

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/19/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-3847**

By/Representing: **Stoller**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies: **JTK, RPN**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Stoller -

Topic:

Northern 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>
/?							
/1	dkennedy 05/20/2003	csicilia 05/20/2003	chaskett 05/20/2003	_____	amentkow 05/20/2003		
/2	dkennedy 05/30/2003	csicilia 06/02/2003	rschluet 06/02/2003	_____	mbarman 06/02/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	dkennedy 06/06/2003	kgilfoy 06/06/2003	jfrantze 06/06/2003	_____	lemery 06/06/2003		

FE Sent For:

<END>

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/1	dkennedy 05/20/2003	csicilia 05/20/2003	chaskett 05/20/2003	_____	amentkow 05/20/2003		
/2	dkennedy 05/30/2003	csicilia 06/02/2003	rschluet 06/02/2003	_____	mbarman 06/02/2003		
		<i>13-6/6 kmg</i>	<i>St 6/6</i>	<i>St 6/6 6/6</i>			

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<END>

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/?							
/1	dkennedy 05/20/2003	csicilia 05/20/2003	chaskett 05/20/2003		amentkow 05/20/2003		

FE Sent For:

1/2 yrs 5/30
03

Handwritten signature and date: 6-2-03

<END>

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Wanted: As time permits

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/?	dkennedy	/1 gjs 5/20 03	/1 cpk 5/20	P8/cph 5/20			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 5/16/03

DELIVER TO: Deborah Kennedy

Addressee Fax #: 264-6948 Addressee Phone #: 266-0137

of Pages, Including Cover: 4 Sender's Initials: JS

From: Jessica Stoller

Message:

Copy of motion adopted by
JFC today.

- 0196
- 0211
- 1746

CORRECTIONS, DEPARTMENT OF HEALTH AND FAMILY SERVICES

Highview Correctional Institution [Paper #241, Substitute Alternative]
Northern WI Center [Paper #420, Substitute Alternative]

Motion:

Move to make the following changes relating to state facilities on the campus of Northern Wisconsin Center for the Developmentally Disabled.

Corrections. Adopt Alternative B6 in LFB Issue Paper #241.

In addition, specify that 50 beds at the Highview Correctional Institution be designated for programming for offenders in prison as an alternative to revocation of probation, parole, or extended supervision. Delete \$950,200 GPR in 2004-05 associated with contract bed funding.

Health and Family Services. Adopt Alternative A2 in LFB Issue Paper #420.

Delete the SB 44 provision that would eliminate the statutory requirement that DHFS notify, and obtain approval from, the appropriate county department before DHFS transfers a resident from one state center to another. However, authorize DHFS to transfer any resident with the approval of the county and the resident's guardian.

51.06(3)(b)
(into.)
51.06(7)
51.35(1)(b)
1.2

Direct DHFS to sell all surplus land at NWC and specify that all of the proceeds from the sale be deposited as revenues in the Division of Care and Treatment Facilities PR general program operations appropriation, notwithstanding other statutory provisions relating to the proceeds from the sale of state land, which could be released by the Joint Committee on Finance to support state activities on the campus of NWC.

13.101(17)
13.48(14)(c)
16.72(4)(b)
20.435(2)
(gk)
25.60
51.06(6),
51.35(1)(c),
51.35(1)(d)
3.

D-Note Prohibit DHFS from transferring residents from NWC to Central Wisconsin Center to enable DHFS to increase the number of positions that would be available to support dental services (1.70 PR positions annually), quality assurance (2.0 PR positions annually), power plant operations (17.0 PR positions annually), community capacity teams (12.0 PR positions annually), and to maintain limited long-term care services at NWC (109.30 PR positions annually). Provide that DHFS could transfer a NWC employee to another center only if the employee requests such a transfer.

51.06
(7)

D-NOTE Provide 17.5 PR positions in 2003-04 and 54.50 PR positions in 2004-05 to increase

vocational programming at NWC (17.50 PR positions annually) and to increase staffing for the intensive treatment program (37.50 PR positions in 2004-05).

