

30:1AA-10 to 30:1AA-19

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:1AA-10 to 30:1AA-19 (Prevention of Mental Retardation & Developmental Disabilities-- office established)

CHAPTER 5

Laws Of: 1987

Bill No: A2339

Sponsor(s): Frelinghuysen and others

Date Introduced: May 5, 1986

Committee: **Assembly:** Health and Human Services; Appropriations

Senate: Institutions, Health & Human Services; Revenue, Finance and Appropriations

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** June 26, 1986

Senate: December 15, 1986

Date of Approval: January 20, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes 5-22-86 & 6-19-86

Senate Yes 7-19-86 & 11-17-86

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey. Governor's Council on the Prevention of Mental Retardation.
M549 Programs for preventing the causes of mental retardation . . . New
1985 Brunswick, 1985.
(see pp. 113-120)

(OVER)

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DATE
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974.90 New Jersey. Governor's Task Force on Services for Disabled Persons.
H237 Certain unalienable rights; final report . . .
1987 April, 1987.
(See recommendation 3)

5 87
1-20-87

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2339

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1986

By Assemblymen FRELINGHUYSEN, COLBURN, Felice, Deverin,
Hudak, Otlowski, Villane and Franks

AN ACT establishing an Office for Prevention of Mental Retarda-
tion and Developmental Disabilities in the Department of
Human Services and making an appropriation therefor.

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

1 1. The Legislature finds and declares that: approximately 2%
2 of the residents of this State are developmentally disabled and
3 more than 50,000 of these persons are developmentally disabled
4 school age children; 30,000 to 40,000 residents suffer from mental
5 retardation severe enough to require lifelong supervision or care;
6 several times more are mildly retarded and can live independent
7 or semi-independent lives; pregnancy during adolescence increases
8 the incidence of mental retardation and developmental disabilities
9 because of the heightened risk of premature birth, low birth-
10 weight, birth complications and birth defects; in 1984 in New
11 Jersey, there were 6,682 births to women ages 18 years and under;
12 about one out of 10 women in New Jersey becomes pregnant
13 during her teenage years; and there is a 40% chance that a child
14 of a teenager will be permanently impaired.

15 The Legislature further finds and declares that: the causes of
16 many cases of developmental disabilities, such as inadequate
17 prenatal care, maternal diseases, environmental contaminants,
18 alcohol and drug ingestion, poor nutrition, lead poisoning, child-
19 hood diseases, child abuse and neglect, and accidents, are pre-
20 ventable; and it is in the best interests of the citizens of the State

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted June 19, 1986.**

****—Senate committee amendments adopted November 17, 1986.**

21 of New Jersey to establish a permanent office in the State
 22 Department of Human Services to combat the causes of mental
 23 retardation and developmental disabilities.

1 2. There is established in the Department of Human Services
 2 the Office for Prevention of Mental Retardation and Develop-
 3 mental Disabilities, hereinafter referred to as the "office."

1 3. The administrator and chief executive officer of the office shall
 2 be the director, who shall be a person qualified by training and
 3 experience to perform the duties of the office. Subsequent to
 4 consultation with the Governor's Council on the Prevention of
 5 Mental Retardation, the Commissioner of Human Services shall
 6 appoint the director, who shall serve at the pleasure of the
 7 commissioner during the commissioner's term of office and until
 8 the appointment and qualification of the director's successor. The
 9 director shall devote his entire time to the duties of his position
 10 and shall receive a salary commensurate with the responsibilities
 11 of the office. **The director shall serve in the **State** unclassified*
 12 ***[services]** **service** of the Civil Service.**

13 The director may appoint, retain or employ officers, **[investi-*
 14 *gators]** **[,]** experts*[,]** *or* consultants **[or other profes-*
 15 *sionally qualified personnel]*** on a contract basis or otherwise which
 16 he deems necessary, **and employ investigators or other profes-*
 17 *sionally qualified personnel** who shall be in the **[unclassified*
 18 *service]** ***[non-competitive]**** **noncompetitive*** division
 19 ***of the career service*** of the Civil Service.*

1 4. The director shall:

2 a. Administer and organize the work of the office and establish
 3 therein any administrative subdivisions he deems necessary. The
 4 director may formulate and adopt rules and regulations and
 5 prescribe duties for the efficient conduct of the office pursuant to
 6 Department of Human Services policies and procedures;

7 b. Solicit and accept grants of funds from the federal govern-
 8 ment and from other public and any private sources for any of
 9 the purposes of this act; and,

10 c. Perform other functions which may be prescribed in this act
 11 or by any other law.

