

SENATE FILE NO. SF0034

State health and social welfare institutions.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

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.**

14

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

1

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

7

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

17

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

21

22 (b) The select committee shall have the power to
23 introduce legislation, to make recommendations to the
24 governor and the legislature and to make the reports

1 required by this act and any related reports deemed useful
2 by the committee.

3

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

6

7 (i) The directors of the departments of health
8 and family services;

9

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

15

16 (iii) A chairman designated by the governor from
17 among the persons appointed pursuant to paragraphs (i) and
18 (ii) of this subsection.

19

20 (d) The governor's planning committee on state
21 institutions shall have the power to make recommendations
22 to the governor and the legislature and, with the consent
23 of the governor, to recommend legislation to the
24 legislature. The planning committee may submit a

1 concurrence, dissent or supplement to the reports made by
2 the select committee on state institutions and may make
3 such additional relevant reports as the committee deems
4 appropriate, including advice to the governor on personnel
5 issues at the institutions.

6
7 (e) The select committee on state institutions and
8 governor's planning committee on state institutions shall
9 ordinarily meet jointly, but each committee shall have the
10 power to meet separately. When meeting jointly, the
11 committees shall be known as the joint legislative-
12 executive committee on state institutions, with the
13 appointed chairmen serving as cochairmen.

14
15 (f) Meetings of the committees established by this
16 section shall be open to the public. The joint committee
17 on state institutions shall have the power to consider and
18 make recommendations to the governor on staffing levels and
19 utilization in the state institutions.

20
21 **Section 2.**

22
23 (a) The joint legislative-executive committee on
24 state institutions shall conduct a study of the facilities

1 and functions of the Wyoming state hospital, the Wyoming
2 state training school, the Wyoming pioneer home, the
3 Wyoming retirement center, the Wyoming boys' school, the
4 Wyoming girls' school and the veterans' home of Wyoming,
5 subject to the following:

6
7 (i) The committee shall develop a long term
8 strategy for serving institutional needs of populations
9 covered by the study, including consideration of
10 privatization of services, provision of services in home or
11 community based settings and provision of services in a
12 state institution;

13
14 (ii) The committee shall develop a long term
15 strategy for the utilization of the institutions' physical
16 facilities;

17
18 (iii) The committee shall develop a long term
19 capital plan to ensure the institutions are capable of
20 implementing the recommended strategy. The capital plan
21 shall provide for the retention, renovation as necessary
22 and new construction of facilities needed to implement the
23 recommended strategy. The capital plan shall also provide
24 for the sale, demolition, decommissioning or conversion to

1 other uses of the institutions' physical facilities not
2 needed to implement the recommended strategies.

3

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

5

6 (i) Identification of special populations for
7 which the state has a responsibility and for whom
8 institutional care may be appropriate for at least some of
9 the population some of the time, including but not limited
10 to:

11

12 (A) Persons with severe and persistent
13 mental illness who are adults, children, adolescents or
14 persons needing nursing home care due to aging or
15 progressive degenerative illness;

16

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

20

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

24

1 (D) Persons with a developmental
2 disability, including children or adults with a severe
3 disability, adults whose family care givers are no longer
4 available to care for the person with a disability and
5 geriatric persons with a disability who need assisted
6 living or nursing home services;

7

8 (E) Children adjudicated delinquent or in
9 need of supervision;

10

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

13

14 (G) Persons with acquired brain injuries;

15

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

18

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

21

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

1

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

4

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

8

9 (O) Other special populations the joint
10 committee may identify, not including those persons in need
11 of general health care or incarcerated persons who are not
12 otherwise described in this paragraph.

