

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

State health and social welfare institutions.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

A BILL

for

1 AN ACT relating to the administration of government;
2 providing for a study of the state's health and social
3 welfare institutions; creating a select legislative
4 committee on state institutions; creating a governor's
5 planning committee on state institutions; prescribing
6 duties of the committees; requiring reports; authorizing
7 temporary positions; providing appropriations; providing
8 for a delayed repeal date; and providing for an effective
9 date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.**

1

2 (a) There is created the select committee on state
3 institutions consisting of the following members:

4

5 (i) Four (4) members of the Wyoming senate
6 appointed by the president of the senate and six (6)
7 members of the Wyoming house of representatives appointed
8 by the speaker of the house of representatives, subject to
9 the following:

10

11 (A) The president and the speaker shall
12 coordinate their appointments to include in the membership
13 of the select committee, to the extent feasible, current or
14 former members of the joint appropriations committee, the
15 joint judiciary interim committee, the joint labor, health
16 and social services interim committee, the select committee
17 to study developmental programs and the select committee on
18 mental health and substance abuse services;

19

20 (B) The president and the speaker shall
21 each designate a cochairman unless they jointly designate a
22 chairman.

23

1 (b) The select committee shall have the power to
2 introduce legislation, to make recommendations to the
3 governor and the legislature and to make the reports
4 required by this act and any related reports deemed useful
5 by the committee.

6

7 (c) There is created a governor's planning committee
8 on state institutions consisting of the following members:

9

10 (i) The directors of the departments of health
11 and family services;

12

13 (ii) Three (3) persons appointed by the governor
14 who may be either state employees or private citizens and
15 who shall serve at the pleasure of the governor. Private
16 citizen appointees shall be compensated for their service
17 on the committee in the same amount as legislators;

18

19 (iii) A chairman designated by the governor from
20 among the persons appointed pursuant to paragraphs (i) and
21 (ii) of this subsection.

22

1 (d) The governor's planning committee on state
2 institutions shall have the power to make recommendations
3 to the governor and the legislature and, with the consent
4 of the governor, to recommend legislation to the
5 legislature. The planning committee may submit a
6 concurrence, dissent or supplement to the reports made by
7 the select committee on state institutions and may make
8 such additional relevant reports as the planning committee
9 deems appropriate, including advice to the governor on
10 personnel issues at the institutions.

11

12 (e) The select committee on state institutions and
13 governor's planning committee on state institutions shall
14 ordinarily meet jointly, but each committee shall have the
15 power to meet separately. When meeting jointly, the
16 committees shall be known as the joint legislative-
17 executive committee on state institutions, with the
18 appointed chairmen serving as cochairmen.

19

20 (f) The joint legislative-executive committee on
21 state institutions shall have the power to consider and
22 make recommendations to the governor on staffing levels and
23 utilization in the state institutions.

1

2

Section 2.

3

4 (a) The joint legislative-executive committee on
5 state institutions shall conduct a study of the facilities
6 and functions of the Wyoming state hospital, the Wyoming
7 state training school, the Wyoming pioneer home, the
8 Wyoming retirement center, the Wyoming boys' school, the
9 Wyoming girls' school and the veterans' home of Wyoming,
10 subject to the following:

11

12 (i) The committee shall develop a long term
13 strategy for serving institutional needs of populations
14 covered by the study, including consideration of the
15 capacity and ability of existing and future private
16 facilities to serve the institutional needs of populations
17 covered by the study, privatization of services, provision
18 of services in home or community based settings and
19 provision of services in a state institution;

20

21 (ii) The committee shall develop a long term
22 strategy for the utilization of the institutions' physical
23 facilities;

1

2 (iii) The committee shall develop a long term
3 capital plan to ensure the institutions are capable of
4 implementing the recommended strategy. The capital plan
5 shall provide for the retention, renovation as necessary
6 and new construction of facilities needed to implement the
7 recommended strategy. The capital plan shall also provide
8 for the sale, demolition, decommissioning or conversion to
9 other uses of the institutions' physical facilities not
10 needed to implement the recommended strategies;

11

12 (iv) W.S. 9-5-107 and 9-5-108 shall not apply to
13 the study authorized by this act nor to any recommendations
14 made pursuant to this act by the joint legislative-
15 executive committee on state institutions.