1 5. The responsibilities of the office shall include, but are not
 2 limited to:

3 a. Developing a long-range comprehensive plan for the preven-
 4 tion of mental retardation and developmental disabilities in accor-
 5 dance with the priorities established by the Governor's Council on
 6 the Prevention of Mental Retardation;

- 7 b. Encouraging cooperative programs of research among State
8 governmental departments and agencies, universities and private
9 agencies;
- 10 c. Developing public information campaigns about the causes of
11 developmental disabilities and the means for preventing develop-
12 mental disabilities;
- 13 d. Coordinating public education programs about the causes and
14 prevention of developmental disabilities and determining profes-
15 sional in-service training needs in these areas;
- 16 e. Stimulating expanded and new services for the prevention of
17 developmental disabilities; and
- 18 f. Making recommendations to the Commissioner of Human
19 Services regarding any needed executive or legislative action.

1 6. a. The Governor's Council on the Prevention of Mental
2 Retardation, originally created by Executive Order No. 72 (signed
3 May 24, 1984), shall serve as an advisory council to the Commis-
4 sioner of the Department of Human Services and to the Office for
5 Prevention of Mental Retardation and Developmental Disabilities.
6 The State Departments of Human Services, Education, Health
7 and Environmental Protection are authorized and directed, to
8 the extent consistent with the law, to cooperate with the Gov-
9 ernor's Council on the Prevention of Mental Retardation and to
10 furnish it with resources necessary to carry out its purposes
11 under this act.

12 b. The Governor's Council on the Prevention of Mental Re-
13 tardation shall establish from its members the Executive Com-
14 mittee of the Governor's Council on the Prevention of Mental
15 Retardation. This committee shall have full power to act in lieu
16 of the full council.

17 The executive committee shall consist of 11 members, all of
18 whom are members of the Governor's council. The Commis-
19 sioners of the Departments of Health, Human Services, Educa-
20 tion and Environmental Protection, shall serve as ex officio mem-
21 bers. The Public Advocate and the Chairperson of the Governor's
22 council shall serve as nonvoting, ex officio members of the execu-
23 tive committee. The Governor's council shall elect from its mem-
24 bership the remaining five members of the executive committee.
25 These persons, as members of the Governor's council, shall be
26 selected for their knowledge, competence, experience or interest
27 in connection with the prevention of mental retardation and de-
28 velopmental disabilities. Members of the executive committee may,
29 from time to time, designate other individuals as their represen-
30 tatives.

31 The executive committee shall serve without compensation, but
 32 shall be reimbursed for necessary expenses incurred in the per-
 33 formance of their duties. The Governor's council shall elect an
 34 executive committee chairperson from among the four voting
 35 cabinet members of the executive committee. The executive com-
 36 mittee may select from among its members a vice-chairperson
 37 and other officers or subcommittees which are deemed necessary
 38 or appropriate.

1 7. The Commissioner of Human Services and the executive
 2 committee of the Governor's Council on the Prevention of Mental
 3 Retardation established pursuant to section 6 of this act shall
 4 report annually to the Governor and the Legislature concerning
 5 the status of prevention programs in the State.

1 8. All departments and agencies of the State which provide
 2 relevant prevention services, maintain relevant data sets, or per-
 3 form functions pertinent to relevant prevention programs shall
 4 cooperate with the office to facilitate coordination of services
 5 and effective use of funds.

1 9. Within 120 days of the effective date of this act, the Com-
 2 missioner of Human Services shall execute written agreements
 3 with the Departments of Health, Education, and Environmental
 4 Protection which are designed to coordinate the effective use of
 5 funds appropriated to the office.

6 These agreements shall fulfill the intent of the comprehensive
 7 prevention plan prepared pursuant to this act and shall provide
 8 coordination of all the departments' budget requests. They shall
 9 also minimally provide the protocol for: dispersing appropriate
 10 prevention funds, programmatic and fiscal monitoring of preven-
 11 tion programs, ensuring against the duplication of services, and
 12 identification of gaps in prevention efforts.

