

2003 DRAFTING REQUEST

Bill

Received: **02/19/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **Robert Seitz**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale of Central Center for the Developmentally Disabled

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L
/P1	dkennedy 02/24/2003	csicilia 02/24/2003					S&L
/1			chaskett 02/24/2003		sbasford 02/24/2003	lemery 02/27/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: 02/26/2003.

<END>

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("1")

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1/?	dkennedy	1 cjs 2/24 03	1 cph 2/24	4 pg/cph 2/24			

FE Sent For:

<END>

Miller, Steve

From: Seitz, Robert
Sent: Wednesday, February 19, 2003 12:16 PM
To: Miller, Steve
Subject: Urgent legislation

Steve,

I'm not sure who handles the centers for the developmentally disabled in your shop. Senator Zien needs legislation closing the Central Center for the Developmentally Disabled in Madison within 12 months.

We need to consider this legislation in the March Floor Period.

Thanks,

Bob Seitz
Chief of Staff
Senator Dave Zien

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 2/2/03.

CONVERSATION WITH: Robert Seitz

OF: Zein's office

TELEPHONE NO:

REGARDING LRB # OR DRAFT TOPIC: Sale of Central Center for the Deaf Disabled

INSTRUCTIONS:

Central 353
Northern 174
Southern 268

- ① Money to be deposited in budget stabilization fund (as in budget bill)? OK
- ② When must Central be sold? By DHFS? July 1, 2004
- ③ Central's patients to be transferred to Northern + Southern or, if possible, to the community? What if Northern can't accommodate? Extra \$ for CIP placements in community?
- ④ What about ^{habilit +} rehab services for persons in custody?
- ⑤ There may be short-term residential services at Central. \$1.06 (1r) Wd not be sold
- ⑥ DHFS to submit plan for closure + pt. transfer to J.F. Finn under 13.10 - DAK can talk to DHFS



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2115/1

DAK: / ...

gs

TODAY, by 2:00. please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Editors & LPSs:
These bills
are identical
DAK
NCSL
Your Legislative Support System

Gen cat

1 AN ACT ~~...~~; relating to: requiring termination of services of, transfer or sale of
2 tangible personal property and sale of real property at, and transfer of residents
3 from the Central Center for the Developmentally Disabled ~~and making an~~
4 appropriation.

at northern, central, and southern locations,

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) maintains three state centers 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 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

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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:

SECTION 1. 20.435 (2) (gk) of the statutes is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care, other than under s. 51.06 (1r), provided by the centers for the developmentally disabled, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s. 46.043, provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of property damaged at the mental health institutes or, except as provided under 2003 Wisconsin Act ... (this act), section 11

(B), at centers for the developmentally disabled; and for reimbursing the total cost of using, producing, and providing services, products, and care. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10, and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental

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p. 6

1 health institutes; for the sale of electricity, steam, or chilled water; as payments in
 2 restitution of property damaged at the mental health institutes or at centers for the
 3 developmentally disabled; for the sale of surplus property, including vehicles, at the
 4 mental health institutes or at centers for the developmentally disabled; and for other
 5 services, products, and care shall be credited to this appropriation, except that any
 6 payment under s. 46.10 received for the care or treatment of patients admitted under
 7 s. 51.10, 51.15, or 51.20 for which the state is liable under s. 51.05 (3), of patients
 8 admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1),
 9 of forensic patients committed under ch. 971 or 975, admitted under ch. 975, or
 10 transferred under s. 51.35 (3), or of patients transferred from a state prison under
 11 s. 51.37 (5), to the Mendota Mental Health Institute or the Winnebago Mental Health
 12 Institute shall be treated as general purpose revenue — earned, as defined under s.
 13 20.001 (4).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

14 **SECTION 2.** 25.60 of the statutes is amended to read:

15 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
 16 trust fund designated as the budget stabilization fund, consisting of moneys
 17 transferred to the fund from the general fund under s. 16.518 (3) and under 2003
 18 Wisconsin Act ... (this act), section ~~16~~ (2).

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↑ use auto ref "B"

19 **SECTION 3.** 46.048 of the statutes is repealed.

20 **SECTION 4.** 51.06 (1) of the statutes is amended to read:

21 51.06 (1) **PURPOSE.** The purpose of the northern center for developmentally
 22 disabled, ~~central center for developmentally disabled~~ and southern center for

1 developmentally disabled is to provide services needed by developmentally disabled
2 citizens of this state that are otherwise unavailable to them, and to return those
3 persons to the community when their needs can be met at the local level.