16

17 (b) The study shall include the following components:

18

19 (i) Identification of special populations for
20 which the state has a responsibility and for whom
21 institutional care may be appropriate for at least some of
22 the population some of the time, including but not limited
23 to:

1

2 (A) Persons with severe and persistent
3 mental illness who are adults, children, adolescents or
4 persons needing nursing home care due to aging or
5 progressive degenerative illness;

6

7 (B) Persons found not guilty of a crime due
8 to mental illness or deficiency without responsibility and
9 subject to disposition pursuant to W.S. 7-11-306(c) or (d);

10

11 (C) Persons, including persons accused of a
12 crime, who are temporarily placed in the custody of the
13 state for purposes of a psychiatric examination;

14

15 (D) Persons with a developmental
16 disability, including children or adults with a severe
17 disability, adults whose family care givers are no longer
18 available to care for the person with a disability and
19 geriatric persons with a disability who need assisted
20 living or nursing home services;

21

22 (E) Children adjudicated delinquent or in
23 need of supervision;

1

2

(F) Persons who are incarcerated felons and
in need of nursing home care;

4

5

(G) Persons with acquired brain injuries;

6

7

(H) Persons eligible for placement in the
Wyoming pioneer home;

9

10

(J) Veterans eligible for placement in the
veterans' home of Wyoming or a nursing home;

12

13

(K) Persons who are in need of nursing home
care but who have conditions such that private nursing
homes are unable or unwilling to care for them;

16

17

(M) Persons with Alzheimer's disease or
functionally similar senile dementia;

19

20

(N) Persons with a long term contagious
disease and needing special isolation and quarantine
facilities not available in hospitals;

23

1 (0) Other special populations the joint
2 committee may identify, not including those persons in need
3 of general health care or incarcerated persons who are not
4 otherwise described in this paragraph.

5

6 (ii) For each special population identified in
7 paragraph (i) of this subsection, the joint committee shall
8 identify the degree to which institutional placement is
9 needed, the projected size of the population in need of
10 institutional placement, the special characteristics of the
11 institution needed to serve the population, necessary or
12 recommended limitations on commingling with other
13 populations and a summary of current services to the
14 population, including the capacity and ability of existing
15 private facilities to serve the institutional needs of
16 populations covered by the study;

17

18 (iii) A physical inventory of the facilities
19 available at the institutions, including:

20

21 (A) The current uses of each facility;

22

1 (B) Currently known information about the
2 physical condition of each facility and known defects or
3 problems;

4

5 (C) Special features which make a facility
6 useful for a particular population;

7

8 (D) Known limitations on the facility which
9 render it inappropriate for use by a particular population.

10

11 (iv) A compilation and summary of recent studies
12 conducted by the state on the institutions and services to
13 the special populations identified in the study;

14

15 (v) A recommended strategy for serving the
16 special populations identified with emphasis on the more
17 acutely affected populations for whom institutional care is
18 appropriate, including a strategy for the most appropriate
19 use of the inventoried facilities. In developing the
20 strategy, consideration shall be given to:

21

1 (A) Privatization or continuation of the
2 private delivery of services for the populations
3 identified;

4

5 (B) Home or community placement in public,
6 private for profit or private nonprofit facilities;

7

8 (C) The historical and expected
9 difficulties in obtaining adequate professional and
10 paraprofessional staff in some communities;

11

12 (D) The cost effectiveness of various
13 strategies and the cost to the state of various
14 institutional strategies;

15

16 (E) The possible capital cost to the state
17 of various strategies for use of institutional facilities;

18

19 (F) The availability of family and
20 community support services and the overall quality of life
21 for members of the identified populations under various
22 service options;

23

1 (G) The safety of members of the identified
2 populations under various service options;

3

4 (H) Other factors which the joint committee
5 deems relevant.

6

7 (c) In conducting the study required by this act, the
8 joint committee shall:

9

10 (i) Before July 31, 2011, visit each of the
11 institutions identified in subsection 2(a) of this act,
12 conduct a public hearing at each institution and conduct at
13 least two (2) other public hearings in other locations
14 within the state;

15

16 (ii) Notwithstanding subsection 1(d) of this
17 act, make a preliminary report to the governor and the
18 legislature by November 30, 2010 on the joint committee's
19 activities with recommendations for immediate legislation,
20 if any;

21

1 (iii) Make a final report to the governor and
2 the legislature by August 1, 2011 concerning paragraphs
3 (b)(i), (iii) and (iv) of this section;

4
5 (iv) Make a preliminary report by November 1,
6 2011 on the overall strategy for serving the identified
7 populations;

8
9 (v) Make a report to the governor and the joint
10 appropriations committee by November 1, 2011 to include any
11 recommendations for appropriations in the 2012-2013
12 biennial budget for facility construction and remodeling
13 studies to meet the recommended service strategies. The
14 report shall also include recommendations for the sale,
15 demolition, decommissioning or conversion of facilities not
16 needed to meet the recommended service strategies.