Note:

Corrections

Currently, offenders who violate their probation, parole, or extended supervision may serve confinement time in prison and receive programming as an alternative to revocation (ATR). Offenders placed in prison as ATRs generally serve shorter periods of time in prison than offenders whose probation, parole, or extended supervision is revoked. Corrections currently places ATRs in various correctional centers based on offender's need and bed space availability.

Alternative B6 in Paper #241 provides \$4,437,900 GPR in 2003-04 and \$784,900 GPR in 2004-05 and 152.35 GPR positions annually to open Highview Correctional Institution as a minimum-security facility with intensive AODA programming in April, 2004.

The motion additionally designates 50 beds at Highview to provide 120-day programming to ATRs, similar to the Drug Abuse Correctional Center beginning in May, 2004, and reduces contract bed funding by \$950,200 GPR in 2004-05.

Health and Family Services

The Governor's proposal relating to NWC includes an assumption that approximately 58 residents and 142 staff would transfer from NWC to CWC. The remaining residents would be placed in the community by July 1, 2004.

Alternative A2 in LFB paper #420 would increase funding in the bill by \$3,569,200 (\$1,654,900 GPR, \$2,323,900 FED and -\$409,600 PR) in 2003-04 and by \$74,900 (\$1,051,100 GPR, -\$155,900 FED and -\$820,300 PR) in 2004-05 and increase estimated revenue to the general fund by \$952,000 and decrease estimated revenue to the general fund by \$423,700 in 2004-05. These amounts reflect a reestimate of the fiscal effect of the Governor's proposal.

This motion would also prohibit involuntary transfers of residents and staff to CWC and instead retain the 142 positions at Northern and add 54.50 county- and federal- funded positions to provide alternative services. These staff would support the following: (a) vocational programming; (b) the intensive treatment program; (c) dental services; (d) the quality assurance team; (e) information technology; (f) power plant operations; (g) the community capacity team; and (h) limited long-term care services.

The Governor's recommendations with respect to the CIP IA rates and position reductions at

CWC and SWC would be retained in the bill.

Land Sales

DHFS recently declared approximately 222 acres on the Northern campus as surplus. Revenues from the sale of surplus land are currently deposited to a Joint Finance Committee appropriation. An agency may request up to 50% of the proceeds from the sale of land under current law; however, a provision in the Governor's bill that was recently approved by the Joint Finance Committee would deposit these revenues into the "rainy day" fund. This motion would ensure that all of the proceeds from the sale of land at NWC would be credited to the centers PR general program operations appropriation, which would make these revenues available to support the increased costs of maintaining services at the NWC campus.

[Change to Bill (Corrections): \$3,640,300 GPR (Highview)]

[Change to Bill (Health and Family Services): \$2,706,100 GPR, \$2,168,000 FED, and -\$1,229,900 PR, \$528,300 GPR-REV, and 54.50 PR positions]

[Total Change to Bill: \$6,346,400 GPR, \$2,168,000 FED, and -\$1,229,900 PR, \$528,300 GPR-REV, and 54.50 PR positions]

Kennedy, Debora

From: Kennedy, Debora
Sent: Friday, May 16, 2003 3:33 PM
To: Stoller, Jessica
Subject: RE: Draft: NWC

Thank you, Jessica. I have no questions right now, but want you to know that Bob Nelson is drafting the provisions that relate to Highview and Alternative B6 as an amendment that is separate from the amendment I'm drafting on the Northern WI Center Health and Family Services items.

-----Original Message-----

From: Stoller, Jessica
Sent: Friday, May 16, 2003 2:33 PM
To: Kennedy, Debora
Subject: Draft: NWC

The Joint Finance Committee took up the Northern WI Center paper today and passed a motion that requires statutory changes. I will fax a copy of the motion over to you. Please note that the JFC went with the Governor on the CIP IA rate and reductions at Central and Southern center (as indicated at the bottom of the motion).