^{16.} **History:** 1975 c. 430; 1981 c. 20; 1985 a. 29 ss. 1061 to 1064, 3200 (56); 1985 a. 176; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 9; 2001 a.

4 **SECTION 5.** 51.06 (3) of the statutes is amended to read:

5 51.06 (3) ADMISSION. Individuals under the age of 22 years shall may be placed
6 ~~only at the central center for the developmentally disabled unless the department~~
7 ~~authorizes the placement of the individual at the northern or southern center for the~~
8 ~~developmentally disabled.~~ ✓

^{16.} **History:** 1975 c. 430; 1981 c. 20; 1985 a. 29 ss. 1061 to 1064, 3200 (56); 1985 a. 176; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 9; 2001 a.

9 **SECTION 6.** 51.20 (13) (c) 1. of the statutes is amended to read:

10 51.20 (13) (c) 1. The court shall designate the facility or service which is to
11 receive the subject individual into the mental health system, ~~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, the court shall may designate only the central center for
14 ~~the developmentally disabled unless the department authorizes designation of~~
15 either the northern or southern center for the developmentally disabled; ✓

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109.

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

17 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
18 for treatment in the least restrictive manner consistent with the requirements of the
19 subject individual in accordance with a court order designating the maximum level
20 of inpatient facility, if any, which may be used for treatment, ~~except that, if .~~ If the
21 subject individual is under the age of 22 years and the facility is a center for the
22 developmentally disabled, designation shall be only to the central center for the

1 ~~developmentally disabled unless the department authorizes the placement of the~~
2 ~~individual may be at the northern or southern center for the developmentally~~
3 ~~disabled; and~~ ✓

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109.

4 **SECTION 8.** 51.20 (13) (f) of the statutes is amended to read:

5 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which that~~
6 receives an individual who is committed by a court under par. (a) 3. is authorized to
7 place ~~such the~~ individual in an approved treatment facility subject to any limitations
8 ~~which that~~ are specified by the court under par. (c) 2. The county department shall
9 place the subject individual in the treatment program and treatment facility ~~which~~
10 ~~that~~ is least restrictive of the individual's personal liberty, consistent with the
11 treatment requirements of the individual. The county department shall have
12 ongoing responsibility to review the individual's needs, in accordance with sub. (17),
13 and transfer the person to the least restrictive program consistent with the
14 individual's needs. If the subject individual is under the age of 22 years and if the
15 facility appropriate for placement or transfer is a center for the developmentally
16 disabled, placement or transfer of the individual ~~shall may be made only to the~~
17 ~~central center for the developmentally disabled unless the department authorizes~~
18 ~~the placement or transfer~~ to the northern or southern center for the developmentally
19 disabled. ✓

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109.

20 **SECTION 9.** 51.35 (1) (bm) of the statutes is repealed.

21 **SECTION 10.** 51.67 (intro.) of the statutes is amended to read:

1 **51.67 Alternate procedure; protective services.** (intro.) If, after hearing
2 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
3 warranted and that the subject individual is a fit subject for guardianship and
4 protective placement or services, the court may, without further notice, appoint a
5 temporary guardian for the subject individual and order temporary protective
6 placement or services under ch. 55 for a period not to exceed 30 days. If the court
7 orders temporary protective placement for an individual under the age of 22 years
8 in a center for the developmentally disabled, this placement may be made ~~only at the~~
9 ~~central center for the developmentally disabled unless the department authorizes~~
10 ~~the placement or transfer~~ to the northern or southern center for the developmentally
11 disabled. Any interested party may then file a petition for permanent guardianship
12 or protective placement or services, including medication, under ch. 55. If the
13 individual is in a treatment facility, the individual may remain in the facility during
14 the period of temporary protective placement if no other appropriate facility is
15 available. The court may order psychotropic medication as a temporary protective
16 service under this section if it finds that there is probable cause to believe the
17 individual is not competent to refuse psychotropic medication and that the
18 medication ordered will have therapeutic value and will not unreasonably impair the
19 ability of the individual to prepare for and participate in subsequent legal
20 proceedings. An individual is not competent to refuse psychotropic medication if,
21 because of chronic mental illness, and after the advantages and disadvantages of and
22 alternatives to accepting the particular psychotropic medication have been
23 explained to the individual, one of the following is true:

History: 1975 c. 430; 1977 c. 187, 428; 1979 c. 89, 336; 1985 a. 29; 1987 a. 366; 1995 a. 268.