13

14 (ii) For each special population identified in
15 paragraph (i) of this subsection, the joint committee shall
16 identify the degree to which institutional placement is
17 needed, the projected size of the population in need of
18 institutional placement, the special characteristics of the
19 institution needed to serve the population, necessary or
20 recommended limitations on commingling with other
21 populations and a summary of current services to the
22 population;

23

1 (iii) A physical inventory of the facilities
2 available at the institutions, including:

3

4 (A) The current uses of each facility;

5

6 (B) Currently known information about the
7 physical condition of each facility and known defects or
8 problems;

9

10 (C) Special features which make a facility
11 useful for a particular population;

12

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

15

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

19

20 (v) A recommended strategy for serving the
21 special populations identified with emphasis on the more
22 acutely affected populations for whom institutional care is
23 appropriate, including a strategy for the most appropriate

1 use of the inventoried facilities. In developing the
2 strategy, consideration shall be given to:

3

4 (A) Privatization or continuation of the
5 private delivery of services for the populations
6 identified;

7

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

10

11 (C) The historical and expected
12 difficulties in obtaining adequate professional and
13 paraprofessional staff in some communities;

14

15 (D) The cost effectiveness of various
16 strategies and the cost to the state of various
17 institutional strategies;

18

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

21

22 (F) The availability of family and
23 community support services and the overall quality of life

1 for members of the identified populations under various
2 service options;

3

4 (G) The safety of members of the identified
5 populations under various service options;

6

7 (H) Other factors which the joint committee
8 deems relevant.

9

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

12

13 (i) Before July 31, 2009, visit each of the
14 institutions identified in subsection 2(a) of this act,
15 conduct a public hearing at each institution and conduct at
16 least two (2) other public hearings in other locations
17 within the state;

18

19 (ii) Make a preliminary report to the governor
20 and the legislature by November 30, 2008 on the joint
21 committee's activities with recommendations for immediate
22 legislation, if any;

23

1 (iii) Make a final report to the governor and
2 the legislature by August 1, 2009 concerning paragraphs
3 (b)(i), (iii) and (iv) of this section;

4
5 (iv) Make a preliminary report by November 1,
6 2009 on the overall strategy for serving the identified
7 populations;

8
9 (v) Make a report to the governor and the joint
10 appropriations interim committee by November 1, 2009 to
11 include any recommendations for appropriations in the 2010-
12 2011 biennial budget for facility construction and
13 remodeling studies to meet the recommended service
14 strategies. The report shall also include recommendations
15 for the sale, demolition, decommissioning or conversion of
16 facilities not needed to meet the recommended service
17 strategies.

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

1 (e) The select committee on state institutions by
2 December 1, 2010 shall recommend a final strategy for the
3 state institutions and, if possible, a timetable for
4 capital construction to meet identified needs. The select
5 committee shall have the power to sponsor legislation in
6 the 2011 general session even if the president of the
7 senate and the speaker of the house of representatives
8 abolish the select committee by failing to appoint or
9 reappoint members to the select committee from the
10 legislature commencing in January, 2011.

11

12 (f) The select committee on state institutions shall
13 expire with the end of the term of the 60th 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, 2012 by appointing members to
17 the committee during or within thirty (30) days of the end
18 of the 2011 general session.

19

20 (g) The governor's planning committee on state
21 institutions shall expire on January 11, 2011 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, 2012.

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 2012. 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.**

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, 2012. 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 2012. This appropriation shall not be included in the
13 legislative service office's 2011-2012 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, 2012. 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
24 appropriations in subsections (a) and (b) of this section.

1 Notwithstanding any other provision of law and except as
2 provided in the preceding sentence, this appropriation
3 shall not be transferred or expended for any other purpose
4 and any unexpended, unobligated funds remaining from this
5 appropriation shall revert as provided by law on July 1,
6 2012. This appropriation shall not be included in the
7 legislative service office's 2011-2012 biennial budget
8 request.

9
10 (c) There is appropriated forty-five thousand dollars
11 (\$45,000.00) from the general fund to the governor's
12 office. This appropriation shall be for the period
13 beginning with the effective date of this act and ending
14 June 30, 2012. This appropriation shall only be expended
15 for the purpose of the operations of the governor's
16 planning committee on state institutions. Notwithstanding
17 any other provision of law, this appropriation shall not be
18 transferred or expended for any other purpose and any
19 unexpended, unobligated funds remaining from this
20 appropriation shall revert as provided by law on July 1,
21 2012. This appropriation shall not be included in the
22 governor's 2011-2012 standard biennial budget request.

23

1 **Section 5.** This act is repealed effective June 30,
2 2012.

3

4 **Section 6.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9 (END)