

SENATE BILL No. 531

By Committee on Ways and Means

2-17

9 AN ACT concerning the department of social and rehabilitation services;
10 relating to state developmental disabilities institutions; creating the
11 developmental disabilities institutions closure commission; prescribing
12 powers, duties and functions for the commission, the governor and the
13 secretary of social and rehabilitation services.

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15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. (a) There is hereby created within the department of so-
17 cial and rehabilitation services a developmental disabilities institutions
18 closure commission which shall consist of nine members appointed as
19 follows: Five members shall be appointed by the governor; one member
20 shall be appointed by the president of the senate; one member shall be
21 appointed by the minority leader of the senate; one member shall be
22 appointed by the speaker of the house of representatives; and one mem-
23 ber shall be appointed by the minority leader of the house of represen-
24 tatives. Of the members appointed by the governor, five members shall
25 be persons interested in developmental disabilities and shall be appointed
26 by the governor so that one represents a community developmental dis-
27 ability organization (CDDO), one represents an affiliate community de-
28 velopmental disability service provider, one is a person with a develop-
29 mental disability who is a consumer of services provided to meet the
30 needs of persons with developmental disabilities, one is a parent, guardian
31 or family member of a person with a developmental disability, and one is
32 an advocate for persons with developmental disabilities and the provision
33 of services to such persons. No member of the commission shall be af-
34 filiated with any developmental disabilities institution or with any em-
35 ployee or client of any developmental disabilities institution and no mem-
36 ber shall be a member of the legislature.

37 (b) The operating expenditures for the commission shall be paid by
38 the department of social and rehabilitation services. The department of
39 social and rehabilitation services shall provide such staff as are necessary
40 to carry out the functions of the commission.

41 (c) The commission shall elect a chairperson and may elect such other
42 officers as the commission determines necessary to carry out the functions
43 of the commission. The affirmative vote of five members of the com-

1 mission shall be required for any action of the commission. The commis-
2 sion shall meet on call of the chairperson or on request of a majority of
3 the members of the commission. The commission may meet at any time
4 or place in the state and may hold such public hearings as the commission
5 determines necessary to carry out the functions of the commission.

6 (f) Members of the commission shall be paid compensation, subsis-
7 tence allowances, mileage and other expenses as provided by K.S.A. 75-
8 3223 and amendments thereto.

9 Sec. 2. (a) On or before December 1, 2004, the commission shall
10 submit to the governor a written final report containing:

11 (1) A recommendation recommending the closure of one develop-
12 mental disabilities institution no later than January 1, 2006, and recom-
13 mendations for the closure or the downsizing or other reduction of the
14 other developmental disabilities institution;

15 (2) a date of closure for each developmental disabilities institution
16 recommended for closure;

17 (3) recommendations of policies and procedures to facilitate any such
18 closure and to assist developmental disabilities institution clients dis-
19 placed by any such closure or downsizing or other reduction;

20 (4) recommendations on service and program changes to ensure that
21 the supports, services and capacity are available to properly serve persons
22 with developmental disabilities at the community level; and

23 (5) recommendations on transitional and long-term funding for such
24 services and programs at the community level.

25 (b) In making its recommendations, the commission shall consider:

26 (1) The savings that would accrue to the state from closure of a de-
27 velopmental disabilities institution and the impact on funding of com-
28 munity services for persons with developmental disabilities;

29 (2) the impact of closure or downsizing of each developmental disa-
30 bilities institution on clients of the institution and their families and the
31 availability of alternative services and facilities for clients of the devel-
32 opmental disabilities institution and their families including recommen-
33 dations on service and program changes to ensure that such supports will
34 be available at the community level to enable any potential closure
35 recommendations;

36 (3) the impact of closure or downsizing of each developmental disa-
37 bilities institution on the quality of services provided to clients of the
38 developmental disabilities institution and new ways to fund community-
39 based services that ensure that persons with developmental disabilities
40 are properly served;

41 (4) the requirement that the funding follow the clients into the com-
42 munity; and

43 (5) new ways of funding community-based services that ensure that

1 persons with developmental disabilities are properly served.

2 (c) The commission shall work with stakeholders and service provid-
3 ers as the commission develops its recommendations.

4 Sec. 3. (a) The governor shall submit the final report of the com-
5 mission to the legislature on or before January 10, 2005.

6 (b) Unless the legislature enacts one or more laws on or before Feb-
7 ruary 15, 2005, that reject the recommendation or recommendations of
8 the commission to close one or both developmental disabilities institu-
9 tions or changing the date of closure specified for each such closure, each
10 developmental disabilities institution recommended to be closed shall be
11 closed on the date of closure specified by the commission, except that no
12 developmental disabilities institution shall be closed before January 1,
13 2006.

14 (c) The governor and the secretary of social and rehabilitation serv-
15 ices shall take all actions necessary to put into effect the recommendations
16 of the commission to close each developmental disabilities institution rec-
17 ommended for closure or to downsize or otherwise reduce a develop-
18 mental disabilities institution recommended to be downsized or otherwise
19 reduced in accordance with the recommendations of the commission
20 therefor. The secretary of social and rehabilitation services shall prepare
21 and submit budget estimates for the fiscal year ending June 30, 2006, and
22 for ensuing fiscal years that support and implement the recommendations
23 of the commission, including the preparation and submission of all
24 amended budget estimates that such recommendations require. The gov-
25 ernor shall make recommendations to the legislature for necessary fund-
26 ing of home and community-based services, program and direct financial
27 and other aid and assistance for the implementation of the commission's
28 recommendations relating to those matters.

29 (d) Notwithstanding any provisions of K.S.A. 2003 Supp. 75-6609 and
30 amendments thereto to the contrary, on the date of closure of a devel-
31 opmental disabilities institution, the real estate, and all improvements
32 thereon, of such developmental disabilities institution are hereby declared
33 to be surplus state property and shall be disposed of as provided by K.S.A.
34 2003 Supp. 75-6609 and amendments thereto. Notwithstanding any pro-
35 visions of K.S.A. 2003 Supp. 75-6610 and amendments thereto to the
36 contrary, all proceeds from the sale of such surplus state property shall
37 be used to provide for services for persons with developmental disabilities
38 through community organizations in communities.

39 Sec. 4. As used in this act, (1) "commission" means the develop-
40 mental disabilities institutions closure commission created pursuant to
41 this section, and (2) "developmental disabilities institution" means the
42 Parsons state hospital and training center or Kansas neurological institute.

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1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the Kansas register.