plan which

14 shall be long-range in nature and be regularly revised and up-  
 15 dated\*, *including priorities for the construction of new institutions*  
 15A *and the development of new programs\**;

16 c. Recommend and advise the commissioner on the establish-  
 17 ment of new institutions as required by the master plan, provided  
 18 that provision is made therefor in the annual or a supplemental or  
 19 special appropriation act of the Legislature or otherwise;

20 d. Review and comment upon budget requests from the institu-  
 21 tions;

22 e. Encourage harmonious and cooperative relationship between  
 23 public and private institutions;

24 f. Review periodically existing programs of care, training, re-  
 25 habilitation, research, and public service in the public institu-  
 26 tions\***[,]**\* *of this State and other states and as to new develop-*  
 26A *ments in the various fields of the department's responsibility\**  
 26B and advise **\*[them]\*** *such institutions and the commisisoner\** of  
 26C desirable change;

27 g. Consult with and make to the commissioner such recom-  
 28 mendations as it deems necessary with regard to services, lands,  
 29 buildings, and equipment to be furnished by the department and  
 30 its institutions;

31 h. Exercise visitorial supervision over such institutions under  
 32 the supervision or control of the department; its visitorial general  
 32A powers of supervision are hereby defined as visiting such institu-  
 33 tions to examine into their manner of conducting their affairs and  
 34 to advise the commissioner on the observance and enforcement of  
 35 the laws of the State;

36 i. Review and make recommendations with respect to budget  
 37 requests to be submitted by the commissioner;

38 j. Authorize such studies and require such reports from the  
 39 commissioner as it may deem necessary from time to time; and

40 k. Make an annual report to the commissioner and the Governor  
 41 and such other reports as it may deem proper from time to time  
 42 or as may be requested by the commissioner.

1 22. Section 3 of P. L. 1965, c. 59 (C. 30:1-15.1) is amended to  
 2 read as follows:

3 3. Inspection and approval of all residential facilities within the  
 4 State providing diagnosis, care or treatment of the mentally ill or  
 5 the mentally retarded shall be a responsibility of the **[State Board**  
 6 **of Control]** *department*. The **[State board]** *commissioner* shall  
 7 have the duty and is hereby authorized to set standards, and  
 8 through **[its]** *his* agents, including professionally qualified persons,  
 9 to visit and inspect as often as is necessary, but at least once a

10 year, all residential facilities which provide diagnosis, care or  
 11 treatment of the mentally ill or mentally retarded, whether State,  
 12 county, municipal, public or private, in order to determine the  
 13 conditions under which such persons are lodged, cared for, main-  
 14 tained or treated, and in order to assure that adequate standards  
 15 of care and treatment are maintained, that civil liberties of indi-  
 16 viduals receiving care are preserved and that the public may be  
 17 informed of the adequacy of these facilities.

18 The State board and the commissioner, or their agents, shall  
 19 have the right of admission to all parts of any building or build-  
 20 ings in which mentally ill or mentally retarded persons are lodged,  
 21 cared for or treated, as often as may be necessary. The extent and  
 22 results of such visitation and inspection shall be included in the  
 23 annual or any special report of the *commissioner* or the State  
 24 board with such recommendations as **[it]** *they* may deem necessary.  
 25 Such report shall be available to the public.

1 23. Section 4 of P. L. 1965, c. 59 (C. 30:1-15.2) is amended to  
 2 read as follows:

3 4. The premises, books, records and accounts of any facility or  
 4 organization to which payments are made from the treasury of  
 5 the State, directly or indirectly, for or on account of the diagnosis,  
 6 care, treatment, rehabilitation, or maintenance of any mentally ill  
 7 or mentally retarded persons shall be open to the inspection of the  
 8 **[State Board of Control, the]** commissioner**[,]** or **[their]** *his*  
 9 agents; such books, records and accounts shall be available for  
 10 inspection and audit by the State Auditor or any of his agents  
 11 insofar as they relate to the receipt and expenditure of State  
 12 moneys, in order to determine whether the amount so paid by the  
 13 State is a proper charge, which question the **[State board]** *com-*  
 14 *missioner* shall determine.

15 In order to encourage the continual improvement of standards  
 16 of care, the **[State board]** *commissioner* shall make available,  
 17 *within the limits of appropriations therefor*, professional consulta-  
 18 tive services to those facilities in the State which minister to the  
 19 mentally ill and the mentally retarded.

1 24. Whenever in any law, rule, regulation, contract, document,  
 2 judicial or administrative proceeding or otherwise, reference is  
 3 made to the State Board of Control, the same shall mean and refer  
 4 to the Commissioner of Institutions and Agencies.

1 25. Whenever in any law, rule, regulation, contract, document,  
 2 judicial or administrative proceeding or otherwise, reference is  
 3 made to the board of managers of any institution, the same shall  
 4 mean and refer to the chief executive officer of the institution.

1 26. R. S. 30:1-3, 30:1-4, 30:1-5 and 30:1-6 are hereby repealed.