The following statutory changes would need to be made:

- ✓ 1. Delete the SB44 provision that would eliminate the statutory requirement that DHFS obtain county approval prior to transferring a resident to another Center;
- ✓ 2. Require DHFS to sell all surplus land at NWC and specify that 100% of these revenues be deposited in the Division of Care and Treatment Facilities PR general program ops appropriation (20.435 (2)(gk)) which could be released by the JFC for NWC campus activities (there would have to be statutory changes that would exempt land sales at Northern from the provision in the Governor's bill that would require revenues from the sale of land to be deposited in the "rainy day" fund;
- ✓ 3. Prohibit DHFS from transferring residents from Northern to Central unless approval is obtained from the county and the resident's guardian;
- ✓ 4. Prohibit DHFS from transferring staff from Northern to Central unless the Northern employee requests a transfer;
- D-N ✓ 5. Specify positions that would be created or retained at Northern

It's a lengthy motion. Please let me know if you have any questions.

Jessica Stoller
Legislative Fiscal Bureau Analyst
Jessica.Stoller@legis.state.wi.us
(608)266-3847



SOAN - Du edit 5/20

State of Wisconsin
2003 - 2004 LEGISLATURE

D-NOTE

LRBb021571

DAK:.....

js

LFB:.....Stoller - Northern Center for the Developmentally Disabled

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

12

1 At the locations indicated, amend the bill as follows:

2 1. Page 50, line 5: after that line insert:

3 "SECTION 10r. 13.101 (17) of the statutes is created to read:

4 13.101 (17) From the appropriation under s. 20.435 (2) (gk), the committee may
5 approve expenditure of moneys received by the state under s. 51.06 (6) only to
6 support state activities at the Northern Center for the Developmentally Disabled."

7 2. Page 55, line 17: delete "If" and substitute "Except as provided in s. 51.06

8 (6), if". there plain

9 3. Page 113, line 23: delete "In" and substitute "Except as provided in s. 51.06

10 (6), in".

If ← strike

In ← strike

Fix component.

delete the material beginning with "except as" and ending with "(6)" on line 23.

1 4. Page 366, line 22: ~~on lines 22 and 23, delete "except as provided in s. 51.06~~

2 (6)." e

3 5. Page 367, line 7: after "(4)" insert "; and except that moneys received under
4 s. 51.06 (6) may be expended only as provided in s. 13.101 (17)".

5 6. Page 459, line 2: delete that line and substitute: ", and 16.72 (4) (b). ✓

6 7. Page 643, line 8: after "at" insert "or transferred to". ✓

7 8. Page 644, line 14: delete "deposit" and substitute "credit". ✓

8 9. Page 644, line 15: delete "in the budget stabilization fund" and substitute
9 "to the appropriation account under s. 20.435 (2) (gk)". ✓

10 10. Page 644, line 15: after that line insert:

11 "SECTION 1490c. 51.06 (7) of the statutes is created to read:

12 51.06 (7) EMPLOYEE OR POSITION TRANSFERS. The department may not transfer
13 an employee of the Northern Center for the Developmentally Disabled to another
14 center for the developmentally disabled unless the employee requests the transfer.
15 The department may not transfer employee positions from the Northern Center for
16 the Developmentally Disabled to another center for the developmentally disabled if
17 the ^{position} transfer would have the purpose or effect of significantly changing the mission
18 of the Northern Center for the Developmentally Disabled."

19 11. Page 646, line 22: after "is" insert "renumbered 51.35 (1) (b) 1. and".

20 12. Page 646, line 23: after "(b)" insert "1."

21 13. Page 647, line 3: after that line insert:

22 "SECTION 1496c. 51.35 (1) (b) 2. of the statutes is created to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0215/7dn
DAK:.....

cjs

To Jessica Stoller

1. This amendment does not specify positions that would be created or retained at the Northern Center for the Developmentally Disabled; ordinarily, position authorizations are not treated in the Joint Committee on Finance substitute amendment because the Joint Committee on Finance may increase or decrease positions, to provide specific services, in its budget determinations under s. 16.505 (1) (a), stats. Please review s. 51.06 (7) to see if it accomplishes your intent. ✓
2. Please note my addition of language about transfer to s. 51.06 (3) (b); this language is in line with other changes to s. 51.35. ✓

