

30:1-7.3

LEGISLATIVE HISTORY CHECKLIST  
Compiled by the NJ State Law Library,

(State Human Service facilities--closure)

NJSA: 30:1-7.3 et al

LAWS OF: 1996 CHAPTER: 150

BILL NO: A969

SPONSOR(S): Asselta and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Community Services  
SENATE: ---

AMENDED DURING PASSAGE: Yes Re-enacted 11-14-96  
Second reprint enacted Re-enacted 12-16-96

DATE OF PASSAGE: ASSEMBLY: May 6, 1996  
SENATE: June 13, 1996

DATE OF APPROVAL: December 23, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

DO NOT WRITE IN THESE SPACES

[Second Reprint]  
ASSEMBLY, No. 969

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ASSELTA, GIBSON,  
Assemblywomen Wright, Weinberg and Assemblyman Corodemus

1 AN ACT concerning the operation of certain State facilities and  
2 supplementing Title 30 of the Revised Statutes and Title 38A of the  
3 New Jersey Statutes.

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

7  
8 1. As used in sections 1 and 2 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill):

10 "Commissioner" means the Commissioner of Human Services.

11 "Facility" means a State psychiatric hospital or a State  
12 developmental center listed in R.S.30:1-7.

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

29 b. <sup>2</sup>**[**If the commissioner seeks to close or reduce the number of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ACO committee amendments adopted February 15, 1996.

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

1 patients or residents residing in a facility, or privatize any services,  
2 functions or units of the facility, he] Pursuant to subsection a. of this  
3 section, the commissioner<sup>2</sup> shall conduct at least <sup>2</sup>[three]one<sup>2</sup> public  
4 <sup>2</sup>[hearings, one each in the northern, central and southern regions of  
5 the State, at least one of] hearing<sup>2</sup> which shall be held in the  
6 <sup>2</sup>[county] region<sup>2</sup> in which the facility is located, <sup>2</sup>or a central  
7 location designated by the commissioner if more than one facility is  
8 affected by the decision.<sup>2</sup> to provide an opportunity for the public to  
9 submit testimony on the proposed closing<sup>2</sup>[, reduction]<sup>2</sup> or  
10 privatization. <sup>2</sup>[ At least 30 days shall be required to elapse between  
11 the date of each hearing. A notice of the public hearings shall be  
12 published in at least two newspapers generally circulated in the region  
13 in which each hearing is to be held. The notice shall be published at  
14 least twice on two different days no later than one week, but no  
15 sooner than three weeks, before the date of each hearing] The hearing  
16 shall be conducted at least 45 days in advance of a facility closure, or  
17 at least 30 days prior to the issuance of a Request for Proposal. For  
18 a facility closure, the public hearing shall be held within 15 days of  
19 publication of a Notice of Intent to close a facility by the commissioner  
20 in accordance with subsection c. of this section<sup>2</sup>. The commissioner  
21 shall select a publicly convenient location for the hearing and shall give  
22 all persons the opportunity to testify in person or to submit written  
23 testimony. <sup>2</sup>[The commissioner shall compile a report of the  
24 testimony received at the hearings for submission to the Governor and  
25 the Legislature.]<sup>2</sup>

26 c. <sup>2</sup>[The commissioner shall have an independent public or private  
27 agency or organization prepare a report on the impact of the proposed  
28 closing, reduction or privatization of a facility. This report shall be  
29 prepared after the public hearings required in subsection b. of this  
30 section have been completed. The report shall include an evaluation  
31 of the reasons for the closing, reduction or privatization, its impact on  
32 the patients or residents, its effect on the persons employed at the  
33 facility, and its impact on the community in which the facility is  
34 located and the communities in which the patients or residents will be  
35 placed. The report shall also include a section of evaluation and  
36 comment on the testimony received during the public hearings] The  
37 Notice of Intent to close a facility pursuant to subsection b. of this  
38 section shall be mailed, telephoned, telegrammed or hand delivered to  
39 at least two newspapers for publication, at least one of which shall be  
40 within the geographic boundaries of the county where the facility is  
41 located. Failure to comply with the requirements of this subsection  
42 shall not invalidate or delay any facility closure<sup>2</sup>.