17
18 (d) The select committee on state institutions shall
19 sponsor legislation making any statutory changes in the
20 missions of the institutions it determines is needed to
21 implement preliminary strategies identified by the joint
22 legislative-executive committee on state institutions.

23

1 (e) Notwithstanding W.S. 9-5-107 and 9-5-108, the
2 select committee on state institutions by December 1, 2012
3 shall recommend a final strategy for the state institutions
4 and, if possible, a timetable for capital construction to
5 meet identified needs. The select committee shall have the
6 power to sponsor legislation in the 2013 general session
7 even if the president of the senate and the speaker of the
8 house of representatives abolish the select committee by
9 failing to appoint or reappoint members to the select
10 committee from the legislature commencing in January, 2013.

11

12 (f) The select committee on state institutions shall
13 expire with the end of the term of the 61st Wyoming
14 legislature, unless the president of the senate and the
15 speaker of the house of representatives extend the term of
16 the committee until March 31, 2014 by appointing members to
17 the committee during or within thirty (30) days of the end
18 of the 2013 general session.

19

20 (g) The governor's planning committee on state
21 institutions shall expire on January 11, 2013 unless the
22 select committee on state institutions is extended and the
23 governor chooses to appoint members to the planning

1 committee, in which case the planning committee shall
2 expire on March 31, 2014.

3

4 **Section 3.**

5

6 (a) The legislative service office is authorized
7 three (3) additional full-time temporary positions for the
8 purposes of this act. The positions shall expire June 30,
9 2014. The positions shall include a project director and
10 two (2) assistants. The project director shall serve as
11 executive secretary for both the select committee on state
12 institutions and the governor's planning committee on state
13 institutions, except that the governor may designate a
14 separate executive secretary for the governor's planning
15 committee.

16

17 (b) The governor may temporarily assign other
18 executive branch employees to assist in the work of the
19 joint legislative-executive committee on state institutions
20 under the supervision of the project director.

21

22 **Section 4.**

23

1 (a) There is appropriated six hundred fifty thousand
2 dollars (\$650,000.00) from the general fund to the
3 legislative service office. This appropriation shall be
4 for the period beginning with the effective date of this
5 act and ending June 30, 2014. This appropriation shall
6 only be expended for the purpose of the operations of the
7 select committee on state institutions. Notwithstanding
8 any other provision of law, this appropriation shall not be
9 transferred or expended for any other purpose and any
10 unexpended, unobligated funds remaining from this
11 appropriation shall revert as provided by law on July 1,
12 2014. This appropriation shall not be included in the
13 legislative service office's 2013-2014 biennial budget
14 request.

15

16 (b) There is appropriated five hundred thousand
17 dollars (\$500,000.00) from the general fund to the
18 legislative service office. This appropriation shall be
19 for the period beginning with the effective date of this
20 act and ending June 30, 2014. This appropriation shall
21 only be expended for the purpose of hiring consultants to
22 assist in the study required by this act. The legislative
23 service office may transfer funds as needed between the

1 appropriations in subsections (a) and (b) of this section.
2 Notwithstanding any other provision of law and except as
3 provided in the preceding sentence, this appropriation
4 shall not be transferred or expended for any other purpose
5 and any unexpended, unobligated funds remaining from this
6 appropriation shall revert as provided by law on July 1,
7 2014. This appropriation shall not be included in the
8 legislative service office's 2013-2014 biennial budget
9 request.

10

11 (c) There is appropriated forty-five thousand dollars
12 (\$45,000.00) from the general fund to the governor's
13 office. This appropriation shall be for the period
14 beginning with the effective date of this act and ending
15 June 30, 2014. This appropriation shall only be expended
16 for the purpose of the operations of the governor's
17 planning committee on state institutions. Notwithstanding
18 any other provision of law, this appropriation shall not be
19 transferred or expended for any other purpose and any
20 unexpended, unobligated funds remaining from this
21 appropriation shall revert as provided by law on July 1,
22 2014. This appropriation shall not be included in the
23 governor's 2013-2014 standard biennial budget request.

1

2 **Section 5.** This act is repealed effective June 30,

3 2014.

4

5 **Section 6.** This act is effective immediately upon

6 completion of all acts necessary for a bill to become law

7 as provided by Article 4, Section 8 of the Wyoming

8 Constitution.

9

10

(END)