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0215/1dn
DAK:cjs:cph

May 20, 2003

To Jessica Stoller

1. This amendment does not specify positions that would be created or retained at the Northern Center for the Developmentally Disabled; ordinarily, position authorizations are not treated in the Joint Committee on Finance substitute amendment because the Joint Committee on Finance may increase or decrease positions, to provide specific services, in its budget determinations under s. 16.505 (1) (a), stats. Please review s. 51.06 (7) to see if it accomplishes your intent.
2. Please note my addition of language about transfer to s. 51.06 (3) (b); this language is in line with other changes to s. 51.35.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Stoller, Jessica
Sent: Friday, May 23, 2003 8:48 AM
To: Kennedy, Debora
Cc: Haskett, Christian; Morgan, Charlie
Subject: RE: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

I reached your voicemail this morning, so I thought I'd send over my questions/comments on the Northern and nursing home surveyor positions drafts so that you can respond when you have a chance.

On the NH surveyor positions draft (LRBb0114/1dn), the language does not need to include certified adult family homes. BQA regulates 3-4 bed adult family homes, which are licensed, whereas counties regulate 1-2 bed adult family homes, which are certified.

On Northern (LRBb0215/1dn), I have a few questions.

1. Under section 1490c. "Employee or Position Transfers" I wonder where the "mission of Northern Center for the Developmentally Disabled" is identified in statutes to ensure that the alternative services and positions identified in the memo are provided by DHFS. These are entirely new alternative services at the Northern campus, and I just want to make sure that this language coincides with the JFC's intent.
2. Is there a difference between "Northern WI Center for the Developmentally Disabled" and "Northern campus?" The JFC would like the revenues to be available for development anywhere on the Northern campus.
3. Should the changes to 51.06(3)(b) (that lists when a resident may be transferred) include the new language in 51.35(1)(b)2. that states a transfer can only occur with county and guardian approval or is it enough to have this language in a separate section?
4. In Section 1499, subds 3. is deleted (in line 16 of the draft) but the reference to subds. 2& 3 don't seem to be deleted in line 22 (p.647 of bill).

Thanks for your work on this.

Jessica

*Subd. 3 is deleted from bill
(p.648, lines 8 to 12)*

-----Original Message-----

From: Haskett, Christian
Sent: Tuesday, May 20, 2003 4:47 PM
To: Stoller, Jessica
Cc: Morgan, Charlie; Hanaman, Cathlene; Haugen, Caroline; Holten, Vicki
Subject: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

Following is the PDF version of draft 03b0215/1.

<< File: 03b0215/1 >> << File: 03b0215/1dn >>

Kennedy, Debora

From: on behalf of Kennedy, Debora
To: Stoller, Jessica
Cc: Morgan, Charlie
Subject: RE: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

These are the answers to your questions in your May 23 e-mail:

1. The best description of the "mission" (such as it is) of the Northern Center for the Developmentally Disabled is in s. 51.06 (1), stats. As long as the alternative services are being provided to developmentally disabled persons, the mission (or purpose) appears unchanged. The language concerning the mission that is under s. 51.06 (7) in the amendment places a limitation on DHFS of transferring employees to the extent that developmentally disabled persons may no longer be adequately served. Read together with the first sentence of s. 51.06 (7), the meaning is that DHFS may transfer employees to another center if they request it, but not to the extent that it impairs the functioning of the Northern Center.
2. I think that the "Northern campus" is simply shorthand for "Northern Center for the Developmentally Disabled."
3. I don't think that s. 51.06 (3) (b) should reference s. 51.35 (1) (b) 2. Section 51.06 (3) is concerned with county placement of children and developmentally disabled people with aggressive behaviors at a center for the developmentally disabled, whereas s. 51.35 (1) (b) 2. is concerned with departmental transfer of an individual from one center to another. Note that s. 51.35 (2) (bm) is subject to s. 51.06 (3).
4. I'm not sure I understand your fourth question. I think what you are asking is this: the amendment to s. 51.35 (1) (d) 3. (which changes the word "subsection" to paragraph") is eliminated from the bill under LRB 03b0215/1; however, the amendment to s. 51.35 (1) (d) 1. in the bill still contains reference to s. 51.35 (1) (d) 2. and 3.; why?