43 d. <sup>2</sup>[In addition, the commissioner shall have an independent public  
44 or private agency or organization prepare a report on the impact of  
45 patients or residents who were previously discharged from facilities

1 during the two-year period preceding a decision by the commissioner  
 2 to close, reduce or privatize a facility. This report shall also be  
 3 prepared after the public hearings required in subsection b. of this  
 4 section have been completed] The commissioner shall prepare a report  
 5 setting forth a fiscal impact analysis, policy rationale and summary of  
 6 the testimony received at any hearing held pursuant to this section.  
 7 This report shall be submitted to the chairmen of the Joint Budget  
 8 Oversight Committee within five days of the issuance of a Notice of  
 9 Intent to Award or within 30 days following the last scheduled public  
 10 hearing for a facility closure<sup>2</sup>.

11

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

14 "Commissioner" means the Commissioner of Corrections.

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

17

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

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

1 later than one week, but no sooner than three weeks, before the date  
 2 of each hearing] The hearing shall be conducted at least 45 days in  
 3 advance of a facility closure, or at least 30 days prior to the issuance  
 4 of a Request for Proposal. For a facility closure, the public hearing  
 5 shall be held within 15 days of publication of a Notice of Intent to  
 6 close a facility by the commissioner in accordance with subsection c.  
 7 of this section<sup>2</sup>. The commissioner shall select a publicly convenient  
 8 location for the hearing and shall give all persons the opportunity to  
 9 testify in person or to submit written testimony. <sup>2</sup>[The commissioner  
 10 shall compile a report of the testimony received at the hearings for  
 11 submission to the Governor and the Legislature.]<sup>2</sup>

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

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

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

37 "Adjutant General" means the Adjutant General of the Department  
 38 of Military and Veterans' Affairs.

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

41  
 42 6. a. <sup>2</sup>[The Adjutant General shall not implement a decision to:  
 43 temporarily remove <sup>1</sup>, except in the case of an emergency condition.<sup>1</sup>  
 44 all patients or residents residing in a facility; permanently remove all  
 45 patients or residents residing in a facility and close the facility; reduce  
 46 the number of patients or residents residing in a facility below two

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

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

37 c. <sup>2</sup>[The Adjutant General shall have an independent public or  
38 private agency or organization prepare a report on the impact of the  
39 proposed closing, reduction or privatization of a facility. This report  
40 shall be prepared after the public hearings required in subsection b. of  
41 this section have been completed. The report shall include an  
42 evaluation of the reasons for the closing, reduction or privatization, its  
43 effect on the persons employed at the facility, and its impact on the  
44 community in which the facility is located. The report shall also  
45 include a section of evaluation and comment on the testimony received

1 during the public hearings] The Notice of Intent to close a facility  
2 pursuant to subsection b. of this section shall be mailed, telephoned,  
3 telegrammed or hand delivered to at least two newspapers for  
4 publication, at least one of which shall be within the geographic  
5 boundaries of the county where the facility is located. Failure to  
6 comply with the requirements of this subsection shall not invalidate or  
7 delay any facility closure<sup>2</sup>.

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

15

16 7. This act shall take effect immediately <sup>2</sup>[and be retroactive to  
17 January 1, 1995]<sup>2</sup>.

18

19

20

21

22 \_\_\_\_\_  
Requires public hearing and report prior to closing

1 at the hearings for submission to the Governor and the Legislature.  
2 c. The Adjutant General shall have an independent public or private  
3 agency or organization prepare a report on the impact of the proposed  
4 closing, reduction or privatization of a facility. This report shall be  
5 prepared after the public hearings required in subsection b. of this  
6 section have been completed. The report shall include an evaluation  
7 of the reasons for the closing, reduction or privatization, its effect on  
8 the persons employed at the facility, and its impact on the community  
9 in which the facility is located. The report shall also include a section  
10 of evaluation and comment on the testimony received during the public  
11 hearings.

