

2003 SENATE BILL 57

March 5, 2003 – Introduced by Senators ZIEN and BROWN, cosponsored by Representatives J. WOOD, SUDER, KREIBICH, HINES, BALOW, LADWIG, F. LASEE and MUSSER. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to repeal* 46.048 and 51.35 (1) (bm); and *to amend* 25.60, 51.06 (1), 51.06
2 (3), 51.20 (13) (c) 1., 51.20 (13) (c) 2., 51.20 (13) (f) and 51.67 (intro.) of the
3 statutes; **relating to:** requiring termination of services of, transfer or sale of
4 tangible personal property and sale of real property at, and transfer of residents
5 from the Central Center for the Developmentally Disabled.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) maintains three state centers, at northern, central, and southern locations, for persons with developmental disabilities.

This bill requires DHFS, by July 1, 2004, to terminate all services at the Central Center for the Developmentally Disabled, other than certain alternative services, to sell or transfer all tangible personal property, and to sell all real property, other than that used to provide alternative services, of the Central Center for the Developmentally Disabled. By January 1, 2004, DHFS must submit to the Joint Committee on Finance a proposal for the termination of the services, the transfer of residents of the Central Center for the Developmentally Disabled, the transfer or sale of tangible personal property and real property, and the termination or transfer of employee positions. If the cochairpersons of the Joint Committee on Finance do not notify the secretary of health and family services within 14 working days after receiving the proposal that the cochairpersons have scheduled a meeting to review the request, DHFS must implement the proposal. If, within 14 working days after

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receiving the proposal, the cochairpersons notify the secretary that the cochairpersons have scheduled a meeting for the purpose of reviewing the proposal, the proposal may be implemented only as approved by the Joint Committee on Finance. The bill also provides for the net proceeds of sales of real property by DHFS to be deposited in the budget stabilization fund.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 25.60 of the statutes is amended to read:

2 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
3 trust fund designated as the budget stabilization fund, consisting of moneys
4 transferred to the fund from the general fund under s. 16.518 (3) and under 2003
5 Wisconsin Act (this act), section 10 (2).

6 **SECTION 2.** 46.048 of the statutes is repealed.

7 **SECTION 3.** 51.06 (1) of the statutes is amended to read:

8 51.06 (1) **PURPOSE.** The purpose of the northern center for developmentally
9 disabled, ~~central center for developmentally disabled~~ and southern center for
10 developmentally disabled is to provide services needed by developmentally disabled
11 citizens of this state that are otherwise unavailable to them, and to return those
12 persons to the community when their needs can be met at the local level.

13 **SECTION 4.** 51.06 (3) of the statutes is amended to read:

14 51.06 (3) **ADMISSION.** Individuals under the age of 22 years shall may be placed
15 ~~only at the central center for the developmentally disabled unless the department~~
16 ~~authorizes the placement of the individual~~ at the northern or southern center for the
17 developmentally disabled.

18 **SECTION 5.** 51.20 (13) (c) 1. of the statutes is amended to read:

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1 51.20 (13) (c) 1. The court shall designate the facility or service which is to
2 receive the subject individual into the mental health system, ~~except that, if .~~ If the
3 subject individual is under the age of 22 years and the facility is a center for the
4 developmentally disabled, the court ~~shall~~ may designate ~~only the central center for~~
5 ~~the developmentally disabled unless the department authorizes designation of~~
6 either the northern or southern center for the developmentally disabled;

7 **SECTION 6.** 51.20 (13) (c) 2. of the statutes is amended to read:

8 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
9 for treatment in the least restrictive manner consistent with the requirements of the
10 subject individual in accordance with a court order designating the maximum level
11 of inpatient facility, if any, which may be used for treatment, ~~except that, if .~~ If the
12 subject individual is under the age of 22 years and the facility is a center for the
13 developmentally disabled, designation ~~shall be only to the central center for the~~
14 ~~developmentally disabled unless the department authorizes the placement of the~~
15 ~~individual~~ may be at the northern or southern center for the developmentally
16 disabled; and

17 **SECTION 7.** 51.20 (13) (f) of the statutes is amended to read:

18 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
19 receives an individual who is committed by a court under par. (a) 3. is authorized to
20 place ~~such~~ the individual in an approved treatment facility subject to any limitations
21 ~~which~~ that are specified by the court under par. (c) 2. The county department shall
22 place the subject individual in the treatment program and treatment facility ~~which~~
23 that is least restrictive of the individual's personal liberty, consistent with the
24 treatment requirements of the individual. The county department shall have
25 ongoing responsibility to review the individual's needs, in accordance with sub. (17),

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1 and transfer the person to the least restrictive program consistent with the
2 individual's needs. If the subject individual is under the age of 22 years and if the
3 facility appropriate for placement or transfer is a center for the developmentally
4 disabled, placement or transfer of the individual ~~shall~~ may be made ~~only to the~~
5 ~~central center for the developmentally disabled unless the department authorizes~~
6 ~~the placement or transfer~~ to the northern or southern center for the developmentally
7 disabled.

8 **SECTION 8.** 51.35 (1) (bm) of the statutes is repealed.