1 27. This act shall take effect immediately.

SENATE, No. 2260

STATE OF NEW JERSEY

INTRODUCED APRIL 29, 1971

By Senators HAGEDORN, SCHIAFFO, SCIRO, KNOWLTON,  
DICKINSON, MARAZITI, WALLWORK, MATTURRI,  
GIULIANO, WHITE and DELTUFO

Referred to Committee on Institutions and Welfare

AN ACT relating to the organization and reorganization of the  
Department of Institutions and Agencies, creating the State  
Board of Institutional Trustees, and revising and repealing parts  
of the statutory law.

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

1 1. R. S. 30:1-1 is amended to read as follows:

2 30:1-1. As used in this Title:

3 "Commissioner" means the Commissioner of Institutions and  
4 Agencies.

5 "Department" means the State Department of Institutions and  
6 Agencies.

7 "State board" means the State Board of **[Control of Institu-**  
8 **tions and Agencies]** *Institutional Trustees*.

1 2. R. S. 30:1-2 is amended to read as follows:

2 30:1-2. The Department of Institutions and Agencies created by  
3 an act entitled "An act concerning the charitable, hospital, relief,  
4 training, correctional, reformatory and penal institutions, boards  
5 and commissions located and conducted in this State, which are  
6 supported in whole or in part from county, municipal or State  
7 funds," approved February 28, 1918 (L. 1918, c. 147, p. 343, as  
8 amended by L. 1919, c. 97, p. 222), is continued and is hereby con-  
9 stituted a principal department in the Executive Branch of the  
10 State Government. Such department shall consist of the **[State**  
11 **Board of Control of Institutions and Agencies,** which shall be the  
12 head of the department, and the **] Commissioner of Institutions and**  
13 **Agencies,** who shall be the head of the department and **[the]** *its*  
14 principal executive officer **[of the department], and the State Board**

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



15 of *Institutional Trustees*, with such divisions, bureaus, branches,  
 16 committees, officers and employees specifically referred to in said  
 17 act, or as may be constituted or employed by virtue of this Title.

1 3. R. S. 30:1-7 is amended to read as follows:

2 30:1-7. [Within the limitations imposed by general legislation  
 3 applicable to all agencies of the State, the State board is hereby  
 4 granted complete and exclusive jurisdiction, supreme and final  
 5 authority, and the requisite power to accomplish its aims and pur-  
 6 poses in and upon the institutions, boards, commissions and other  
 7 agencies, hereinafter in this section named, and designated as  
 8 charitable, hospital, relief, training institutions and correctional  
 9 institutions of this State, to the end that they shall be humanely,  
 10 scientifically, efficiently and economically operated. Any particular  
 11 grant of power hereinafter in this Title contained shall be in speci-  
 12 fication but not in limitation of the general grant of power.]

13 The charitable, hospital, relief and training institutions and non-  
 14 institutional agencies of this State, within the meaning of this  
 15 Title, shall include the following, and, as well, any institution es-  
 16 tablished hereafter for any similar purpose, as now established  
 17 and as the same are to be hereafter maintained and operated pur-  
 18 suant to law:

19 Trenton Psychiatric Hospital,  
 20 Greystone Park Psychiatric Hospital,  
 21 Marlboro Psychiatric Hospital,  
 22 Ancora Psychiatric Hospital,  
 23 New Jersey Neuropsychiatric Institute,  
 24 New Jersey Hospital for Chest Diseases,  
 25 North Jersey Training School at Totowa,  
 26 New Lisbon State School,  
 27 Woodbine State School,  
 28 Vineland State School,  
 29 Woodbridge State School,  
 30 Hunterdon State School,  
 31 New Jersey Memorial Home for Disabled Soldiers at Menlo Park,  
 32 New Jersey Memorial Home for Disabled Soldiers, Sailors, Ma-  
 33 rines and their Wives and Widows at Vineland,  
 34 Diagnostic Center at Menlo Park,  
 35 Arthur Brisbane Child Center at Allaire,  
 36 Board of Public Welfare,  
 37 Commission for the Blind and Visually Impaired.

38 The correctional institutions of this State, within the meaning  
 39 of this Title, shall include the following, and as well, any institution  
 40 established hereafter for any similar purpose, as now established

41 and as the same are to be hereafter maintained and operated pur-  
42 suant to law :

43 State Prison, Trenton,  
44 State Prison, Rahway,  
45 State Prison, Leesburg,  
46 Youth Reception and Correction Center, Yardville,  
47 Youth Correctional Institution, Bordentown,  
48 Correctional Institution for Women, Clinton,  
49 Youth Correctional Institution, Annandale,  
50 Training School for Boys, Jamesburg,  
51 Training School for Girls, Trenton,  
52 Training School for Boys, Skillman.