My answer to that question is this: The purpose of the language in SB 44 was to eliminate the requirement for county notification and approval of DHFS transfers from one center to another or to the community. Section 51.35 (1) (d) 3., stats., in current law, requires prior notification to the county and notification to the guardian of the DHFS' intent to transfer a patient, and applies to all of s. 51.35 (1), stats.; therefore, in the bill, s. 51.35 (1) (d) 3. was amended to change "subsection" to "paragraph" and thus apply it only to the situation specified under s. 51.35 (1) (d). The motion deletes the provision that eliminates the requirement that DHFS notify the county before making a transfer--therefore, the amendment to s. 51.35 (1) (d) 3. is no longer appropriate, it is taken out of the bill, and s. 51.35 (1) (d) 3. continues to function under current law.

With respect to s. 51.35 (1) (d) 2., the motion did not refer to deleting the provision that eliminates the requirement that DHFS make a transfer to a less restrictive facility only if the county cannot locate a facility in the community or has acted arbitrarily or capriciously, and therefore I did not take s. 51.35 (1) (d) 2. out of the bill.

Section 51.35 (1) (d) 1., stats., is a somewhat different situation. By itself, it allows DHFS, without county approval, to transfer a patient to a less restrictive treatment facility. However, s. 51.35 (1) (d) 2. and 3. clearly affect that power, regardless if they are applicable to the subsection (as in current law) or only to that paragraph (as is s. 51.35 (1) (d) 2. under LRB 03b0215/1). Therefore, I kept the references to subds. 2. and 3. in s. 51.35 (1) (d) 1.

I think one of the (many) reasons why this is so confusing is that s. 51.35 (1) (d) 3. should not be a part of the paragraph, but should instead, since it applies to the whole subsection, be renumbered to be a paragraph itself, perhaps s. 51.35 (1) (dm)

I'm sorry this is such a lengthy explanation. If you want to discuss it by phone, just call, and I'll be happy to talk with you about it.

Debora A. Kennedy
Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Stoller, Jessica
Sent: Thursday, May 29, 2003 9:01 AM
To: Kennedy, Debora
Cc: Morgan, Charlie
Subject: RE: RE: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

Ok. I will wait for a new draft.

thanks.

Jessica

-----Original Message-----

From: Kennedy, Debora
Sent: Thursday, May 29, 2003 8:47 AM
To: Stoller, Jessica
Subject: RE: RE: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

I think it would be a good idea. This subsection is so convoluted and confusing that I think that type of change would be helpful.

-----Original Message-----

From: Stoller, Jessica
Sent: Thursday, May 29, 2003 8:42 AM
To: Kennedy, Debora
Subject: RE: RE: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

Thanks Debora.

Do you think that it is necessary to redraft this item just to renumber the item you mentioned below?

Jessica

-----Original Message-----

From: Kennedy, Debora
Sent: Wednesday, May 28, 2003 3:31 PM
To: Stoller, Jessica
Cc: Morgan, Charlie
Subject: RE: LRB Draft: 03b0215/1 Northern Center for the Developmentally Disabled

These are the answers to your questions in your May 23 e-mail:

1. The best description of the "mission" (such as it is) of the Northern Center for the Developmentally Disabled is in s. 51.06 (1), stats. As long as the alternative services are being provided to developmentally disabled persons, the mission (or purpose) appears unchanged. The language concerning the mission that is under s. 51.06 (7) in the amendment places a limitation on DHFS of transferring employees to the extent that developmentally disabled persons may no longer be adequately served. Read together with the first sentence of s. 51.06 (7), the meaning is that DHFS may transfer employees to another center if they request it, but not to the extent that it impairs the functioning of the Northern Center.
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4. I'm not sure I understand your fourth question. I think what you are asking is this: the amendment to s. 51.35 (1) (d) 3. (which changes the word "subsection" to paragraph) is eliminated from the bill under LRB 03b0215/1; however, the amendment to s. 51.35 (1) (d) 1. in the bill still contains reference to s. 51.35 (1) (d)

2. and 3.; why?

