

## HOUSE BILL No. 2596

By Committee on Appropriations

3-27

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9 AN ACT concerning the department of social and rehabilitation services;  
10 relating to state developmental disabilities institutions; relating to the  
11 closure thereof.

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

14 Section 1. As used in this act, “state developmental disabilities insti-  
15 tution” or “institution” means the Parsons state hospital and training cen-  
16 ter or the Kansas neurological institute.

17 Sec. 2. (a) There is hereby created within the department of social  
18 and rehabilitation services a developmental disabilities institutions closure  
19 commission which shall consist of nine members appointed as follows:

- 20 (1) Five members shall be appointed by the governor;
- 21 (2) one member shall be appointed by the president of the senate;
- 22 (3) one member shall be appointed by the minority leader of the  
23 senate;
- 24 (4) one member shall be appointed by the speaker of the house of  
25 representatives; and
- 26 (5) one member shall be appointed by the minority leader of the  
27 house of representatives.

28 (b) Of the members appointed by the governor, five members shall  
29 be persons interested in developmental disabilities and shall be appointed  
30 by the governor so that:

- 31 (1) One represents a community developmental disability organiza-  
32 tion (CDDO);
- 33 (2) one represents an affiliate community developmental disability  
34 service provider;
- 35 (3) one is a person with a developmental disability who is a consumer  
36 of services provided to meet the needs of persons with developmental  
37 disabilities;
- 38 (4) one is a parent, guardian or family member of a person with a  
39 developmental disability; and
- 40 (5) one is an advocate for persons with developmental disabilities and  
41 the provision of services to such persons.

42 (c) No member of the commission shall be affiliated with any state  
43 developmental disabilities institution or with any employee or client of

1 any state developmental disabilities institution. No member of the com-  
2 mission shall be a member of the legislature.

3 (d) The operating expenditures for the commission shall be paid by  
4 the department of social and rehabilitation services. The department of  
5 social and rehabilitation services shall provide such staff and administra-  
6 tive support and assistance as may be necessary to carry out the functions  
7 of the commission.

8 (e) The commission shall elect a chairperson and may elect such other  
9 officers as the commission determines necessary to carry out the functions  
10 of the commission. The affirmative vote of five members of the commis-  
11 sion shall be required for any action of the commission. The commission  
12 shall meet on call of the chairperson or on request of a majority of the  
13 members of the commission. The commission may meet at any time or  
14 place in the state and may hold such public hearings as the commission  
15 determines necessary to carry out the functions of the commission.

16 (f) Members of the commission shall be paid compensation, subsis-  
17 tence allowances, mileage and other expenses as provided by K.S.A. 75-  
18 3223, and amendments thereto.

19 Sec. 3. (a) The commission shall prepare and submit a written report  
20 containing the following:

21 (1) A recommendation concerning the closure of one state develop-  
22 mental disabilities institution;

23 (2) recommendations of policies and procedures to facilitate such clo-  
24 sure and to assist clients of the state developmental disabilities institution  
25 that would be displaced by such closure;

26 (3) recommendations on service and program changes to ensure that  
27 the supports, services and capacity are available to properly serve persons  
28 with developmental disabilities at the community level; and

29 (4) recommendations on transitional and long-term funding for such  
30 services and programs at the community level.

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

32 (1) The savings that would accrue to the state from closure of a state  
33 developmental disabilities institution and the impact on funding of com-  
34 munity services for persons with developmental disabilities;

35 (2) the impact of the closure of the state developmental disabilities  
36 institution on clients of the institution and their families and the availa-  
37 bility of alternative services and facilities for clients of the state devel-  
38 opmental disabilities institution and their families, including recommen-  
39 dations on service and program changes to ensure that such supports will  
40 be available at the community level to facilitate any potential closure  
41 recommendations;

42 (3) the impact of closure or downsizing of the state developmental  
43 disabilities institution on the quality of services provided to clients of the

