

February 18, 1998

**ENGROSSED
SENATE BILL No. 215**

DIGEST OF SB 215 (Updated February 17, 1998 1:34 pm - DI 77)

Citations Affected: IC 12-8; noncode.

Synopsis: Adults with mental illness. Repeals statutes providing for services for children at the site of Central State Hospital. Repeals bonding authority relating to renovation of the Central State Hospital site to provide such services. Delays expiration of the Central State Advisory Committee from January 1, 1999, to July 1, 2001. Requires the Central State Advisory Committee to study certain questions relating to providing services to adults with mental illness and adults with mental retardation.

Effective: Upon passage.

Miller, Breaux, Howard

(HOUSE SPONSORS — SUMMERS, BEHNING)

January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.

January 15, 1998, amended, reported favorably — Do Pass.

January 20, 1998, read second time, ordered engrossed. Engrossed; reassigned to Committee on Finance.

January 29, 1998, amended, reported favorably — Do Pass.

February 2, 1998, reread second time, ordered engrossed. Engrossed.

February 3, 1998, read third time, passed. Yeas 48, nays 2.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Public Health.

February 17, 1998, amended, reported — Do Pass.

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ES 215—LS 6942/DI 75+



February 18, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED SENATE BILL No. 215

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. THE FOLLOWING ARE REPEALED [EFFECTIVE
2 UPON PASSAGE]: IC 12-8-13; P.L.13-1996, SECTION 3.
3 SECTION 2. P.L.40-1994, SECTION 87, IS AMENDED TO READ
4 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 87. (a)
5 As used in this SECTION, "committee" refers to the Central State
6 advisory committee established by subsection (b).
7 (b) The Central State advisory committee is established.
8 (c) The committee consists of the following members:
9 (1) Four (4) members of the senate appointed by the president pro
10 tempore of the senate. Not more than two (2) members appointed
11 under this subdivision may be members of the same political
12 party. The members under this subdivision must be appointed so
13 that the following are satisfied:
14 (A) The senator in whose district Central State Hospital is
15 located must be a member of the committee.

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- 1 (B) A senator who serves on the senate committee concerned
2 with financial matters must be a member of the committee.
- 3 (C) A senator who serves on the senate committee concerned
4 with health matters must be a member of the committee.
- 5 (2) Four (4) members of the house of representatives appointed by
6 the speaker of the house of representatives. Not more than two (2)
7 members appointed under this subdivision may be members of the
8 same political party. The members under this subdivision must be
9 appointed so that the following are satisfied:
- 10 (A) The representative in whose district Central State Hospital
11 is located must be a member of the committee.
- 12 (B) A representative who serves on the house committee
13 concerned with financial matters must be a member of the
14 committee.
- 15 (C) A representative who serves on the house committee
16 concerned with health matters must be a member of the
17 committee.
- 18 (d) The president pro tempore of the senate shall appoint the chair
19 of the committee. After the chair of the committee is appointed, the
20 speaker of the house of representatives shall appoint the vice chair of
21 the committee. The chair and the vice chair of the committee may not
22 be members of the same political party.
- 23 (e) The committee shall meet at the call of the chair.
- 24 (f) The affirmative vote of five (5) members of the committee is
25 necessary for the committee to take any action other than to meet to
26 take testimony or to adjourn.
- 27 (g) Each member of the committee is entitled to receive the same
28 per diem, mileage, and travel allowances paid to individuals serving as
29 legislative members on interim study committees established by the
30 legislative council.
- 31 (h) This subsection does not apply to a transaction or the renewal of
32 a transaction if the transaction was entered into before January 1, 1994.
33 Before the state may:
- 34 (1) sell, lease, or transfer possession of any part of the real
35 property constituting the grounds of Central State Hospital; or
36 (2) enter into an agreement for any transaction described in
37 subdivision (1);
- 38 the governor must submit to the committee a detailed report describing
39 the proposed transaction and the reasons for the proposed transaction.
40 Upon receiving a report under this subsection, the chair of the
41 committee shall call a meeting of the committee to act upon the report.
42 The committee shall act upon the report within sixty (60) days of

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1 submission by the governor. The state may not proceed with the
2 transaction until the governor responds to the committee's
3 recommendation.

4 (i) The committee shall operate under policies and procedures
5 established by the legislative council.