My answer to that question is this: The purpose of the language in SB 44 was to eliminate the requirement for county notification and approval of DHFS transfers from one center to another or to the community. Section 51.35 (1) (d) 3., stats., in current law, requires prior notification to the county and notification to the guardian of the DHFS' intent to transfer a patient, and applies to all of s. 51.35 (1), stats.; therefore, in the bill, s. 51.35 (1) (d) 3. was amended to change "subsection" to "paragraph" and thus apply it only to the situation specified under s. 51.35 (1) (d). The motion deletes the provision that eliminates the requirement that DHFS notify the county before making a transfer--therefore, the amendment to s. 51.35 (1) (d) 3. is no longer appropriate, it is taken out of the bill, and s. 51.35 (1) (d) 3. continues to function under current law.

With respect to s. 51.35 (1) (d) 2., the motion did not refer to deleting the provision that eliminates the requirement that DHFS make a transfer to a less restrictive facility only if the county cannot locate a facility in the community or has acted arbitrarily or capriciously, and therefore I did not take s. 51.35 (1) (d) 2. out of the bill.

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I think one of the (many) reasons why this is so confusing is that s. 51.35 (1) (d) 3. should not be a part of the paragraph, but should instead, since it applies to the whole subsection, be renumbered to be a paragraph itself, perhaps s. 51.35 (1) (dm)

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debora.kennedy@legis.state.wi.us



SOON - In edit 5/30
State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0215/PA

DAK:cjs:cmr

D-NOTE

stap

LFB:.....Stoller – Northern Center for the Developmentally Disabled

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,
TO 2003 SENATE BILL 44**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 50, line 12: after that line insert:

3 **“SECTION 10r.** 13.101 (17) of the statutes is created to read:

4 13.101 (17) From the appropriation under s. 20.435 (2) (gk), the committee may
5 approve expenditure of moneys received by the state under s. 51.06 (6) only to
6 support state activities at the Northern Center for the Developmentally Disabled.”.

7 **2.** Page 55, line 17: delete “If there” and substitute “If Except as provided in
8 s. 51.06 (6), if there”.

9 **3.** Page 113, line 23: delete “In” and substitute “In Except as provided in s.
10 51.06 (6), in”.

1 **4.** Page 366, line 22: delete the material beginning with “, except as” and
2 ending with “(6),” on line 23.

3 **5.** Page 367, line 7: after “(4)” insert “; and except that moneys received under
4 s. 51.06 (6) may be expended only as provided in s. 13.101 (17)”.

5 **6.** Page 459, line 2: delete that line and substitute: “, and 16.72 (4) (b).”

6 **7.** Page 643, line 8: after “at” insert “or transferred to”.

7 **8.** Page 644, line 14: delete “deposit” and substitute “credit”.

8 **9.** Page 644, line 15: delete “in the budget stabilization fund” and substitute
9 “to the appropriation account under s. 20.435 (2) (gk)”.

10 **10.** Page 644, line 15: after that line insert:

11 “**SECTION 1490c.** 51.06 (7) of the statutes is created to read:

12 51.06 (7) EMPLOYEE OR POSITION TRANSFERS. The department may not transfer
13 an employee of the Northern Center for the Developmentally Disabled to another
14 center for the developmentally disabled unless the employee requests the transfer.
15 The department may not transfer employee positions from the Northern Center for
16 the Developmentally Disabled to another center for the developmentally disabled if
17 the position transfer would have the purpose or effect of significantly changing the
18 mission of the Northern Center for the Developmentally Disabled.”.

19 **11.** Page 646, line 22: after “is” insert “renumbered 51.35 (1) (b) 1. and”.

20 **12.** Page 646, line 23: after “(b)” insert “1.”.

21 **13.** Page 647, line 3: after that line insert:

22 “**SECTION 1496c.** 51.35 (1) (b) 2. of the statutes is created to read:

1 51.35 (1) (b) 2. Except as provided in pars. (c) and (d), a transfer of a resident
2 of a center for the developmentally disabled by the department is subject to the
3 approval of the appropriate county department under s. 51.42 or 51.437 to which the
4 resident was committed or through which the resident was admitted to the center
5 and to the approval of the resident's guardian."