1 4. R. S. 30:1-8 is amended to read as follows :

2 30:1-8. **[The State board shall, subject to the approval of the**  
3 **Governor, appoint a commissioner.]** *The commissioner shall be*  
4 *appointed by the Governor, after consultation with the State board,*  
5 *with the advice and consent of the Senate, and shall serve at the*  
6 *pleasure of the Governor during the Governor's term of office and*  
7 *until the appointment and qualification of the commissioner's suc-*  
8 *cessor. The commissioner shall receive such salary as shall be*  
9 *provided by law. [His office shall be in the unclassified service list*  
10 *of the civil service.] He shall devote his entire time to the per-*  
11 *formance of his duties [and shall, unless and until removed by the*  
12 *Governor, hold office at the will of the State board]. Appointment*  
13 *of a commissioner shall not be restricted to residents of the State.*

14 **[The commissioner may be removed from office by the Governor,**  
15 **upon notice and opportunity to be heard.]**

1 5. R. S. 30:1-9 is amended to read as follows :

2 30:1-9. The **[State board]** *commissioner* may create within the  
3 department **[a division of education, a division of medicine and**  
4 **psychiatry, a division of labor and agriculture, a division of sta-**  
5 **tistics, a division of parole, a division of food and dietetics, a**  
6 **division of architecture and construction and]** such **[other]** divi-  
7 sions as **[it]** *he* may deem necessary. Each division shall be under  
8 the supervision of a qualified expert who shall be appointed by  
9 and receive the compensation fixed by the commissioner **[with the**  
10 **approval of the State board],** except where otherwise provided by  
11 statute, *and shall devote his entire time to the performance of his*  
12 *duties.*

13 The **[State board]** *commissioner* may in **[its]** *his* discretion  
14 combine the duties of two or more divisions under one head.

15 The division **[chiefs]** *directors* shall perform such services and

16 exercise such powers at such times and places as the commissioner  
17 shall prescribe.

18 The commissioner may from time to time [with the consent of  
19 the State board] designate one of the division [chiefs] *directors*  
20 to exercise the powers and perform the duties of the commissioner  
21 during his disability or absence.

1 6. R. S. 30:1-10 is amended to read as follows:

2 30:1-10. A secretary and the necessary clerks, stenographers and  
3 assistants shall be appointed, and their compensation shall be fixed  
4 by the commissioner [under such general rules and regulations as  
5 may be approved by the State board], subject to the provisions of  
6 Title 11, Civil Service, except where otherwise provided by statute.

1 7. R. S. 30:1-11 is amended to read as follows:

2 30:1-11. The commissioner shall be the *head and* principal  
3 executive [and administrative officer] of the [State board] *de-*  
4 *partment* and its official agent for all purposes. Except as otherwise  
5 provided by law the commissioner shall be considered the "appoint-  
6 ing authority" of the department within the contemplation of the  
7 Civil Service laws. He shall likewise be the budget officer, and,  
8 unless some other official be designated by [the State board] *him*  
9 for the purpose, he shall be its fiscal officer. He shall have general  
10 charge and supervision of the work of the department.

1 8. R. S. 30:1-12 is amended to read as follows:

2 30:1-12. The [State board] *commissioner* shall have power to  
3 determine all matters relating to the unified and continuous de-  
4 velopment of the institutions and noninstitutional agencies within  
5 [its] *his* jurisdiction. [It] *He* shall determine all matters of policy  
6 and shall have power to regulate the administration of the institu-  
7 tions or noninstitutional agencies within [its] *his* jurisdiction,  
8 correct and adjust the same so that each shall function as an  
9 integral part of a general system. The rules, regulations, orders  
10 and directions issued by the [State board or by the] *commissioner*  
11 pursuant thereto, for this purpose shall be accepted and enforced  
12 by the [board of managers] *executive* having charge of any in-  
13 stitution or group of institutions or noninstitutional agencies or any  
14 phase of the work within the jurisdiction of the [State board]  
15 *department*.

16 In order to implement the public policy of this State concerning  
17 the provision of charitable, hospital, relief and training institutions  
18 established for diagnosis, care, treatment, training, rehabilitation  
19 and welfare of persons in need thereof, for research and for train-  
20 ing of personnel, and in order that the personnel, buildings, land,  
21 and other facilities provided be most effectively used to these ends

22 and to advance the public interest, the **[State board]** *commissioner*  
23 is hereby empowered to classify and designate from time to time  
24 the specific functions to be performed at and by any of the aforesaid  
25 institutions under **[its]** *his* exclusive jurisdiction and to designate,  
26 by general classification of disease or disability, age or sex, the  
27 classes of persons who may be admitted to, or served by, these  
28 institutions or agencies.

29 In addition to and in conjunction with its general facilities and  
30 services for the mentally ill, mentally retarded and tuberculous, the  
31 **[board]** *department* may at its discretion establish and maintain  
32 specialized facilities and services for the residential care, treatment  
33 and rehabilitation of persons who are suffering from chronic mental  
34 or neurological disorders, including, but not limited to alcoholism,  
35 drug addiction, epilepsy and cerebral palsy.