12

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

15

16

17

#### STATEMENT

18

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

26 The bill requires each of the respective departments to:

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

32 • give all persons the opportunity to testify in person or to submit  
33 written testimony;

34 • compile a report of the testimony received at the hearings for  
35 submission to the Governor and the Legislature; and

36 • have an independent public or private agency or organization  
37 prepare a report on the impact of the proposed closing, reduction or  
38 privatization of the facility.

39 The bill would take effect immediately and be retroactive to  
40 January 1, 1995.

41

42

43

44

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



# ASSEMBLY COMMUNITY SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 969**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 15, 1996

The Assembly Community Services Committee reports favorably Assembly Bill No. 969 with committee amendments.

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

The bill requires each of the respective departments to:

- provide public notice and obtain public input through a minimum of three public hearings Statewide before implementing a decision to close, reduce or privatize a facility, at least one of which shall be held in the county in which the facility is located, with at least 30 days between the date of each hearing;
- give all persons the opportunity to testify in person or to submit written testimony;
- compile a report of the testimony received at the hearings for submission to the Governor and the Legislature; and
- have an independent public or private agency or organization prepare a report on the impact of the proposed closing, reduction or privatization of the facility.

The committee amendments add language which permits the temporary removal of patients or residents residing in a State psychiatric hospital, a State developmental center, a State correctional institution or facility, or a veterans' facility, in the case of an emergency condition.

This bill was prefiled for introduction in the 1996-1997 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

September 16, 1996

ASSEMBLY BILL NO. 969  
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 969 (First Reprint) with my recommendations for reconsideration.

A. Summary of the Bill

This bill establishes procedures with which the Departments of Human Services (DHS), Corrections (DOC) and Military and Veterans' Affairs (DMAVA) must comply prior to implementing a decision to close or privatize a facility, or to temporarily remove all persons or patients residing in certain State facilities, except in the case of an emergency condition. The bill requires the affected departments to hold a minimum of three public hearings, at least 30 days apart, regarding the proposed action, compile a report of the testimony received at the hearings, and commission an independent report analyzing the impact of the proposed closing, reduction or privatization after the public hearings have been completed. These requirements are retroactive to January 1, 1995.

B. Recommended Action

While the intent of this legislation -- to provide a public forum and adequate notice to those individuals who will be affected by a facility closure or privatization initiative -- is laudable, the bill's requirements are overly rigid and impose requirements which fail to effectively advance the bill's primary purposes. Indeed, this Administration has continually sought to achieve these goals by providing notice and a meaningful opportunity for public comment prior to the closing or

privatization of any State facility through an informal hearing process. I do acknowledge, however, that there is merit to providing a mandatory and uniform process to ensure consistency and accountability with regard to certain departmental actions. The proper approach will afford the public notice and an opportunity for comment, without frustrating the prerogative of the Executive Branch to respond to exigencies and to effectively and efficiently administer and operate the facilities under its control.

I believe that an appropriate balance is achieved by requiring DHS, DOC and DMAVA to conduct at least one regional or centrally located public hearing prior to implementing a decision to privatize or close a facility. For a facility closure, the hearing must be held a minimum of 45 days in advance of the actual closure. This hearing requirement will be triggered by the publication by the affected department of a Notice of Intent to close a facility; the hearing must occur within 15 days of publication. With regard to privatization initiatives, the hearing shall be conducted at least 30 days prior to issuance of a Request for Proposal. This notice and hearing requirement would apply to any privatization action or facility closure under the auspices of the designated departments which would result in the aggregate elimination of 100 or more non-vacant, full-time positions at the existing facility or facilities affected by the decision. except in the case of an emergency condition. This threshold balances the sound public policy supporting hearings in cases of large-scale closures with the recognition that such a requirement would be superfluous and potentially obstructionist if applied to all institutional reconfigurations. This approach

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
3

preserves the ability of the departments to respond to emergency circumstances not contemplated by this bill and provides the Executive Branch with flexibility to continue to explore efforts to streamline, consolidate and improve existing State facility services and functions. Also, by eliminating references to a reduction in the number of patients or residents at a facility and creating one uniform standard, it will obviate any potential difficulties or administrative burdens associated with having to define and track "capacity" at certain facilities.