1 10. Pursuant to the "Administrative Procedure Act," P. L.
 2 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of Human
 3 Services shall adopt rules and regulations necessary to carry
 4 out the purposes of this act.

1 11. There is appropriated to the Office for Prevention of
 2 Mental Retardation and Developmental Disabilities in the De-
 3 partment of Human Services *~~[\$250,000.00]~~* **~~[\$500,000.00]~~**
 4 **\$400,000.00** from the General Fund to carry out the purposes
 5 of this act.

1 12. This act shall take effect immediately.

HANDICAPPED—MENTAL AND PHYSICAL

Establishes an Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services; appropriates \$400,000.00.

34 executive committee chairperson from among the four voting
 35 cabinet members of the executive committee. The executive com-
 36 mittee may select from among its members a vice-chairperson
 37 and other officers or subcommittees which are deemed necessary
 38 or appropriate.

1 7. The Commissioner of Human Services and the executive
 2 committee of the Governor's Council on the Prevention of Mental
 3 Retardation established pursuant to section 6 of this act shall
 4 report annually to the Governor and the Legislature concerning
 5 the status of prevention programs in the State.

1 8. All departments and agencies of the State which provide
 2 relevant prevention services, maintain relevant data sets, or per-
 3 form functions pertinent to relevant prevention programs shall
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 2 missioner of Human Services shall execute written agreements
 3 with the Departments of Health, Education, and Environmental
 4 Protection which are designed to coordinate the effective use of
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6 These agreements shall fulfill the intent of the comprehensive
 7 prevention plan prepared pursuant to this act and shall provide
 8 coordination of all the departments' budget requests. They shall
 9 also minimally provide the protocol for: dispersing appropriate
 10 prevention funds, programmatic and fiscal monitoring of preven-
 11 tion programs, ensuring against the duplication of services, and
 12 identification of gaps in prevention efforts.

1 10. Pursuant to the "Administrative Procedure Act," P. L.
 2 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of Human
 3 Services shall adopt rules and regulations necessary to carry
 4 out the purposes of this act.

1 11. There is appropriated to the Office for Prevention of Mental
 2 Retardation and Developmental Disabilities in the Department
 3 of Human Services \$250,000.00 from the General Fund to carry
 4 out the purposes of this act.

1 12. This act shall take effect immediately.

STATEMENT

This bill establishes an Office for Prevention of Mental Re-
 tardation and Developmental Disabilities in the Department of
 Human Services. The Office for Prevention of Mental Retarda-
 tion and Developmental Disabilities shall: develop a long-range

A2339 (1987)

comprehensive plan for the prevention of developmental disabilities in accordance with the Governor's Council on the Prevention of Mental Retardation; encourage cooperative research efforts among governmental divisions, private agencies and universities; develop public information campaigns about the causes and prevention of developmental disabilities; coordinate prevention education programs; stimulate new and expanded prevention services; and recommend executive and legislative action.

The bill provides that the Governor's Council on the Prevention of Mental Retardation shall continue to serve as an advisory council to the department and the Office for Prevention. The bill also establishes an 11 member Executive Committee of the Governor's Council on the Prevention of Mental Retardation to assist the Director of the Office for Prevention in carrying out the responsibilities of the office. Finally, the bill appropriates \$250,000.00 to the Office for Prevention of Mental Retardation and Developmental Disabilities.

HANDICAPPED—MENTAL AND PHYSICAL

Establishes an Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services; appropriates \$250,000.00.

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2339

STATE OF NEW JERSEY

DATED: MAY 22, 1986

The Assembly Health and Human Resources Committee reports favorably Assembly Bill No. 2339.

This bill establishes the Office for Prevention of Mental Retardation and Developmental Disabilities in, but not of, the Department of Human Services and includes a \$250,000.00 appropriation to enable the office to carry out its responsibilities.

As outlined in the bill, these responsibilities include, but are not limited to:

(1) Developing a long-range comprehensive plan for the prevention of mental retardation and developmental disabilities;

(2) Encouraging cooperative programs of research among State governmental departments and agencies, universities and private agencies;

(3) Developing public information campaigns about the causes of developmental disabilities and the means for preventing developmental disabilities;

(4) Coordinating public education programs about the causes and prevention of developmental disabilities and determining professional in-service training needs in these areas;

(5) Stimulating expanded and new services for the prevention of developmental disabilities; and

(6) Making recommendations to the Governor and the Legislature regarding any needed executive or legislative action.