1 9. R. S. 30:1-13 is amended to read as follows:

2 30:1-13. The *commissioner and the State board* shall arrange  
3 for personal contact **[by its members and the commissioner]** with  
4 each of the institutions and the work of the noninstitutional agen-  
5 cies, by visitations and by such other means as **[it]** *they* may  
6 determine to be necessary and proper, so that **[it]** *they* may be as  
7 nearly as is practicable continually in touch with and informed  
8 concerning the general condition and progress of the several in-  
9 stitutions and noninstitutional agencies and the general results of  
10 the management thereof and the condition and welfare of the in-  
11 mates and other persons committed or admitted. The *commissioner*  
12 *and the State board* shall, **[by special committee or otherwise,]**  
13 *personally or by their designated representative*, visit and inspect  
14 each institution at least semiannually, at periods which shall not be  
15 fixed in advance.

1 10. R. S. 30:1-14 is amended to read as follows:

2 30:1-14. In addition to the jurisdiction and power conferred upon  
3 the **[State board]** *commissioner* over the institutions and noninsti-  
4 tutional agencies named in section 30:1-7 of this Title, **[it]** *he*  
5 shall have supervision over all institutions and organizations,  
6 whether county, municipal, public or private, to which payments  
7 are made from the treasury of the State, directly or indirectly, for  
8 or on account of the **[board]** *commissioner* and maintenance of any  
9 persons admitted or committed thereto, with the right of visitation  
10 and inspection at any and all times, for the purpose of determining  
11 the conditions, circumstances and surroundings under which such  
12 persons so admitted or committed are lodged, boarded, cared for  
13 and maintained. In the execution of this power any member of the  
14 State board, the commissioner, or his duly authorized agent, shall

15 have the right of admission to all parts of any building or buildings  
 16 in which such persons are lodged, cared for or treated, as often as  
 17 may be necessary. The books, records and accounts of such institu-  
 18 tion or organization shall be open to his inspection, or for inspec-  
 19 tion and audit by the State Auditor, or any of his subordinates, in  
 20 so far as they relate to the receipt and expenditure of State moneys,  
 21 in order to determine whether the amount so paid by the State is a  
 22 proper charge, which question the **[State board]** *commissioner*  
 23 shall determine, and also to determine whether such persons so  
 24 admitted or committed are properly and adequately boarded,  
 25 lodged, treated, cared for and maintained. The extent and results  
 26 of such supervision and inspection shall be included in the annual  
 27 or any special report of the **[State board]** *commissioner* with such  
 28 recommendations as **[it]** *he* may deem necessary.

1 11. R. S. 30:1-15 is amended to read as follows:

2 30:1-15. The *commissioner and the State board* shall have the  
 3 power of visitation and inspection of all county and city jails or  
 4 places of detention, county or city workhouses, county peniten-  
 5 tiaries, county mental and tuberculosis hospitals, poor farms, alms-  
 6 houses, county and municipal schools of detention, and privately  
 7 maintained institutions and noninstitutional agencies for the care  
 8 and treatment of the mentally ill, the blind, the deaf, the mentally  
 9 retarded, or other institutions, and noninstitutional agencies con-  
 10 ducted for the benefit of the physically and mentally defective, or  
 11 the furnishing of board, lodging or care for children. **[Any member**  
 12 **of the State board or committee thereof, or the]** *The commissioner*  
 13 *or his duly authorized agent, and any member of the State board*  
 14 *shall be admitted to any and all parts of any such institutions at any*  
 15 *time, for the purpose of inspecting and observing the physical con-*  
 16 *dition thereof, the methods of management and operation thereof,*  
 17 *the physical condition of the inmates, the care, treatment and dis-*  
 18 *cipline thereof, and also to determine whether such persons so*  
 19 *admitted or committed are properly and adequately boarded,*  
 20 *lodged, treated, cared for and maintained. The commissioner and*  
 21 *the State board may make such report with reference to the result*  
 22 *of such observation and inspection and recommendation with refer-*  
 23 *ence thereto, as [it] they may determine.*

1 12. R. S. 30:1-16 is amended to read as follows:

2 30:1-16. If it shall appear after any such investigation of any  
 3 of the institutions or noninstitutional agencies enumerated in sec-  
 4 tions 30:1-14 and 30:1-15 of this Title, **[except institutions con-**  
 5 **ducted by properly organized and accredited churches and fraternal**  
 6 **societies organized for aid and relief of their members,]** that the

7 laws relating to the construction, management and affairs of any  
 8 such institution, and the care, treatment, government and discipline  
 9 of its inmates or patients are being violated, or that inmates or  
 10 patients in any such institution are cruelly, negligently or improp-  
 11 erly treated or inadequate provision is made for their sustenance,  
 12 clothing, care, supervision or other condition necessary to their suit-  
 13 able and proper well being, the *commissioner or the* State board may  
 14 institute a civil action in **the County Court of the county** *any*  
 15 *court of competent jurisdiction* **in which such institution is located,**  
 16 **or in the Superior Court** against the proper superintendent, com-  
 17 missioner, agent, medical director, warden, manager, keeper, chief  
 18 executive officer or other officer of such institution or in control  
 19 thereof, or responsible for such violation or omission. The court  
 20 may proceed in the action in a summary manner or otherwise and  
 21 may direct him to modify any treatment or to apply such remedy,  
 22 or both, or carry out the requirements of the *commissioner or the*  
 23 State board **or the commissioner** as may be just and effectual.