Additionally, in order to avoid potentially duplicative and costly reporting requirements, I recommend that for those efforts requiring a public hearing, the departments be required to prepare a single report setting forth a fiscal impact analysis, policy rationale and summary of the testimony received at the public hearing held pursuant to this bill. This report shall be submitted to the chairmen of the Joint Budget Oversight Committee within 5 days of the issuance of a Notice of Intent to Award for privatization initiatives, or within 30 days following the last scheduled public hearing for a facility closure.

I further recommend that the retroactivity provision of the bill be deleted; the requirements set forth in the bill shall not apply to any facility where a department has already made a decision to close a facility or privatize any service, function or unit of a facility. I have been advised that the retroactivity provision would nullify privatization actions for which contracts have been previously awarded and implemented, negating any possible benefit which could be derived from additional hearings or reports.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
4

Therefore, I herewith return Assembly Bill No. 969 (First Reprint) and recommend that it be amended as follows:

Page 1, Section 2, Lines 14-21: After "a." delete in their entirety and insert "Except in the case of an emergency condition, the commissioner shall not implement a decision to close an existing facility or to privatize any services, functions or units of an existing facility, if the commissioner finds that the decision shall result in the abolition of 100 or more non-vacant, full-time positions in the career service at the existing facility or facilities affected by the decision, unless the commissioner has complied with the procedures set forth in this section."

Page 1, Section 2, Lines 22-23: After "b." delete in their entirety

Page 1, Section 2, Line 24: Delete "functions or units of the facility, he" and insert "Pursuant to subsection a. of this section, the commissioner"; delete "three" and insert "one"; after "public" insert "hearing"

Page 1, Section 2, Line 25: Delete in its entirety

Page 1, Section 2, Line 26: Delete "State, at least one of"; delete "county" and insert "region"

Page 1, Section 2, Line 27: After "located," insert "or a central location designated by the commissioner if more than one facility is affected by the decision,"

Page 1, Section 2, Line 28: Delete "reduction"; after "insert "The hearing shall be conducted at least 45 days in advance of a facility closure, or at least 30 days prior to the issuance of a Request for Proposal."; delete "At least" and insert "For a facility closure, the public hearing shall be held within 15 days of publication"

of a Notice of Intent to close a facility by the commissioner in accordance with subsection c. of this section."

- Page 1, Section 2, Lines 29-31: Delete in their entirety
- Page 2, Section 2, Lines 1-2: Delete in their entirety
- Page 2, Section 2, Line 3: Delete "before the date of each hearing."
- Page 2, Section 2, Lines 6-7: Delete in their entirety
- Page 2, Section 2, Lines 8-18: After "c." delete in their entirety and insert "The Notice of Intent to close a facility pursuant to subsection b. of this section shall be mailed, telephoned, telegraphed or hand delivered to at least two newspapers for publication, at least one of which shall be within the geographic boundaries of the county where the facility is located. Failure to comply with the requirements of this subsection shall not invalidate or delay any facility closure."
- Page 2, Section 2, Lines 19-25: After "d." delete in their entirety and insert "The commissioner shall prepare a report setting forth a fiscal impact analysis, policy rationale and summary of the testimony received at any hearing held pursuant to this section. This report shall be submitted to the chairmen of the Joint Budget Oversight Committee within five days of the issuance of a Notice of Intent to Award or within 20 days following the last scheduled public hearing for a facility closure."
- Page 2, Section 4, Lines 33-40: After "a." delete in their entirety and insert "Except in the case of an emergency condition, the commissioner shall not implement a decision to close an existing facility or to privatize any services, functions or units of an existing facility, if the

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
6

commissioner finds that the decision shall result in the abolition of 100 or more non-vacant, full-time positions in the career service at the existing facility or facilities affected by the decision, unless the commissioner has complied with the procedures set forth in this section."