24 **SECTION 11. Nonstatutory provisions.**

↑
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a.c. "A"

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

Tangible personal property ✓

create a.r. "B"

6 (2) SALE OF TANGIBLE PERSONAL PROPERTY AND REAL PROPERTY OF CENTRAL CENTER
 7 FOR THE DEVELOPMENTALLY DISABLED. By July 1, 2004, the department of health and
 8 family services shall sell ^{*all*} tangible personal property and real property of the Central
 9 Center for the Developmentally Disabled, other than tangible personal property and
 10 real property in use to provide alternative services under section 51.06 (1r) of the
 11 statutes and other than ~~assets~~ transferred to the Northern Center for the

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12 Developmentally Disabled or to the Southern Center for the Developmentally
 13 Disabled under subsection (3). If there is any outstanding public debt used to finance
 14 the acquisition, construction, or improvement of any property that is sold under this
 15 subsection, the department of health and family services shall deposit a sufficient
 16 amount of the net proceeds from the sale of the property in the bond security and
 17 redemption fund under section 18.09 of the statutes to repay the principal and pay
 18 the interest on the debt, and any premium due upon refunding any of the debt. If
 19 the property was purchased with federal financial assistance, the department of
 20 health and family services shall pay to the federal government any of the net
 21 proceeds required by federal law. If there is no such debt outstanding and there are
 22 no moneys payable to the federal government, or if the net proceeds exceed the
 23 amount required to be deposited or paid under this subsection, the department of
 24 health and family services shall deposit the net proceeds or remaining net proceeds
 25 in the budget stabilization fund.

including any proposed legislation necessary to implement the proposal

1 *create auto ref "C"* (b) CLOSURE OF CENTRAL CENTER FOR THE DEVELOPMENTALLY DISABLED; PROPOSAL.

2 (a) By January 1, 2004, the department of health and family services shall develop

3 and submit to the joint committee on finance a proposal for all of the following:

4 1. By July 1, 2004, the termination of all services at the Central Center for the

5 *"D"* Developmentally Disabled other than any alternative services that are provided

6 under section 51.06 (1r) of the statutes.

to the Northern Center for the Developmentally Disabled or the Southern Center for the Developmentally Disabled

7 2. By July 1, 2004, the transfer of residents of the Central Center for the

8 Developmentally Disabled to the Northern Center for the Developmentally Disabled

9 or to the Southern Center for the Developmentally Disabled or the relocation, under

10 section 46.275 of the statutes, of residents of the Central Center for the

11 Developmentally Disabled into community settings.

12 3. By July 1, 2004, the transfer of tangible personal property, including records,

13 and the sale of tangible personal property and real property of the Center for the

14 Developmentally Disabled other than any tangible personal property and real

15 property in use to provide alternative services under section 51.06 (1r) of the

16 statutes.

17 4. By July 1, 2004, the termination or transfer of employee positions at the

18 Central Center for the Developmentally Disabled.

19 (b) If the cochairpersons of the joint committee on finance do not notify the

20 secretary of health and family services within 14 working days after receiving the

21 proposal under paragraph (a) that the cochairpersons have scheduled a meeting for

22 the purpose of reviewing the request, the proposal submitted by the department of

23 health and family services shall be implemented. If, within 14 working days after

24 receiving the proposal under paragraph (a), the cochairpersons notify the secretary

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shall

1 that the cochairpersons have scheduled a meeting for the purpose of reviewing the
2 proposal, the proposal ~~may~~ be implemented only as approved by the committee. ✓

3 **SECTION 12. Initial applicability.**

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

8 **SECTION 13. Effective dates.** This act takes effect on the day after publication,
9 except as follows:

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

12 ✓ (END)

Barman, Mike

From: Zien, Dave
Sent: Wednesday, February 26, 2003 2:32 PM
To: LRB.Legal
Subject: Submitted: LRB 03-2115/1 Topic: Sale of Central Center for the Developmentally Disabled?body=

I would appreciate a fiscal estimate as soon as possible on this draft. Thank you.

Sincerely,

Dave Zien
State Senator
23rd District

Mentkowski, Annie

From: Marcott, Susan
Sent: Thursday, February 27, 2003 1:31 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2115/1 Topic: Sale of Central Center for the Developmentally Disabled

It has been requested by <Marcott, Susan> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2115/1 Topic: Sale of Central Center for the Developmentally Disabled