1 13. R. S. 30:1-17 is amended to read as follows:

2 30:1-17. The rights and powers conferred upon the State board  
 3 and the commissioner by sections 30:1-14, 30:1-15 and 30:1-16 of  
 4 this Title, so far as they relate to the investigation of the institu-  
 5 tions and noninstitutional agencies enumerated therein may be en-  
 6 forced by a civil action against the officer or board having charge  
 7 of the institution, brought in the County Court of the county in  
 8 which the institution is situated, or the Superior Court. The court  
 9 may proceed in the action in a summary manner or otherwise.

10 If, in the opinion of the *commissioner or the* State board, any  
 11 matter with regard to the management or affairs of any such institu-  
 12 tion or any inmate or person in any way connected with either  
 13 required legal investigation or action of any kind, notice thereof  
 14 may be given by the *commissioner or the* State board to the county  
 15 prosecutor of the county, and he shall thereupon make inquiry and  
 16 take such proceedings in the premises as he may deem necessary  
 17 and proper. It shall be the duty of the county prosecutor when so  
 18 required to furnish such legal assistance, counsel or advice as the  
 19 commissioner or the State board may require in the discharge of his  
 20 or its duties.

1 14. Section 1 of P. L. 1956, c. 223 (C. 30:1-23) is amended to read  
 2 as follows:

3 1. When any lands of the Department of Institutions and Agen-  
 4 cies have been declared by the **State Board of Control** *Commis-*  
 5 *sioner* of the Department of Institutions and Agencies to be surplus  
 6 or unsuitable for use for the purposes of the Department of In-

7 stitutions and Agencies, and the sale of such lands is authorized  
 8 by the Governor, such lands may be sold to the municipality in  
 9 which same are situate, as such fair price and upon such terms and  
 10 conditions as shall be fixed by the State House Commission.

11 Upon acceptance by the municipality of the terms and conditions  
 12 fixed by the State House Commission, and performance by the  
 13 municipality of such of the terms and conditions as the State House  
 14 Commission may require to be performed prior to the conveyance  
 15 of title, the Commissioner of the Department of Institutions and  
 16 Agencies, on behalf of the State, shall be authorized to convey to  
 17 such municipality title to said property.

1 15. R. S. 30:2-1 is amended to read as follows:

2 30:2-1. All appropriations of money from the State treasury for  
 3 the uses and purposes of the several institutions and noninstitu-  
 4 tional agencies included within the provisions of section 30:1-7 of  
 5 this Title, and for all expenses incidental thereto or connected  
 6 therewith, as well as appropriations for the uses and purposes of  
 7 the department, shall be made to the department as one item.

8 The several institutions and noninstitutional agencies included  
 9 within the provisions of section 30:1-7 of this Title shall submit  
 10 their requests for appropriations to the **[State board]** *commis-*  
 11 *sioner* in the form and at the time prescribed by law. The **[State**  
 12 **board]** *commissioner* shall be the sole agency for the transmission  
 13 **[to the State Budget Commissioner]** of the requests for appropria-  
 14 tions on behalf of the department and the institutions and non-  
 15 institutional agencies included within the provisions of said section  
 16 30:1-7, with such modifications of the requests of the several institu-  
 17 tions as **[the board]** *he* may determine. The **[State board]** *com-*  
 18 *missioner* shall be the sole **[board]** *agent* authorized to submit a  
 19 request **[to the State Budget Commissioner]** for appropriations on  
 20 behalf of any of the charitable, hospital, relief and training institu-  
 21 tions or correctional institutions or noninstitutional agencies in-  
 22 cluded within the provisions of said section 30:1-7. Appropriations  
 23 for working capital for all institutions and noninstitutional agencies  
 24 included within the provisions of section 30:1-7 of this Title shall  
 25 be made in bulk and may be allotted by the **[State board]** *commis-*  
 26 *sioner* or used as a general fund, as **[it]** *he* may determine.

1 16. R. S. 30:4-1 is amended to read as follows:

2 30:4-1. The State board, *with the approval of the Governor*, shall  
 3 appoint a board of **[managers]** *trustees* for each institution or  
 4 agency within the department or for each group or class thereof as  
 5 it may determine.

6 Whenever the establishment or assumption of jurisdiction over  
7 an additional institution, or the acquisition of a site therefor, is  
8 authorized by the Legislature the State board, *with the approval*  
9 *of the Governor*, may appoint a board of **[managers] trustees**  
10 therefor or **[in its discretion]** may authorize or designate any  
11 existing board of **[managers] trustees** to assume jurisdiction  
12 thereof. Each board of **[managers] trustees [in charge]** of an  
13 institution shall be known as "the board of **[managers] trustees**"  
14 naming the institution or group or class for which the board is  
15 appointed. The State board, *with the approval of the Governor*,  
16 shall determine the names of the boards **[in charge]** of non-  
17 institutional agencies.

18 Except **[in the case of the Board of Public Welfare]** as otherwise  
19 specifically provided by statute, the boards of **[managers] trustees**  
20 shall consist of not less than five nor more than seven members  
21 appointed with the approval of the Governor from residents of  
22 the State at large without respect to political affiliation or behalf.  
23 At least two women shall be members of each board in charge of  
24 the **[State Home] Training School for Boys, Jamesburg**, the Home  
25 for Disabled Soldiers, Sailors, Marines and their Wives and  
26 Widows, and the institutions or agencies for the blind, feeble-  
27 minded, the tubercular, the epileptic and the insane and at least  
28 two members of the Commission for the Blind shall themselves  
29 be blind but they shall not be employees, or related by blood, mar-  
30 riage or adoption to any employee, of said commission. At least  
31 a majority of the members of each board in charge of the **[State**  
32 **Home] Training School for Girls, Trenton**, and the women's  
33 reformatory shall be women.

34 **[The Department Commander, Department of New Jersey,**  
35 **Grand Army of the Republic, shall be ex officio a member of the**  
36 **board of managers of the New Jersey Memorial Home for Dis-**  
37 **abled Soldiers, Sailors, Marines and Their Wives and Widows and**  
38 **of the board of managers of the New Jersey Memorial Home for**  
39 **Disabled Soldiers.]** The term of each board member shall be 3  
40 years commencing on July 1 and ending on June 30 of the third  
41 year thereafter. A vacancy shall be filled by the **[State board]**  
42 *commissioner* for the unexpired term only.

43 The members of new or additional boards of **[managers] trustees**  
44 shall at the time of their appointment be divided into groups so  
45 that the terms of two members shall expire on June 30 of the year  
46 next succeeding appointment; the terms of two others on June 30  
47 of the second year succeeding appointment; the term of the fifth  
48 member and in case of larger boards the term of the sixth member,



49 on June 30 of the third year succeeding appointment; the term  
50 of the seventh member of a board having seven members, on June  
51 30 of the fourth year succeeding appointment. Their successors  
52 shall be appointed for 3-year terms.

53 The members of such boards shall receive no compensation for  
54 services but shall be reimbursed for actual expenditures incurred  
55 in the performance of duty. They shall be subject to removal by  
56 the **[State board]** *commissioner* at any time for good and sufficient  
57 cause.

1 17. R. S. 30:4-3 is amended to read as follows:

2 30:4-4. Subject to the supervision, control and ultimate authority  
3 *commissioner* by rule, regulation or order formally adopted, each  
4 board of **[managers]** *trustees* may determine the number, qualifica-  
5 tions, powers and duties of the officers and employees of the  
6 institutions or agencies committed to its charge, and their com-  
7 pensation except as the same is fixed by statute or otherwise  
8 determinable by law. **[Each board, with the approval of the State**  
9 **board,]** *The commissioner, with the approval of the Governor,* shall  
10 appoint the chief executive officer of each institution or agency in  
11 **[its]** *his* charge, and determine his official title. The chief execu-  
12 tive officer shall appoint, with the approval of the **[board of man-**  
13 **agers]** *commissioner,* all officers and employees of the institution  
14 or agency.

1 18. It shall be the duty of the local boards of trustees to advance  
2 long-range planning for the medical care, correctional and training  
3 programs at their respective institutions; and maintain general  
4 oversight of the institution. The board shall not administer the  
5 individual institutions.

6 The board of trustees shall have power to:

- 7 a. Review institutional needs;
- 8 b. Exercise visitorial supervision over the institution under the  
9 supervision or control of the department. Its visitorial general  
10 powers of supervision are hereby defined as visiting such institu-  
11 tion to examine into its manner of conducting its affairs and to  
12 advise the commissioner on the observance and enforcement of the  
13 laws of the State;
- 14 c. Develop and maintain a comprehensive master plan which shall  
15 be long-range in nature and be regularly revised and updated;
- 16 d. Recommend and advise the commissioner on building pro-  
17 grams of the institution as required by the master plan, provided  
18 that provision is made therefor in the annual or a supplemental  
19 or special appropriation act of the Legislature or otherwise;
- 20 e. Review and comment upon budget requests from the institu-  
21 tion;

22 f. Encourage harmonious and cooperative relationship with other  
23 similar institutions in the area, public and private;

24 g. Review periodically existing programs of care, training,  
25 rehabilitation, research, and public service in the institution, and  
26 advise the State board and the commissioner as to any desirable  
27 change;

28 h. Make to the commissioner such recommendations as it deems  
29 necessary with regard to services, lands, buildings, and equipment  
30 to be furnished by the institution;

31 i. Authorize such studies and require such reports from the chief  
32 executive officer of the institution as it may deem necessary from  
33 time to time.

34 j. Advise the institutional head;

35 k. Control and determine the use of patient or inmate welfare  
36 funds within the general regulation of the State board.

37 l. Interpret the mandate and work of the institution to the public.

38 m. Carry out such other duties as the commissioner or the State  
39 board may assign to the board or to its individual members.

1 19. R. S. 30:4-4 is amended to read as follows:

2 30:4-4. Subject to the supervision, control and ultimate authority  
3 of the [State board] *commissioner*, the management, direction and  
4 control of the several institutions and noninstitutional agencies  
5 shall be vested in the [several boards of managers] *chief executive*  
6 *officer thereof* who shall be responsible to the [State board] *com-*  
7 *missioner* for their efficient, economical and scientific operation.

1 20. The State Board of Control of Institutions and Agencies  
2 established pursuant to R. S. 30:1-2 is continued as the State Board  
3 of Institutional Trustees. The members of the board in office on the  
4 effective date of this act shall continue in office for the duration of  
5 the terms for which they were respectively appointed and until the  
6 appointment of their successors.

7 There is hereby created in the Department of Institutions and  
8 Agencies a State Board of Institutional Trustees. The State board  
9 shall be composed of 12 members, residents of this State including  
10 governor or officer administering the State Government, the Com-  
11 missioner of the Department, and the Commissioner of Health who  
12 shall be ex-officio members of the State board during their respec-  
13 tive terms of office. The members of the State board shall be ap-  
14 pointed by the Governor, without regard to political affiliation,  
15 subject to confirmation by the Senate, and shall be subject to re-  
16 moval by the Governor at any time for good and sufficient cause.

17 The members appointed by the Governor pursuant to this act  
18 shall be appointed for terms of 4 years. All appointed members

19 shall serve after the expiration of their terms until their respective  
20 successors are appointed and shall qualify. Vacancies shall be filled  
21 for the unexpired term.

22 Members of the State board shall receive no compensation for  
23 services, but shall be reimbursed for actual expenditures incurred  
24 in the performance of their duties.

1 21. It shall be the duty of the State Board of Institutional Trus-  
2 tees to advance long-range planning and policy for the system  
3 of State institutions of medical care, correctional and training  
4 institutions, State charitable and relief institutions, training in-  
5 stitutions and noninstitutional agencies of the State; establish  
6 general policy for the governance of the separate institutions;  
7 coordinate the activities of the individual institutions; and main-  
8 tain general oversight of the State system of institutions. The  
9 board shall not administer the department or its individual in-  
10 stitutions.

11 The board of institutional trustees shall have power to:

12 a. Conduct research on institutional needs;

13 b. Develop and maintain a comprehensive master plan which  
14 shall be long-range in nature and be regularly revised and up-  
15 dated;

16 c. Recommend and advise the commissioner on the establish-  
17 ment of new institutions as required by the master plan, provided  
18 that provision is made therefor in the annual or a supplemental or  
19 special appropriation act of the Legislature or otherwise;

20 d. Review and comment upon budget requests from the institu-  
21 tions;

22 e. Encourage harmonious and cooperative relationship between  
23 public and private institutions;

24 f. Review periodically existing programs of care, training, re-  
25 habilitation, research, and public service in the public institutions,  
26 and advise them of desirable change;

27 g. Consult with and make to the commissioner such recom-  
28 mendations as it deems necessary with regard to services, lands,  
29 buildings, and equipment to be furnished by the department and  
30 its institutions;

31 h. Exercise visitorial supervision over such institutions under  
32 the supervision or control of the department; its visitorial general  
32A powers of supervision are hereby defined as visiting such institu-  
33 tions to examine into their manner of conducting their affairs and  
34 to advise the commissioner on the observance and enforcement of  
35 the laws of the State;

36 i. Review and make recommendations with respect to budget  
37 requests to be submitted by the commissioner;

38 j. Authorize such studies and require such reports from the  
39 commissioner as it may deem necessary from time to time; and

40 k. Make an annual report to the commissioner and the Governor  
41 and such other reports as it may deem proper from time to time  
42 or as may be requested by the commissioner.

1 22. Section 3 of P. L. 1965, c. 59 (C. 30:1-15.1) is amended to  
2 read as follows:

3 3. Inspection and approval of all residential facilities within the  
4 State providing diagnosis, care or treatment of the mentally ill or  
5 the mentally retarded shall be a responsibility of the [State Board  
6 of Control] *department*. The [State board] *commissioner* shall  
7 have the duty and is hereby authorized to set standards, and  
8 through [its] *his* agents, including professionally qualified persons,  
9 to visit and inspect as often as is necessary, but at least once a  
10 year, all residential facilities which provide diagnosis, care or  
11 treatment of the mentally ill or mentally retarded, whether State,  
12 county, municipal, public or private, in order to determine the  
13 conditions under which such persons are lodged, cared for, main-  
14 tained or treated, and in order to assure that adequate standards  
15 of care and treatment are maintained, that civil liberties of indi-  
16 viduals receiving care are preserved and that the public may be  
17 informed of the adequacy of these facilities.