9 **SECTION 9.** 51.67 (intro.) of the statutes is amended to read:

10 **51.67 Alternate procedure; protective services.** (intro.) If, after hearing
11 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
12 warranted and that the subject individual is a fit subject for guardianship and
13 protective placement or services, the court may, without further notice, appoint a
14 temporary guardian for the subject individual and order temporary protective
15 placement or services under ch. 55 for a period not to exceed 30 days. If the court
16 orders temporary protective placement for an individual under the age of 22 years
17 in a center for the developmentally disabled, this placement may be made ~~only at the~~
18 ~~central center for the developmentally disabled unless the department authorizes~~
19 ~~the placement or transfer~~ to the northern or southern center for the developmentally
20 disabled. Any interested party may then file a petition for permanent guardianship
21 or protective placement or services, including medication, under ch. 55. If the
22 individual is in a treatment facility, the individual may remain in the facility during
23 the period of temporary protective placement if no other appropriate facility is
24 available. The court may order psychotropic medication as a temporary protective
25 service under this section if it finds that there is probable cause to believe the

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1 individual is not competent to refuse psychotropic medication and that the
2 medication ordered will have therapeutic value and will not unreasonably impair the
3 ability of the individual to prepare for and participate in subsequent legal
4 proceedings. An individual is not competent to refuse psychotropic medication if,
5 because of chronic mental illness, and after the advantages and disadvantages of and
6 alternatives to accepting the particular psychotropic medication have been
7 explained to the individual, one of the following is true:

SECTION 10. Nonstatutory provisions.

8
9 (1) CLOSURE OF CENTRAL CENTER FOR THE DEVELOPMENTALLY DISABLED; ACTION BY
10 THE DEPARTMENT OF HEALTH AND FAMILY SERVICES. By July 1, 2004, the department of
11 health and family services shall terminate all services at the Central Center for the
12 Developmentally Disabled other than any alternative services that are provided
13 under section 51.06 (1r) of the statutes.

14 (2) SALE OF TANGIBLE PERSONAL PROPERTY AND REAL PROPERTY OF CENTRAL CENTER
15 FOR THE DEVELOPMENTALLY DISABLED. By July 1, 2004, the department of health and
16 family services shall sell all tangible personal property and real property of the
17 Central Center for the Developmentally Disabled, other than tangible personal
18 property and real property in use to provide alternative services under section 51.06
19 (1r) of the statutes and other than tangible personal property transferred to the
20 Northern Center for the Developmentally Disabled or to the Southern Center for the
21 Developmentally Disabled under subsection (3). If there is any outstanding public
22 debt used to finance the acquisition, construction, or improvement of any property
23 that is sold under this subsection, the department of health and family services shall
24 deposit a sufficient amount of the net proceeds from the sale of the property in the
25 bond security and redemption fund under section 18.09 of the statutes to repay the

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1 principal and pay the interest on the debt, and any premium due upon refunding any
2 of the debt. If the property was purchased with federal financial assistance, the
3 department of health and family services shall pay to the federal government any of
4 the net proceeds required by federal law. If there is no such debt outstanding and
5 there are no moneys payable to the federal government, or if the net proceeds exceed
6 the amount required to be deposited or paid under this subsection, the department
7 of health and family services shall deposit the net proceeds or remaining net proceeds
8 in the budget stabilization fund.

9 (3) CLOSURE OF CENTRAL CENTER FOR THE DEVELOPMENTALLY DISABLED; PROPOSAL.

10 (a) By January 1, 2004, the department of health and family services shall
11 develop and submit to the joint committee on finance a proposal, including any
12 proposed legislation necessary to implement the proposal, for all of the following:

13 1. By July 1, 2004, the termination of all services at the Central Center for the
14 Developmentally Disabled other than any alternative services that are provided
15 under section 51.06 (1r) of the statutes.

16 2. By July 1, 2004, the transfer of residents of the Central Center for the
17 Developmentally Disabled to the Northern Center for the Developmentally Disabled
18 or to the Southern Center for the Developmentally Disabled or the relocation, under
19 section 46.275 of the statutes, of residents of the Central Center for the
20 Developmentally Disabled into community settings.

21 3. By July 1, 2004, the transfer of tangible personal property, including records,
22 to the Northern Center for the Developmentally Disabled or the Southern Center for
23 the Developmentally Disabled and the sale of tangible personal property and real
24 property of the Central Center for the Developmentally Disabled other than any

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1 tangible personal property and real property in use to provide alternative services
2 under section 51.06 (1r) of the statutes.

3 4. By July 1, 2004, the termination or transfer of employee positions at the
4 Central Center for the Developmentally Disabled.

5 (b) If the cochairpersons of the joint committee on finance do not notify the
6 secretary of health and family services within 14 working days after receiving the
7 proposal under paragraph (a) that the cochairpersons have scheduled a meeting for
8 the purpose of reviewing the request, the proposal submitted by the department of
9 health and family services shall be implemented. If, within 14 working days after
10 receiving the proposal under paragraph (a), the cochairpersons notify the secretary
11 that the cochairpersons have scheduled a meeting for the purpose of reviewing the
12 proposal, the proposal shall be implemented only as approved by the committee.

13 **SECTION 11. Initial applicability.**

14 (1) The treatment of sections 51.06 (3), 51.20 (13) (c) 1. and 2. and (f), 51.35 (1)
15 (bm), and 51.67 (intro.) of the statutes first applies to an admission, placement, or
16 transfer to a center for the developmentally disabled on the effective date of this
17 subsection.

18 **SECTION 12. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of sections 46.048 and 51.06 (1) of the statutes takes effect
21 on July 1, 2004.

22 (END)