



General Assembly

Amendment

January Session, 2001

LCO No. 8169

Offered by:

REP. EBERLE, 15th Dist.

To: Subst. House Bill No. 6610

File No. 803

Cal. No. 348

"AN ACT IMPOSING A MORATORIUM CONCERNING CERTAIN STATE PROPERTY USED FOR PROVIDING SERVICES OR RESIDENTIAL PURPOSES BY THE DEPARTMENT OF MENTAL RETARDATION AND THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (a) Notwithstanding any provision of the general
4 statutes concerning the sale, lease or transfer of real property by or on
5 behalf of the state, during the period commencing on the effective date
6 of this act and ending on the date that is three years from the effective
7 date of this act or on the date on which the General Assembly
8 approves a plan that shall be developed by the Department of Mental
9 Retardation for the elimination of all emergency and priority one
10 waiting list categories of the department and a plan that shall be
11 developed by the Department of Mental Health and Addiction
12 Services to meet the needs identified in the report of the Governor's
13 Blue Ribbon Commission on Mental Health, whichever date is earlier,

14 no state-owned real property that is being used or has been used
15 within the previous ten years for residential purposes by persons with
16 mental retardation or psychiatric disabilities may be sold, leased or
17 transferred by or on behalf of the state.

18 (b) Subsection (a) of this section shall apply to any state-operated
19 community-based residential facility, boarding house, group home or
20 halfway house meeting the criteria set forth in subsection (a) of this
21 section and occupied by persons with mental retardation, persons with
22 psychiatric disabilities, alcohol-dependent persons or drug-dependent
23 persons.

24 Sec. 2. (NEW) There is established a nonlapsing fund that shall
25 contain (1) any moneys received by the state from the sale, lease or
26 transfer of all or any part of Fairfield Hills Hospital, Norwich Hospital
27 or any regional center that takes place after January 1, 2001, and (2)
28 any other moneys required by law to be deposited in a separate
29 account within the General Fund for purposes of this act. The
30 Treasurer shall credit the fund with its investment earnings. Any
31 balance remaining in said fund at the end of any fiscal year shall be
32 carried forward in the fund for the fiscal year next succeeding. The
33 principal and interest of the fund shall be used solely for the purpose
34 of site acquisition, capital development and infrastructure costs
35 necessary to provide services to persons with mental retardation or
36 psychiatric disabilities, provided amounts in the fund may be
37 expended only pursuant to appropriation by the General Assembly.

38 Sec. 3. (NEW) The Commissioner of Mental Retardation shall adopt
39 regulations, in accordance with chapter 54 of the general statutes, to
40 establish and implement the policy of the Department of Mental
41 Retardation with respect to the placement and care of department
42 clients who are evaluated by the department as posing a serious threat
43 to others without specific measures for their supervision and security.
44 Such regulations shall include, but not be limited to, provisions
45 concerning the criteria or factors to be considered in: (1) Evaluating
46 and placing such clients; (2) siting of residential facilities for such

47 clients; (3) giving notice, if any, to the community in which such client
48 is to be placed; (4) determining appropriate levels of security and
49 supervision; and (5) providing appropriate programs and quality of
50 life for such clients in the least restrictive environment. Such
51 regulations shall not permit the siting of more than one such facility in
52 any one municipality.

53 Sec. 4. The Commissioner of Mental Retardation, in consultation
54 with the Commissioner of Public Works, shall evaluate, within
55 available appropriations, the feasibility and appropriateness of the use
56 of any state-owned property of at least twelve acres for a facility for
57 the placement of not more than fifteen clients of the department who
58 are evaluated by the Commissioner of Mental Retardation as not
59 appropriate for community placement. Not later than February 1, 2002,
60 the Commissioner of Mental Retardation shall submit a report
61 containing the commissioner's findings and recommendations to the
62 joint standing committee of the General Assembly having cognizance
63 of matters relating to public health, in accordance with the provisions
64 of section 11-4a of the general statutes. Such report shall include the
65 criteria and standards used by the commissioner to evaluate such
66 properties.

67 Sec. 5. This act shall take effect from its passage."