Page 2, Section 4, Lines 41-42:

After "b." delete in their entirety

Page 2, Section 4, Line 43:

Delete "units of the facility, he" and insert "Pursuant to subsection a. of this section, the commissioner"; delete "three" and insert "one"; delete "hearings, one" and insert "hearing"

Page 2, Section 4, Line 44:

Delete in its entirety

Page 2, Section 4, Line 45:

Delete "one of"; delete "county" and insert "region"; after "located," insert "or a central location designated by the commissioner if more than one facility is affected by the decision,"

Page 3, Section 4, Line 1:

Delete ", reduction"; after "privatization." insert "The hearing shall be conducted at least 45 days in advance of a facility closure, or at least 30 days prior to the issuance of a Request for Proposal."; delete "At least 30 days shall be" and insert "For a facility closure, the public hearing shall be held within 15 days of publication of a Notice of Intent to close a facility by the commissioner in accordance with subsection c. of this section."

Page 3, Section 4, Lines 2-6:

Delete in their entirety

Page 3, Section 4, Lines 9-11:

After "testimony." delete in their entirety

Page 3, Section 4, Lines 12-21:

After "c." delete in their entirety and insert "The Notice of Intent to close a facility pursuant to

subsection b. of this section shall be mailed, telephoned, telegraphed or hand delivered to at least two newspapers for publication, at least one of which shall be within the geographic boundaries of the county where the facility is located. Failure to comply with the requirements of this subsection shall not invalidate or delay any facility closure."

Insert new subsection:

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

Page 3, Section 6, Lines 30-37:

After "a." delete in their entirety and insert "Except in the case of an emergency condition, the Adjutant General shall not implement a decision to close an existing facility or to privatize any services, functions or units of an existing facility, if the Adjutant General finds that the decision shall result in the abolition of 100 or more non-vacant, full-time positions in the career service at the existing facility or facilities affected by the decision, unless the Adjutant General has approved such decision in accordance with the procedures set forth in this section."

Page 3, Section 6, Lines 38-39:

After "b." delete in their entirety

Page 3, Section 6, Line 40:

Delete "functions or units of the facility, he" and insert "Pursuant to subsection a. of



this section, the Adjutant General"; delete "three" and insert "one"; after "public" insert "hearing"

Page 3, Section 6, Line 41:

Delete in its entirety

Page 3, Section 6, Line 42:

Delete "State, at least one of"; delete "county" and insert "region"

Page 3, Section 6, Line 43:

After "located," insert "or a central location designated by the Adjutant General if more than one facility is affected by the decision,"

Page 3, Section 6, Line 44:

Delete ", reduction"; after "privatization." insert "The hearing shall be conducted at least 45 days in advance of a facility closure, or at least 30 days prior to the issuance of a Request for Proposal."; delete "At least" and insert "For a facility closure, the public hearing shall be held within 15 days of publication of a Notice of Intent to close a facility by the Adjutant General in accordance with subsection c. of this section."

Page 3, Section 6, Lines 45-46:

Delete in their entirety

Page 4, Section 6, Lines 1-3:

Delete in their entirety

Page 4, Section 6, Line 4:

Delete "before the date of each hearing."

Page 4, Section 6, Lines 7-8:

Delete in their entirety

Page 4, Section 6, Lines 9-18:

After "c." delete in their entirety and insert "The Notice of Intent to close a facility pursuant to subsection b. of this section shall be mailed, telephoned, or delivered to at least two newspapers for publication, at least one of which shall be within the geographic boundaries of the county where the facility is located. Failure to comply with the requirements of this subsection shall not

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
9

invalidate or delay any  
facility closure."

Insert new subsection:

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

Page 4, Section 7, Lines 20-21:

Delete "and be retroactive to  
January 1, 1995"

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor