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SENATE BILL NO. 731

Offered January 24, 2000

A BILL to amend and reenact § 2.1-1.5, as it is currently effective and as it will become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 54, consisting of sections numbered 2.1-812 through 2.1-819, relating to mental health, mental retardation and substance abuse services.

Patrons—Martin, Colgan, Hanger and Williams

Referred to Committee on Finance

Whereas, the General Assembly finds that the advent of new drug therapies and new community treatment strategies has created an era of new hope for thousands of Virginians who suffer from serious mental illness and their families; and

Whereas, these new drug therapies and new community treatment strategies have allowed thousands of Virginians with serious mental illness to be effectively treated without hospitalization, to live at home with their families, and to have meaningful careers and become productive members of their communities; and

Whereas, as a result of the new drug therapies and community treatment strategies, admissions to state psychiatric hospitals have declined dramatically; and

Whereas, Eastern State Hospital has seen a reduction in admissions from 2,185 in fiscal year 1995 to 1,157 in fiscal year 1999; and

Whereas, of the 29 buildings that comprise the hospital complex, only eight buildings are used to house patients, two buildings have been scheduled for demolition, five buildings have been declared surplus, and four buildings require substantial capital expenditures if they are to be used much longer; and

Whereas, of the over 550 acres upon which the complex sits, a substantial portion remains unused; and

Whereas, the Hancock Geriatric Treatment Center, which provides treatment for up to 260 patients and is the largest single component of Eastern State Hospital, is in need of substantial capital renovations in order to provide adequately for the health, safety and privacy of the patients; and

Whereas, since 1773, the Commonwealth has considered it an essential function to provide services to individuals with mental disabilities; and

Whereas, in order for the Commonwealth to continue to make progress in the treatment of individuals with serious mental illnesses, it must transform antiquated facilities, unused assets and underused assets into assets that can be used directly for the treatment of patients; and

Whereas, the restructuring of Eastern State Hospital and the sale of all or portions of its property will allow for these assets to be maximized in the first instance on behalf of the hospital's patients, and thereafter on behalf of consumers throughout the mental health, mental retardation, and substance abuse services system; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-1.5, as it is currently effective and as it will become effective, of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding in Title 2.1 a chapter numbered 54, consisting of sections numbered 2.1-812 through 2.1-819, as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.

The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or the enabling legislation of the entities:

Authorities

Assistive Technology Loan Fund Authority.
 Medical College of Virginia Hospitals Authority.
 Richmond Eye and Ear Hospital Authority.
 Small Business Financing Authority.
 Virginia Agriculture Development Authority.
 Virginia College Building Authority.
 Virginia Economic Development Partnership.
 Virginia Housing Development Authority.
 Virginia Information Providers Network Authority.
 Virginia Innovative Technology Authority.
 Virginia Port Authority.

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60 Virginia Public Building Authority.
 61 Virginia Public School Authority.
 62 Virginia Resources Authority.

63 Boards

64 Board of Commissioners, Virginia Agriculture Development Authority.
 65 Board of Commissioners, Virginia Port Authority.
 66 Board of Directors, Assistive Technology Loan Fund Authority.
 67 Board of Directors, Medical College of Virginia Hospitals Authority.
 68 Board of Directors, Richmond Eye and Ear Hospital Authority.
 69 Board of Directors, Small Business Financing Authority.
 70 Board of Directors, Virginia Economic Development Partnership.
 71 Board of Directors, Virginia Innovative Technology Authority.
 72 Board of Directors, Virginia Resources Authority.
 73 Board of Regents, Gunston Hall Plantation.
 74 Board of Regents, James Monroe Memorial Law Office and Library.
 75 Board of Trustees, Family and Children's Trust Fund.
 76 Board of Trustees, Frontier Culture Museum of Virginia.
 77 Board of Trustees, Jamestown-Yorktown Foundation.
 78 *Board of Trustees, Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.*
 79 Board of Trustees, Miller School of Albemarle.
 80 Board of Trustees, Rural Virginia Development Foundation.
 81 Board of Trustees, The Science Museum of Virginia.
 82 Board of Trustees, Virginia Museum of Fine Arts.
 83 Board of Trustees, Virginia Museum of Natural History.
 84 Board of Trustees, Virginia ~~Outdoor~~ *Outdoors* Foundation.
 85 Board of Visitors, Christopher Newport University.
 86 Board of Visitors, George Mason University.
 87 Board of Visitors, Gunston Hall Plantation.
 88 Board of Visitors, James Madison University.
 89 Board of Visitors, Longwood College.
 90 Board of Visitors, Mary Washington College.
 91 Board of Visitors, Norfolk State University.
 92 Board of Visitors, Old Dominion University.
 93 Board of Visitors, Radford University.
 94 Board of Visitors, The College of William and Mary in Virginia.
 95 Board of Visitors to Mount Vernon.
 96 Board of Visitors, University of Virginia.
 97 Board of Visitors, Virginia Commonwealth University.
 98 Board of Visitors, Virginia Military Institute.
 99 Board of Visitors, Virginia Polytechnic Institute and State University.
 100 Board of Visitors, Virginia State University.
 101 Commonwealth Health Research Board.
 102 Governing Board, Virginia College Building Authority.
 103 Governing Board, Virginia Public School Authority.
 104 Library Board, The Library of Virginia.
 105 Motor Vehicle Dealer Board.
 106 State Board for Community Colleges, Virginia Community College System.
 107 Virginia-Israel Advisory Board.
 108 (Effective until July 1, 2002) Wireless E-911 Service Board.

109 Commissions

110 Advisory Commission on the Virginia Schools for the Deaf and the Blind.
 111 Alexandria Historical Restoration and Preservation Commission.
 112 Charitable Gaming Commission.
 113 Chesapeake Bay Bridge and Tunnel Commission.
 114 Hampton Roads Sanitation District Commission.
 115 Tobacco Indemnification and Community Revitalization Commission.

116 Districts

117 Chesapeake Bay Bridge and Tunnel District.
 118 Hampton Roads Sanitation District.

119 Educational Institutions

120 Christopher Newport University.
 121 Frontier Culture Museum of Virginia.

- 122 George Mason University.
 123 James Madison University.
 124 Jamestown-Yorktown Foundation.
 125 Longwood College.
 126 Mary Washington College.
 127 Miller School of Albemarle.
 128 Norfolk State University.
 129 Old Dominion University.
 130 Radford University.
 131 The College of William and Mary in Virginia.
 132 The Library of Virginia.
 133 The Science Museum of Virginia.
 134 University of Virginia.
 135 Virginia Commonwealth University.
 136 Virginia Community College System.
 137 Virginia Military Institute.
 138 Virginia Museum of Fine Arts.
 139 Virginia Polytechnic Institute and State University.
 140 Virginia State University.
 141 Foundations
 142 Chippokes Plantation Farm Foundation.
 143 Rural Virginia Development Foundation.
 144 Virginia Arts Foundation.
 145 Virginia Land Conservation Foundation.
 146 Virginia Historic Preservation Foundation.
 147 Virginia ~~Outdoor~~ *Outdoors* Foundation.
 148 Virginia Tobacco Settlement Foundation.
 149 Museum
 150 Virginia Museum of Natural History.
 151 Partnership
 152 A. L. Philpott Manufacturing Extension Partnership.
 153 Plantation
 154 Gunston Hall Plantation.
 155 § 2.1-1.5. (Delayed effective date) Entities not subject to standard nomenclature.
 156 The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics
 157 or the enabling legislation of the entities:
 158 Authorities
 159 Assistive Technology Loan Fund Authority.
 160 Medical College of Virginia Hospitals Authority.
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 181 Board of Directors, Virginia Innovative Technology Authority.
 182 Board of Directors, Virginia Resources Authority.

183	Board of Regents, Gunston Hall Plantation.
184	Board of Regents, James Monroe Memorial Law Office and Library.
185	Board of Trustees, Family and Children's Trust Fund.
186	Board of Trustees, Frontier Culture Museum of Virginia.
187	Board of Trustees, Jamestown-Yorktown Foundation.
188	<i>Board of Trustees, Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.</i>
189	Board of Trustees, Miller School of Albemarle.
190	Board of Trustees, Rural Virginia Development Foundation.
191	Board of Trustees, The Science Museum of Virginia.
192	Board of Trustees, Virginia Museum of Fine Arts.
193	Board of Trustees, Virginia Museum of Natural History.
194	Board of Trustees, Virginia Outdoor <i>Outdoors</i> Foundation.
195	Board of Visitors, Christopher Newport University.
196	Board of Visitors, The College of William and Mary in Virginia.
197	Board of Visitors, George Mason University.
198	Board of Visitors, Gunston Hall Plantation.
199	Board of Visitors, James Madison University.
200	Board of Visitors, Longwood College.
201	Board of Visitors, Mary Washington College.
202	Board of Visitors to Mount Vernon.
203	Board of Visitors, Norfolk State University.
204	Board of Visitors, Old Dominion University.
205	Board of Visitors, Radford University.
206	Board of Visitors, University of Virginia.
207	Board of Visitors, Virginia Commonwealth University.
208	Board of Visitors, Virginia Military Institute.
209	Board of Visitors, Virginia Polytechnic Institute and State University.
210	Board of Visitors, Virginia State University.
211	Commonwealth Health Research Board.
212	Governing Board, Virginia College Building Authority.
213	Governing Board, Virginia Public School Authority.
214	Library Board, The Library of Virginia.
215	Motor Vehicle Dealer Board.
216	State Board for Community Colleges, Virginia Community College System.
217	Virginia-Israel Advisory Board.
218	(Effective until July 1, 2002) Wireless E-911 Service Board.
219	Commissions
220	Advisory Commission on the Virginia Schools for the Deaf and the Blind.
221	Alexandria Historical Restoration and Preservation Commission.
222	Charitable Gaming Commission.
223	Chesapeake Bay Bridge and Tunnel Commission.
224	Hampton Roads Sanitation District Commission.
225	Districts
226	Chesapeake Bay Bridge and Tunnel District.
227	Hampton Roads Sanitation District.
228	Educational Institutions
229	Christopher Newport University.
230	Frontier Culture Museum of Virginia.
231	George Mason University.
232	James Madison University.
233	Jamestown-Yorktown Foundation.
234	Longwood College.
235	Mary Washington College.
236	Miller School of Albemarle.
237	Norfolk State University.
238	Old Dominion University.
239	Radford University.
240	The College of William and Mary in Virginia.
241	The Library of Virginia.
242	The Science Museum of Virginia.
243	University of Virginia.
244	Virginia Commonwealth University.

Virginia Community College System.
 Virginia Military Institute.
 Virginia Museum of Fine Arts.
 Virginia Polytechnic Institute and State University.
 Virginia State University.

Foundations

Chippokes Plantation Farm Foundation.
 Rural Virginia Development Foundation.
 Virginia Arts Foundation.
 Virginia Conservation and Recreation Foundation.
 Virginia ~~Outdoor~~ *Outdoors* Foundation.

Museum

Virginia Museum of Natural History.

Partnership

A. L. Philpott Manufacturing Extension Partnership.

Plantation

Gunston Hall Plantation.

CHAPTER 54.

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES TRUST FUND.

§ 2.1-812. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Trustees of the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.

"Fund" means the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.

§ 2.1-813. Mental Health, Mental Retardation and Substance Abuse Services Trust Fund established; purpose.

There is hereby created in the state treasury a special nonreverting fund to be known as the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund to enhance and assure for the coming years the quality of care and treatment provided to the patients at Eastern State Hospital and the quality of care and treatment provided to consumers of the Commonwealth's mental health, mental retardation, and substance abuse services. The Fund shall be established on the books of the Comptroller. Notwithstanding the provisions of § 2.1-512, the Fund shall consist of the net proceeds of the sale of Eastern State Hospital and the land, or portions thereof, upon which it is located, the sale of other vacant buildings and land held by the Department of Mental Health, Mental Retardation and Substance Abuse Services, and any savings resulting from the sale and restructuring of Eastern State Hospital or other properties. The Fund shall also consist of such moneys as shall be appropriated by the General Assembly. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

§ 2.1-814. Board of Trustees; appointment of officers; terms of office.

A. The Fund shall be governed and administered by a Board of Trustees consisting of fifteen members as follows: six members who shall be confirmed by an affirmative vote of a majority of those voting in each house of the General Assembly, to be appointed by the Governor; three members to be appointed by the Speaker of the House of Delegates; three members to be appointed by the Senate Committee on Privileges and Elections; and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the State Treasurer or his designee, and an employee of Eastern State Hospital appointed by the Commissioner. The Board shall include at least three members who are consumers or family members of consumers at Eastern State Hospital; at least three members who represent James City County, Williamsburg and the greater Hampton Roads area; and at least three members who represent statewide consumer and advocacy organizations.

The initial appointments of the citizen members shall be as follows: four shall be appointed for four-year terms, four shall be appointed for three-year terms and four shall be appointed for two-year terms. Thereafter, all appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be appointed to serve for more than two consecutive four-year terms, but after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which a person has been appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

B. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse

306 *Services shall serve as chairman of the Board. The Board, in its discretion, may elect from its*
307 *membership a vice-chairman and a treasurer for each calendar year. A majority of the members of the*
308 *Board shall constitute a quorum.*

309 *C. Members of the Board shall receive no compensation, but shall be reimbursed for actual expenses*
310 *incurred in the performance of their duties.*

311 *D. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth*
312 *shall be deemed to have forfeited his office or employment by reason of his acceptance of membership*
313 *on the Board.*

314 *§ 2.1-815. Powers and duties of the Board.*

315 *A. The Board shall have the powers and duties to invest moneys in the Fund in any instruments,*
316 *obligations, securities, or property deemed appropriate by the Board and to make recommendations to*
317 *assist the Department of Mental Health, Mental Retardation and Substance Abuse Services in its efforts*
318 *to (i) restructure Eastern State Hospital and (ii) increase the quality and availability of mental health,*
319 *mental retardation and substance abuse services within the Commonwealth.*

320 *B. The Department of the Treasury shall provide staff assistance to the Board in carrying out the*
321 *Board's powers and duties.*

322 *§ 2.1-816. Board actions not a debt of the Commonwealth.*

323 *No act or undertaking of the Board shall be deemed to constitute a debt of the Commonwealth or*
324 *any political subdivision thereof, or a pledge of the full faith and credit of the Commonwealth or any*
325 *political subdivision thereof, but shall be payable solely from the Fund.*

326 *§ 2.1-817. Fund property tax exempt.*

327 *The assets of the Fund shall be used for the benefit of the citizens of the Commonwealth and shall*
328 *be used for an essential government function pursuant to this chapter and shall be exempt from state*
329 *and local taxation.*

330 *§ 2.1-818. Annual report.*

331 *The Department of the Treasury shall submit an annual statement of the receipts, disbursements, and*
332 *current investments of the Fund for the preceding year to the Governor, the Senate Committee on*
333 *Finance, and the House Committees on Appropriations and Finance. The report shall set forth a*
334 *complete operating and financial statement covering the operation of the Fund during the year and shall*
335 *include a statement of projected receipts, disbursements, investments, and costs for the further operation*
336 *of the Fund.*

337 *§ 2.1-819. Forms of accounts and records; audit of same.*

338 *The accounts and records of the Board showing the receipts and disbursements of funds from*
339 *whatever source derived shall be in such form as the Auditor of Public Accounts prescribes. The Auditor*
340 *of Public Accounts, or his legally authorized representatives, shall annually audit the accounts of the*
341 *Board, and the cost of such audit services shall be borne by the Fund.*

342 **2. That the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services is**
343 **hereby authorized to develop and implement a plan for the restructuring of Eastern State**
344 **Hospital. The plan shall include the development of improved facilities to provide treatment for**
345 **the long-term and geriatric patients and the development of community based services for patients**
346 **receiving acute care at Eastern State Hospital. The Commissioner shall develop and implement the**
347 **restructuring plan in coordination with the Board of Trustees of the Mental Health, Mental**
348 **Retardation and Substance Abuse Services Trust Fund. The Virginia Economic Development**
349 **Partnership shall provide necessary assistance and support in the sale of the Eastern State**
350 **Hospital property. The Commissioner shall make quarterly reports to the Governor, the Chairman**
351 **of the Senate Finance Committee and the Chairmen of the House Appropriations and Finance**
352 **Committees. #**