

Approved: 3-31-99  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 10:00 a.m. on March 22, 1999 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:      Emalene Correll, Legislative Research Department  
   Norman Furse, Revisor of Statutes  
   JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

**Action on: HB 2227 - Community mental health and mental retardation governing board**

After Committee discussion on a balloon of the bill requested by Senator Jones showing amendments that would clarify the governing board in Wyandotte County as the "unified government board of commissioners" (Attachment 1), and the removal of the House floor amendment to the bill that would create a task force on mental health and developmental disabilities, Senator Steineger made a motion to adopt the balloon amendments to the bill and delete language relating to establishing a task force, and that the Committee recommend HB 2227 as amended favorably for passage, seconded by Senator Hardenburger. The motion carried.

**Announcements**

The Chair briefed the Committee on bills that will be worked in Committee this week. The subcommittee on naturopathy will also be meeting Tuesday for discussion and consideration of legislation with Senator Hardenburger as the Chairperson.

**Adjournment**

The meeting was adjourned at 10:30 a.m.

The next meeting is scheduled for March 23, 1999.



[As Amended by House on Final Action]

As Amended by House Committee

Session of 1999

## HOUSE BILL No. 2227

By Committee on Governmental Organization and Elections

2-2

12 AN ACT [relating to mental health and mental retardation serv-  
13 ices;] concerning governing boards for community mental health or  
14 mental retardation; [establishing a task force on mental health and  
15 developmental disabilities;] amending K.S.A. 19-4002 and 19-4002a  
16 and repealing the existing sections; ~~also repealing K.S.A. 19-4002b.~~

17  
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 19-4002 is hereby amended to read as follows: 19-  
20 4002. (a) (1) Except as provided by K.S.A. 19-4002a ~~and 19-4002b~~ and  
21 **19-4002b**, and amendments thereto, every county which establishes a  
22 mental health center or facility for the mentally retarded shall establish  
23 a community mental health or mental retardation governing board. Every  
24 county which wants to establish such board for the purpose of allowing  
25 such board to contract with a nonprofit corporation to provide services  
26 for the mentally retarded may establish a mental retardation governing  
27 board in accordance with the provisions of this section. Any board estab-  
28 lished under this subsection shall be referred to as the governing board.  
29 The governing board shall be composed of not less than seven members.  
30 The members of such governing board shall be appointed by and shall  
31 serve at the pleasure of the board of county commissioners of the county.

32 (2) When ~~any combination of counties~~ *desires two or more counties*  
33 *desire* to establish a mental health center or facility for the mentally re-  
34 tardated, the chairperson of the board of the county commissioners of each  
35 participating county shall appoint two members to a selection committee,  
36 which committee shall select the first governing board. Each participating  
37 county shall have at least one representative on such board.

38 (b) Membership of each governing board, as nearly as possible, shall  
39 be representative of public health, medical profession, the judiciary, pub-  
40 lic welfare, hospitals, mental health organizations and mental retardation  
41 organizations, ~~as well as~~ education, rehabilitation, labor, business, *and*  
42 civic groups and the general public; ~~and, in each case of a~~ *The governing*  
43 board of a mental health center; ~~the membership of the governing board~~

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Attachment No. 1

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1 also shall include consumers of mental health services or representatives  
2 of mental health consumer groups and shall include family members of  
3 mentally ill persons.

4 (c) ~~Should the board or boards of county commissioners be desirous~~  
5 ~~of providing~~ *If the board of county commissioners desires to provide* both  
6 mental health services and services for the mentally retarded in accord-  
7 ance with the provisions of this act, and determine it is more practical to  
8 establish a single governing board for mental health services and mental  
9 retardation facilities, ~~then the respective board or boards of commission-~~  
10 ~~ers may establish a single board. In the event~~ *If the board or boards of*  
11 *county commissioners determine that separate boards are more practical,*  
12 ~~then the respective board or boards of county commissioners may estab-~~  
13 ~~lish a governing board for a mental health center and a separate board~~  
14 ~~for mental retardation facilities.~~

15 ~~Sec. 2. K.S.A. 19-4002a is hereby amended to read as follows: 19-~~  
16 ~~4002a: (a) In lieu of appointing a governing board as provided by K.S.A.~~  
17 ~~19-4002, and amendments thereto, the board of county commissioners~~  
18 ~~of Sedgwick county may serve as the community mental health or mental~~  
19 ~~retardation governing board for Sedgwick the county.~~

20 (b) ~~If the board of county commissioners elects to serve as the gov-~~  
21 ~~erning board pursuant to this section, the board of county commissioners~~  
22 ~~shall appoint a mental health and mental retardation advisory board of~~  
23 ~~not less than seven members. Members of the advisory board shall serve~~  
24 ~~at the pleasure of the board of county commissioners. Membership of the~~  
25 ~~advisory board shall include consumers of mental health services or rep-~~  
26 ~~resentatives of mental health consumer groups and shall include family~~  
27 ~~members of mentally ill persons and, as nearly as possible, shall be rep-~~  
28 ~~resentative of public health, medical profession, the judiciary, public wel-~~  
29 ~~fare, hospitals and mental health organizations and education, rehabili-~~  
30 ~~tation, labor, business and civic groups.~~

31 (c) ~~The board of county commissioners, as the mental health or men-~~  
32 ~~tal retardation governing board, shall seek the recommendations of the~~  
33 ~~mental health and mental retardation advisory board prior to adopting~~  
34 ~~the annual plan and budget for county mental health and retardation~~  
35 ~~programs.~~

36 ~~Sec. 2. K.S.A. 19-4002a is hereby amended to read as fol-~~  
37 ~~lows: 19-4002a. (a) [As used in this section, "county" means Sedgwick or~~  
38 ~~Wyandotte county.]~~

39 ~~[(b)] In lieu of appointing a governing board as provided by~~  
40 ~~K.S.A. 19-4002, and amendments thereto, the board of county~~  
41 ~~commissioners of Sedgwick [any] county may serve as the community~~  
42 ~~mental health or mental retardation governing board for [Sedgwick~~  
43 ~~any] county.]~~

(1)

Sedgwick

Sedgwick

(2) In lieu of appointing a governing board as provided by K.S.A. 19-4002, and amendments thereto, the unified government board of commissioners of Wyandotte county may serve as the community mental health or mental retardation governing board for Wyandotte county.

