

Carey veto expected on separate agency for retarded

By PETER HARRIGAN,
Advance Staff Writer

ALBANY — Gov. Carey today was reported prepared to veto legislation which would create a new state agency to assume the Department of Mental Hygiene's role in caring for the mentally retarded.

The governor, who last week made public his own proposal to improve care for the retarded and persons with other developmental disabilities, said yesterday that he had not yet decided what action to take on the Legislature's bill to set up a new Executive Office for Mental Retardation.

But administration sources indicated yesterday that a message vetoing the bill has already been prepared and would be made public today. If the governor does not set on the bill by midnight tonight, it will be automatically vetoed.

Carey's proposal differs from the Legislature's bill in a number of key areas, with the principal difference being that the governor's plan would leave responsibility for the retarded under the Department of Mental Hygiene.

Under the measure approved by the Senate and Assembly, however, the department would be stripped of its role in caring for the retarded and persons with other disabilities. Such functions would then be transferred to the new

agency, which would be responsible directly to the governor.

Lawmakers who supported the Legislature's bill, sponsored by Assembly Speaker Stanley Steingut, D-Brooklyn, and Deputy Senate Majority Leader William T. Conklin, R-Brooklyn, have criticized the governor's plan as doing nothing to insure the independent administration of programs for the retarded.

Similar comments have also been voiced by organizations representing the retarded and those with disabilities such as cerebral palsy.

The Legislature's proposal has been criticized by Dr. Lawrence C. Kolb, Carey's nominee to head the Department of Mental Hygiene, and by the governor.

At a press conference last month, Carey hinted he might veto the pending legislation because he believes the mental hygiene agency, rather than his office, could best deal with the needs of the retarded.

The governor, asked after a bill signed ceremony yesterday whether he has decided what action to take on the mental hygiene legislation, said: "We have not made a judgment on that bill."

He added that he believes his proposal is superior to the bill approved by the Legislature, since it would provide for the appointment of an ombudsman with powers to investigate complaints made on be-

half of the retarded or those with other disabilities.

Carey was also asked about a series of copyrighted articles in an Albany newspaper detailing conditions at the Willowbrook Developmental Center.

"It's not anything that I did not see myself when I went to Willowbrook to inspect it before the consent decree," he said in reference to the action last month in which the state agreed to improve conditions at the Staten Island institution.

"We see the results in these articles that we must make sure are ended as soon as possible and not happen again," Carey added.

In an related development, the Senate Finance Committee was expected today to delay for the second consecutive week consideration of Kolb's nomination.

A hearing scheduled for last Tuesday was delayed at the request of Conklin, who contended it would be pointless to question Kolb without first knowing whether his agency would be responsible for the care of the retarded.

A spokesman for Committee Chairman John J. Marchi of Staten Island said yesterday that Kolb's confirmation hearing would likely be put off until next week, pending Carey's action on the mental hygiene bill.