18 The State board and the commissioner, or their agents, shall  
19 have the right of admission to all parts of any building or build-  
20 ings in which mentally ill or mentally retarded persons are lodged,  
21 cared for or treated, as often as may be necessary. The extent and  
22 results of such visitation and inspection shall be included in the  
23 annual or any special report of the *commissioner* or the State  
24 board with such recommendations as [it] *they* may deem necessary.  
25 Such report shall be available to the public.

1 23. Section 4 of P. L. 1965, c. 59 (C. 30:1-15.2) is amended to  
2 read as follows:

3 4. The premises, books, records and accounts of any facility or  
4 organization to which payments are made from the treasury of  
5 the State, directly or indirectly, for or on account of the diagnosis,  
6 care, treatment, rehabilitation, or maintenance of any mentally ill  
7 or mentally retarded persons shall be open to the inspection of the  
8 [State Board of Control, the] commissioner[,], or [their] *his*  
9 agents; such books, records and accounts shall be available for  
10 inspection and audit by the State Auditor or any of his agents  
11 insofar as they relate to the receipt and expenditure of State

12 moneys, in order to determine whether the amount so paid by the  
13 State is a proper charge, which question the **[State board]** *com-*  
14 *missioner* shall determine.

15 In order to encourage the continual improvement of standards  
16 of care, the **[State board]** *commissioner* shall make available,  
17 *within the limits of appropriations therefor*, professional consulta-  
18 tive services to those facilities in the State which minister to the  
19 mentally ill and the mentally retarded.

1 24. Whenever in any law, rule, regulation, contract, document,  
2 judicial or administrative proceeding or otherwise, reference is  
3 made to the State Board of Control, the same shall mean and refer  
4 to the Commissioner of Institutions and Agencies.

1 25. Whenever in any law, rule, regulation, contract, document,  
2 judicial or administrative proceeding or otherwise, reference is  
3 made to the board of managers of any institution, the same shall  
4 mean and refer to the chief executive officer of the institution.

1 26. R. S. 30:1-3, 30:1-4, 30:1-5 and 30:1-6 are hereby repealed.

1 27. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 2260**

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 15, 1971

Amend page 3, section 5, line 8, delete "qualified expert who shall be", and insert in lieu thereof "director, who shall be qualified by training and experience,".

Amend page 4, section 7, line 2, delete "head and principal executive".

Amend page 4, section 7, line 3, delete in its entirety.

Amend page 4, section 7, line 4, delete "partment and its", and after "agent", insert "of the department".

Amend page 5, section 8, line 25, delete "exclusive".

Amend page 5, section 10, line 8, delete "commissioner", and insert in lieu thereof "board".

Amend page 9, section 16, line 22, delete "behalf", and insert in lieu thereof "belief".

Amend page 9, section 16, line 28, after "Blind", insert "and Visually Impaired".

Amend page 9, section 16, line 29, before "blind", insert "legally".

Amend page 10, section 16, after line 57, insert a new paragraph as follows:

"On or before July 1 of each year each such board shall reorganize by the election from among its members of a chairman and vice chairman and shall appoint a secretary, with the approval of the chief executive officer of the institution, who shall be an employee of the department and shall serve at the pleasure of the board without additional compensation. The term of office of the chairman and vice chairman shall be until June 30 of the following year or until their successors are elected and qualified."

Amend page 10, section 17, lines 5 and 6, delete "the institutions or agencies committed to its charge", insert "its respective institution or agency".

Amend page 10, section 17, line 9, delete "Governor", and insert "Board of Trustees".

Amend page 10, section 18, line 14, delete "and", and insert in lieu thereof "with the commissioner and his staff and jointly promulgate and".

Amend page 10, section 18, line 15, after "updated", insert ", including priorities for the construction of new institutions and the development of new programs".

Amend page 11, section 18, line 25, after "institution," insert "and in similar institutions of other states,".

Amend page 11, section 19, line 2, delete ", control and ultimate authority".

Amend page 11, section 19, lines 3 and 4, delete ", direction and control".

Amend page 12, section 20, after line 24 insert a new paragraph as follows:

"On and after July 1 of each year the State board shall reorganize by the election from among its appointed members of a chairman and vice chairman. The board may appoint a secretary, with the approval of the commissioner, who shall be an employee of the department and shall serve at the pleasure of the board without additional compensation. The term of office of the chairman and vice chairman shall be until June 30 of the following year or until their successors are elected and qualified."

Amend page 12, section 21, line 13, after "develop", insert "with the commissioner and his staff and jointly promulgate".

Amend page 12, section 21, line 15, after "dated", insert ", including priorities for the construction of new institutions and the development of new programs".

Amend page 12, section 21, line 25, after "institutions", delete ",", and insert "of this State and other states and as to new developments in the various fields of the department's responsibility".

Amend page 12, section 21, line 26, delete "them", and insert in lieu thereof "such institutions and the commissioner".