6 (j) This SECTION expires ~~January~~ **July 1, 1999: 2001.**

7 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
8 **SECTION, "committee" refers to the central state advisory**
9 **committee established by P.L.40-1994, SECTION 87, as amended**
10 **by this act.**

11 (b) **The committee shall obtain the following information**
12 **regarding adults with mental illness and adults with mental**
13 **retardation:**

14 (1) **The number of adults with mental illness and adults with**
15 **mental retardation.**

16 (2) **The number of adults with mental illness and adults with**
17 **mental retardation confined by the department of correction.**

18 (3) **The number of adults with mental illness and adults with**
19 **mental retardation who will:**

20 (A) **be released by the department of correction; and**

21 (B) **require services for mental illness and adults with**
22 **mental retardation.**

23 (4) **The number of adults with mental illness and adults with**
24 **mental retardation confined in county jails.**

25 (5) **The number of adults with mental illness who will require**
26 **services for mental illness.**

27 (6) **The number of adults with mental illness who require**
28 **services for mental illness who will not receive adequate**
29 **services. The committee shall determine the reasons for any**
30 **lack of needed services.**

31 (7) **Classification of mental illness and associated numbers of**
32 **adults with mental illness within each classification.**

33 (8) **The requirements for services, including the types of**
34 **placements needed, for all adults with mental illness.**

35 (9) **The number of beds required to serve adults with mental**
36 **illness.**

37 (c) **The information gathered under subsection (b) must:**

38 (1) **include total information both for the entire state and for**
39 **the Central State catchment area; and**

40 (2) **be presented by July 1 of each year in a format of**
41 **projections for each year, beginning with 1998 through 2002.**

42 (d) **The committee shall study the nature and scope of services**



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1 required for each classification of mental illness determined under
2 subsection (b)(7).

3 (e) The committee shall study appropriate strategies for
4 providing services to the numbers of adults within each
5 classification of mental illness determined under subsection (b)(7),
6 including the following:

7 (1) The kinds of private services available.

8 (2) An evaluation of the cost of purchasing private services as
9 compared with providing services in state institutional care.

10 (3) The nature and availability of alternate services.

11 (f) The committee shall study funding and other fiscal issues
12 related to providing appropriate services to adults with mental
13 illness.

14 (g) The committee shall study administrative issues related to
15 providing appropriate services to adults with mental illness.

16 (h) The committee shall study whether there is a need for
17 institutional care for adult individuals with mental illness at the
18 site of Central State Hospital.

19 (i) The committee may study other issues the committee
20 considers relevant to determine the best way to provide
21 appropriate services to adults with mental illness and adults with
22 mental retardation.

23 (j) The committee shall study alternative forms of treatment and
24 sentencing for adult offenders with mental retardation, including
25 specialized services that may be provided in correctional facilities
26 or other facilities.

27 (k) The division of mental health and other state agencies as
28 determined by the committee shall:

29 (1) provide all information the committee considers
30 appropriate to its study under this SECTION; and

31 (2) cooperate with the committee in the study required by this
32 SECTION.

33 (l) The committee shall report the results of its study and its
34 recommendations to the legislative council as the committee
35 considers appropriate or as otherwise required by the legislative
36 council.

37 (m) This SECTION expires July 1, 2001.

38 SECTION 4. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as second author of Senate Bill 215.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 215, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 4. P.L.40-1994, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 87. (a) As used in this SECTION, "committee" refers to the Central State advisory committee established by subsection (b).

(b) The Central State advisory committee is established.

(c) The committee consists of the following members:

(1) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party. The members under this subdivision must be appointed so that the following are satisfied:

(A) The senator in whose district Central State Hospital is located must be a member of the committee.

(B) A senator who serves on the senate committee concerned with financial matters must be a member of the committee.

(C) A senator who serves on the senate committee concerned with health matters must be a member of the committee.

(2) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party. The members under this subdivision must be appointed so that the following are satisfied:

(A) The representative in whose district Central State Hospital is located must be a member of the committee.

(B) A representative who serves on the house committee concerned with financial matters must be a member of the committee.

(C) A representative who serves on the house committee concerned with health matters must be a member of the committee.

(d) The president pro tempore of the senate shall appoint the chair of the committee. After the chair of the committee is appointed, the speaker of the house of representatives shall appoint the vice chair of the committee. The chair and the vice chair of the committee may not be members of the same political party.

(e) The committee shall meet at the call of the chair.

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(f) The affirmative vote of five (5) members of the committee is necessary for the committee to take any action other than to meet to take testimony or to adjourn.

(g) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members on interim study committees established by the legislative council.

(h) This subsection does not apply to a transaction or the renewal of a transaction if the transaction was entered into before January 1, 1994. Before the state may:

- (1) sell, lease, or transfer possession of any part of the real property constituting the grounds of Central State Hospital; or
- (2) enter into an agreement for any transaction described in subdivision (1);

the governor must submit to the committee a detailed report describing the proposed transaction and the reasons for the proposed transaction. Upon receiving a report under this subsection, the chair of the committee shall call a meeting of the committee to act upon the report. The committee shall act upon the report within sixty (60) days of submission by the governor. The state may not proceed with the transaction until the governor responds to the committee's recommendation.