The bill also provides that the Governor's Council on the Prevention of Mental Retardation created by Executive Order No. 72 (signed May 24, 1984) shall serve as an advisory council to the Commissioner of Human Services and the Office for Prevention of Mental Retardation and Developmental Disabilities. The bill also establishes an 11-member executive committee of the Governor's Council with full power to act in lieu of the full council. The director of the office and the executive council are required to report annually to the Governor and the Legislature on the status of prevention programs.

This bill implements a major recommendation of the Governor's Council on the Prevention of Mental Retardation in its 1985 report to the Governor on "Programs for Preventing the Causes of Mental Retardation." That report called for the creation of an office for prevention programs that would promote coordination of services by offering information and technical assistance, encourage new and expanded programs, and develop a long-range comprehensive plan for the prevention of mental retardation and other developmental disabilities.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2339

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 1986

The Assembly Appropriations Committee favorably reports this bill, as amended.

Assembly Bill No. 2339 as amended establishes the Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services and makes an appropriation of \$500,000.00. The office shall develop a long-range comprehensive plan; encourage cooperative research among State governmental agencies, universities and private agencies; develop public information campaigns; coordinate prevention education programs; stimulate expanded and new services; and recommend executive and legislative action.

The Governor's Council on the Prevention of Mental Retardation shall act in an advisory capacity. The council's eleven member executive committee, which has full power to act in-lieu of the full council, and the Commissioner of Human Services shall report annually to the Governor and the Legislature on the status of prevention programs.

FISCAL IMPACT:

There is appropriated to the Department of Human Services from the General Fund the amount of \$500,000.00. The Commissioner of Human Services shall execute written agreements with the Department of Health, Education and Environmental Protection to coordinate budget requests and provide the proper procedures for disbursement of funds and programmatic and fiscal monitoring.

COMMITTEE AMENDMENTS:

The committee amended the bill, at the recommendation of the Subcommittee on Government Operations, to give the director of this office the authority to retain expert consultants on a contract basis, but regular employees shall be selected, hired and serve under Civil Service procedures. The appropriation was increased from \$250,000.00 to \$500,000.00.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2339

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STATE OF NEW JERSEY

DATED: JULY 9, 1986

The Senate Institutions, Health and Welfare Committee reports favorably Assembly Bill No. 2339 OCR.

This bill establishes the Office for Prevention of Mental Retardation and Developmental Disabilities in, but not of, the Department of Human Services and includes a \$500,000.00 appropriation to enable the office to carry out its responsibilities.

As outlined in the bill, these responsibilities include, but are not limited to:

(1) Developing a long-range comprehensive plan for the prevention of mental retardation and developmental disabilities;

(2) Encouraging cooperative programs of research among State governmental departments and agencies, universities and private agencies;

(3) Developing public information campaigns about the causes of developmental disabilities and the means for preventing developmental disabilities;

(4) Coordinating public education programs about the causes and prevention of developmental disabilities and determining professional in-service training needs in these areas;

(5) Stimulating expanded and new services for the prevention of developmental disabilities; and

(6) Making recommendations to the Governor and the Legislature regarding any needed executive or legislative action.

The bill also provides that the Governor's Council on the Prevention of Mental Retardation created by Executive Order No. 72 (signed May 24, 1984) shall serve as an advisory council to the Commissioner of Human Services and the Office for Prevention of Mental Retardation and Developmental Disabilities. The bill also establishes an 11-member executive committee of the Governor's Council with full power to act in lieu of the full council. The director of the office and the executive council are required to report annually to the Governor and the Legislature on the status of prevention programs.

This bill implements a major recommendation of the Governor's Council on the Prevention of Mental Retardation in its 1985 report to the Governor on "Programs for Preventing the Causes of Mental Retardation." That report called for the creation of an office for prevention programs that would promote coordination of services by offering information and technical assistance, encourage new and expanded programs, and develop a long-range comprehensive plan for the prevention of mental retardation and other developmental disabilities.

This bill is identical to Senate Bill No. 2331 Sea which was also reported favorably by the committee.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2339

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1986

The Senate Revenue, Finance and Appropriations Committee reported this bill favorably, with amendments.