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1 (b) [(c)] If the board of county commissioners elects to serve as  
 2 the governing board pursuant to this section, the board of county  
 3 commissioners shall appoint a mental health and mental retarda-  
 4 tion advisory board of not less than seven members. Members of  
 5 the advisory board shall serve at the pleasure of the board of  
 6 county commissioners. Membership of the advisory board shall in-  
 7 clude consumers of mental health services or representatives of  
 8 mental health consumer groups and shall include family members  
 9 of mentally ill persons and, as nearly as possible, shall be repre-  
 10 sentative of public health, medical profession, the judiciary, public  
 11 welfare, hospitals and mental health organizations and education,  
 12 rehabilitation, labor, business and civic groups.

(b)

or the unified government board of  
commissioners

or the unified government board of  
commissioners

13 (c) [(d)] The board of county commissioners, as the mental  
 14 health or mental retardation governing board, shall seek the rec-  
 15 ommendations of the mental health and mental retardation advi-  
 16 sory board prior to adopting the annual plan and budget for county  
 17 mental health and retardation programs.

(c)

making their appointment

18 [New Sec. 3. (a) A task force on mental health and develop-  
 19 mental disabilities services is hereby established to evaluate com-  
 20 munity mental health and developmental disability services and  
 21 administrative efficiency, to review community system design un-  
 22 der the developmental disability reform act, including case man-  
 23 agement and service coordination, to review funding sources for  
 24 community mental health and developmental disability services,  
 25 to review emerging system models and trends in the delivery of  
 26 mental health and developmental disability services, to evaluate  
 27 the ways in which quality oversight is provided from the local to  
 28 the national level, to study the feasibility of separating administra-  
 29 tive functions and service functions of community developmental  
 30 disability organizations, the promotion of consumer choice and  
 31 competition in the Kansas health management system, to study the  
 32 possibility of authorizing a community development disability or-  
 33 ganization to refer clients to a state facility if such a referral is in  
 34 the best interests of client and community, to review the system of  
 35 mental health, mental retardation and developmental disability  
 36 services through county programs and to study the feasibility of  
 37 closure of nursing facility mental retardation beds and a state men-  
 38 tal retardation hospital and to consider such other matters relating  
 39 thereto as the task force deems appropriate.

or the unified government board of  
commissioners

40 [(b) The task force shall consist of 11 members appointed as  
 follows:

41 [(1) Two members appointed by the president of the senate;

42 [(2) one member appointed by the minority leader of the

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1 senate;

2 [(3) two members appointed by the speaker of the house of  
3 representatives;

4 [(4) one member appointed by the minority leader of the house  
5 of representatives; and

6 [(5) five public members appointed by the secretary of social  
7 and rehabilitation services from individuals recommended by com-  
8 munity providers, consumers and advocates.

9 [(c) All members of the task force shall serve for terms ending  
10 on the first day of the regular legislative session in 2001. The  
11 speaker of the house of representatives shall appoint a legislator  
12 member of the task force to serve as chairperson of the task force  
13 from July 1, 1999, until the first day of the 2000 regular session of  
14 the legislature. The president of the senate shall appoint a legis-  
15 lator member of the task force to serve as vice-chairperson of the  
16 task force from July 1, 1999, until the first day of the 2000 regular  
17 session of the legislature. The president of the senate shall appoint  
18 a legislator member of the task force to serve as chairperson of  
19 the task force from the first day of the 2000 regular session of the  
20 legislature until the first day of the 2001 regular session of the  
21 legislature. The speaker of the house of representatives shall ap-  
22 point a legislator member of the task force to serve as vice-chair-  
23 person of the task force from the first day of the 2000 regular  
24 session of the legislature until the first day of the 2001 regular  
25 session of the legislature. If a vacancy occurs on the task force, the  
26 vacancy shall be filled in the same manner as the original  
27 appointment.

28 [(d) The task force on mental health and developmental disa-  
29 bilities shall meet on call of the chairperson. The members of the  
30 task force shall receive reimbursement for attending meetings of  
31 the task force as authorized by the legislative coordinating council  
32 consistent with the provisions of K.S.A. 46-1209 and amendments  
33 thereto.

34 [(e) Staffing for the task force shall be provided by the secre-  
35 tary of social and rehabilitation services.

36 [(f) The task force shall prepare and submit a preliminary re-  
37 port and recommendations to the governor and to the legislature  
38 on or before January 10, 2000, and shall submit a final report to  
39 the governor and to the legislature on or before January 8, 2001.]

40 Sec. 3. [4.] K.S.A. 19-4002 and 19-4002a and ~~19-4002b~~ are hereby  
41 repealed.

42 Sec. 4. [5.] This act shall take effect and be in force from and after  
43 its publication in the statute book.