- 1 state developmental disabilities institution and new ways to fund com-  
2 munity-based services that ensure that persons with developmental dis-  
3 abilities are properly served;
- 4 (4) the requirement that the funding follow the clients into the  
5 community;
- 6 (5) new ways of funding community-based services that ensure that  
7 persons with developmental disabilities are properly served;
- 8 (6) the expansion of community capacity through service provider  
9 rate adjustments to achieve rates which would more closely reflect a parity  
10 between community wages and state developmental disabilities institu-  
11 tion wages;
- 12 (7) the first priority of providing services for persons on the waiting  
13 lists for the home and community-based services waiver for persons with  
14 developmental disabilities services;
- 15 (8) methods to assure that all programs are designed to meet the  
16 intent of the developmental disabilities reform act for greater emphasis  
17 on independence, inclusion, integration and productivity;
- 18 (9) an examination and potential replication, if appropriate, of models  
19 in other states which are better designed to assist families of dependent  
20 children, rather than relying solely on the current home and community-  
21 based services waiver for persons with developmental disabilities;
- 22 (10) establishment of minimum standards for all persons and entities  
23 who provide services to persons with developmental disabilities;
- 24 (11) assessment of current capacity planning at the department of  
25 social and rehabilitation services to upgrade the state's ability to provide  
26 monitoring and oversight for the expanded numbers of community serv-  
27 ice providers; and
- 28 (12) methods to upgrade employment-related services for persons  
29 with developmental disabilities including providing the legislature with a  
30 fiscal estimate on unbundling supported employment services so as to  
31 allow providers of such services to build employment service capacity in  
32 the community, and therefore be able to reduce reliance on facility-based  
33 employment services.
- 34 (c) The commission shall work with stakeholders and service provid-  
35 ers as the commission develops its recommendations.
- 36 (d) The commission shall submit, within 10 days of its adoption, a  
37 copy of the report to the governor, president of the senate, minority  
38 leader of the senate, speaker of the house of representatives and the  
39 minority leader of the house of representatives.
- 40 Sec. 4. (a) If the report submitted pursuant to section 3, and amend-  
41 ments thereto, recommends the closure of either institution, there shall  
42 be created within the department of social and rehabilitation services an  
43 institution closure economic impact commission which shall consist of

1 five members appointed as follows:

- 2 (1) One member shall be appointed by the governor;
- 3 (2) one member shall be appointed by the president of the senate;
- 4 (3) one member shall be appointed by the minority leader of the  
5 senate;
- 6 (4) one member shall be appointed by the speaker of the house of  
7 representatives; and
- 8 (5) one member shall be appointed by the minority leader of the  
9 house of representatives.

10 (b) When making appointments to the commission, consideration  
11 shall be given to persons who will represent the interests of the employees  
12 of the institution and the community in which the institution is located.  
13 No member of the commission shall be a member of the legislature.

14 (c) The operating expenditures for the commission shall be paid by  
15 the department of social and rehabilitation services. The department of  
16 social and rehabilitation services shall provide such staff and administra-  
17 tive support and assistance as may be necessary to carry out the functions  
18 of the commission.

19 (d) The commission shall elect a chairperson and may elect such  
20 other officers as the commission determines necessary to carry out the  
21 functions of the commission. The affirmative vote of three members of  
22 the commission shall be required for any action of the commission. The  
23 commission shall meet on call of the chairperson or on request of a ma-  
24 jority of the members of the commission. The commission may meet at  
25 any time or place in the state and may hold such public hearings as the  
26 commission determines necessary to carry out the functions of the  
27 commission.

28 (e) Members of the commission shall be paid compensation, subsis-  
29 tence allowances, mileage and other expenses as provided by K.S.A. 75-  
30 3223, and amendments thereto.

31 Sec. 5. (a) The commission shall prepare and submit a written report  
32 containing the following:

- 33 (1) Recommendations for the disposition of the property of the  
34 institution;
- 35 (2) recommendations for assistance or benefits to be extended to em-  
36 ployees of the institution, including but not limited to, job preferences,  
37 compensation for accrued sick and vacation leave, continued participation  
38 in state health care benefits program, extension of death and life insur-  
39 ance benefits and moving expenses; and
- 40 (3) recommendations to relieve the economic impact on the com-  
41 munity in which the institution is located which results from the closure  
42 of the institution, including but not limited to financial incentives for new  
43 businesses to locate in the community and measures which would provide

1 income and property tax relief to persons residing and businesses located  
2 in the community.

3 (b) The commission shall submit, within 10 days of its adoption, a  
4 copy of the report to the governor and the legislature.

5 Sec. 6. This act shall take effect and be in force from and after its  
6 publication in the Kansas register.