Assembly Bill No. 2339, as amended, establishes the Office for Prevention of Mental Retardation and Development Disabilities in the Department of Human Services, and further provides for the establishment of an 11 member Executive Committee of the Governor's Council on the Prevention of Mental Retardation.

The Office for the Prevention of Mental Retardation and Developmental Disabilities is charged with, but not limited to the responsibility for:

a. Developing a long-range comprehensive plan for the prevention of mental retardation and developmental disabilities in accordance with the priorities established by the Governor's Council on the Prevention of Mental Retardation;

b. Encouraging cooperative programs of research among State governmental departments and agencies, universities and private agencies;

c. Developing public information campaigns about the causes of developmental disabilities and the means for preventing developmental disabilities;

d. Coordinating public education programs about the causes and prevention of developmental disabilities and determining professional in-service training needs in these areas;

e. Stimulating expanded and new services for the prevention of developmental disabilities; and

f. Making recommendations to the Commissioner of Human Services regarding any needed executive or legislative action.

The office is to be administered by a director appointed by, and serving at the pleasure of the Commission of the Department of Human Services after consultation with the Governor's Council on the Prevention of Mental Retardation. The director is to serve in

a full-time capacity and receive a salary commensurate with the responsibilities of the office. The director is authorized to appoint, retain or employ officers, experts or consultants on a contract basis or otherwise, and may employ investigators or other professionally qualified personnel.

The Governor's Council on the Prevention of Mental Retardation is to serve as an advisory council to the Commissioner of the Department of Human Services, and to the Office for Prevention of Mental Retardation and Development Disabilities. The Council is required to establish an 11 member Executive Committee, to be chaired by one of the four voting cabinet members of the executive committee upon election by the Governor's council, and this Executive Committee shall have full power to act in lieu of the full council.

COMMITTEE AMENDMENTS:

The committee amended the bill to reduce the appropriation from \$500,000.00 to \$400,000.00.

FISCAL IMPACT:

The bill provides for an appropriation of \$400,000 from the General Fund to carry out the purposes of the act.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact:

CARL GOLDEN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: FRI., JAN. 16, 1987

PRESS ADVISORY

Governor Thomas H. Kean will hold a public bill signing in his outer office on Tuesday, January 20, 1987, at 1:00 p.m. The Governor will sign A-2339, which appropriates \$400,000 from the General Fund to establish an Office for Prevention of Mental Retardation and Developmental Disabilities within the Department of Human Services.

A-2339, was sponsored by Assemblyman Rodney Frelinghuysen, R-Morris and in the Senate by C. Louis Bassano, R-Union. (On 12/15/86 A-2339 was substituted for S-2331 ScaSca (Bassano.)

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: TUES., JAN. 20, 1987

Stating that, "we aim to make preventing mental retardation one of our top priorities," Governor Thomas H. Kean today signed legislation establishing the Office for Prevention of Mental Retardation and Development Disabilities in the Department of Human Services.

At the public signing in his outer office, Governor Kean pointed out that, "we know that fully one half of the severely retarded cases in our mental institutions could have been avoided."

"We already know that steps can be taken to prevent mental retardation before it touches a life," Governor Kean continued, "and this new office will allow us to help thousands of New Jerseyans to be born healthy and untouched by developmental disabilities."

The legislation, A-2339, was sponsored by Assemblymen Rodney Frelinghuysen, R-Morris, Harold Colburn, R-Burlington and Senator C. Louis Bassano, R-Union. Governor Kean thanked the sponsors for their work in establishing the Office and the appropriation of \$400,000 to commence its work.

The establishment of the Office came as a result of the recommendations of the Governor's Council on the Prevention of Mental Retardation which was created by Executive Order in 1984.

Governor Kean praised the work of his wife Debby who served as Honorary Chairman of the Governor's Council.

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Among the responsibilities of the new office are; the development of a comprehensive long-range plan for the prevention of mental retardation and developmental disabilities, the encouragement of cooperative research programs among State agencies, universities and private agencies, the development of public information campaigns about the causes of and means for preventing developmental disabilities and the stimulation of expanded and new services for prevention.

The legislation also calls for the 25 member Governor's Council on the Prevention of Mental Retardation to be made a permanent advisory body to the Commissioner of Human Services and the new Office of Prevention.

Governor Kean called for the creation of the Office of Prevention in his 1986 Annual Message.

The legislation is effective immediately.

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