(i) The committee shall operate under policies and procedures established by the legislative council.

(j) This SECTION expires ~~January July 1, 1999~~ **July 1, 2001**."

Page 4, between lines 12 and 13, begin a new paragraph and insert:
"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) Not later than July 1, 2000, the division of mental health established by IC 12-21-1-1 shall provide a written report to the legislative council that provides specific details regarding the division's plans for reestablishing patient care for adult individuals with mental illness at the site of Central State Hospital as required by IC 12-14-1-8, as added by this act.

(b) This SECTION expires July 1, 2001."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 215 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 215, which was ordered to engrossment on January 20, 1998, be returned from engrossment for reassignment to the Committee on Finance.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill 215, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert: "SECTION 1. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 12-8-13; P.L.13-1996, SECTION 3."

Delete page 2.

Page 3, delete lines 1 through 15.

Page 4, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "committee" refers to the central state advisory committee established by P.L.40-1994, SECTION 87, as amended by this act.**

(b) **The committee shall obtain the following information regarding adults with mental illness:**

- (1) **The number of adults with mental illness.**
- (2) **The number of adults with mental illness confined by the department of correction.**
- (3) **The number of adults with mental illness who will:**
 - (A) **be released by the department of correction; and**
 - (B) **require services for mental illness.**
- (4) **The number of adults with mental illness confined in county jails.**
- (5) **The number of adults with mental illness who will require services for mental illness.**
- (6) **The number of adults with mental illness who require services for mental illness who will not receive adequate services. The committee shall determine the reasons for any lack of needed services.**
- (7) **Classification of mental illness and associated numbers of adults with mental illness within each classification.**
- (8) **The requirements for services, including the types of placements needed, for all adults with mental illness.**
- (9) **The number of beds required to serve adults with mental illness.**

(c) **The information gathered under subsection (b) must:**

- (1) **include total information both for the entire state and for the Central State catchment area; and**
- (2) **be presented in a format of projections for each year,**



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beginning with 1998 through 2002.

(d) The committee shall study the nature and scope of services required for each classification of mental illness determined under subsection (b)(7).

(e) The committee shall study appropriate strategies for providing services to the numbers of adults within each classification of mental illness determined under subsection (b)(7), including the following:

- (1) The kinds of private services available.
- (2) An evaluation of the cost of purchasing private services as compared to providing services in state institutional care.
- (3) The nature and availability of alternate services.

(f) The committee shall study funding and other fiscal issues related to providing appropriate services to adults with mental illness.

(g) The committee shall study administrative issues related to providing appropriate services to adults with mental illness.

(h) The committee shall study whether there is a need for institutional care for adult individuals with mental illness at the site of Central State Hospital.

(i) The committee may study other issues the committee considers relevant to determine the best way to provide appropriate services to adults with mental illness.

(j) The division of mental health and other state agencies as determined by the committee shall:

- (1) provide all information the committee considers appropriate to its study under this SECTION; and
- (2) cooperate with the committee in the study required by this SECTION.

(k) The committee shall report the results of its study and its recommendations to the legislative council as the committee considers appropriate or as otherwise required by the legislative council.

(l) This SECTION expires July 1, 2001."

Page 5, delete lines 1 through 39.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 215 as printed January 16, 1998.)

BORST, Chairperson

Committee Vote: Yeas 13, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 215, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, after "illness" insert "**and adults with mental retardation**".

Page 3, line 13, after "illness" insert "**and adults with mental retardation**".

Page 3, line 14, after "illness" insert "**and adults with mental retardation**".

Page 3, line 16, after "illness" insert "**and adults with mental retardation**".

Page 3, line 18, after "illness" insert "**or services for mental retardation**".

Page 3, line 19, after "illness" insert "**and adults with mental retardation**".

Page 3, line 36, after "presented" insert "**by July 1 of each year**".

Page 4, line 5, delete "to" and insert "**with**".

Page 4, line 17, after "illness" insert "**and adults with mental retardation**".

Page 4, between lines 17 and 18, begin a new paragraph and insert: "**(j) The committee shall study alternative forms of treatment and sentencing for adult offenders with mental retardation, including specialized services that may be provided in correctional facilities or other facilities.**".

Page 4, line 18, delete "(j)" and insert "**(k)**".

Page 4, line 24, delete "(k)" and insert "**(l)**".

Page 4, line 28, delete "(l)" and insert "**(m)**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 215 as printed January 30, 1998.)

C. BROWN, Chair

Committee Vote: yeas 12, nays 0.



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