6 **14.** Page 647, line 11: delete lines 11 to 20. *on lines 12 and 13, and without first notifying.*

7 **15.** Page 647, line 21: delete "of the statutes is" and substitute "1. and 2. of the
8 statutes are".

9 **16.** Page 648, line 8: delete lines 8 to 12, and substitute:

INSERT 2-8

← FIX COMPONENT

10 *[scribbled out text]*

A #. Page 647, line 12: delete the material beginning with "and without" and ending with "notifying" on line 13.

x
1499b

Section 51.35 (1) (d) 3. of the statutes is renumbered 51.35 (1) (b) 3. and amended to read:

Except as provided in pars. (c) and (d), a

51.35 (1) (b) 3. ~~A transfer of a patient, made under authority of this subsection,~~ ^{appropriate} may be made only after the department has notified the ^{the} county department under s. 51.42 or 51.437 of its intent to transfer a patient in accordance with this subsection. The patient's guardian, if any, or if a minor his or her parent or person in the place of a parent shall be notified.

History: 1975 c. 430 ss. 18, 81; 1977 c. 26, 29, 428; 1979 c. 110 s. 60 (1); 1981 c. 74 s. 2; 1981 c. 314 s. 144; 1983 a. 27, 441, 474; 1985 a. 29, 176, 332; 1987 a. 366, 403; 1989 a. 31, 56, 107; 1991 a. 39; 1993 a. 451; 1995 a. 27 ss. 3258m, 3259m, 9126 (19); 1995 a. 77, 292; 1997 a. 35; 1999 a. 9; 2001 a. 16 ss. 1967f to 1967j, 4034zi.

by the department
(use 2x)

in a treatment facility other than as specified in subd. 1. or 2.

(End)

D-NOTE

INSERT 3-8

~~11~~
⑨ # . Page 647, line 22: delete " subds. 2. and
3. " and substitute " subd. 2. " .
score
period ↓

~~⑨ # . Page 647, line 21: delete " of the statutes
" and substitute " 1. and 2. of the statutes are "~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0215/2dn

DAK:cjs:cm

To Jessica Stoller:

I have looked again at the structure of s. 51.35 (1), stats., and found that I should revise my answer to your question concerning s. 51.35 (1) (d) 3., stats. Clearly, the provision does, as I indicated before, apply to the entire subsection, but I think my proposed placement was incorrect. Under the bill and current law, s. 51.35 (1) (b) has restrictions on transfer by DHFS of a patient from a mental health institute; under the amendment, s. 51.35 (1) (b) 2. has restrictions on transfer by DHFS of a resident of a center for the developmentally disabled. Both these provisions require county departmental and guardian approval. Section 51.35 (1) (d) 3. has restrictions on transfer by DHFS of a patient "made under authority of this subsection." The subsection as a whole treats not just mental health institutes and centers, but other treatment facilities under the supervision of or operating under an agreement with DHFS or a county department. (S1) "Treatment facility" is very broadly defined in s. 50.01 (18), stats., to encompass mental health institutes, centers, and other private or public facilities.) Because of ^{the} operation of both current law and the intent of the Joint Committee on Finance, s. 51.35 (1) (d) 3., then, would seem to address those treatment facilities that are not mental health institutes or centers. The provision requires county departmental and guardian *notification*, rather than approval. I think the proper placement for it is as s. 51.35 (1) (b) 3., so that all three similar provision would be grouped together. That is what I've done. Please review.

fix quotation mark

19

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0215/2dn

DAK:cjs:rs

June 2, 2003

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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

6/6/03

CONVERSATION
WITH:

Charlie Morgan

OF:

TELEPHONE NO:

REGARDING LRB #
OR DRAFT TOPIC:

60215/2

INSTRUCTIONS:

Redraft:

For 13.101(17),
refer to any activities conducted or
performed on the prop occupied or
managed by DHS or DOC at Northern
on eff date fact



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0215/3

DAK:cjs

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LFB:.....Stoller - Northern Center for the Developmentally Disabled

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO 2003 SENATE BILL 44

on the effective date of this subsection... [revison inserts date]

any state activity conducted or ^{er} performed on the property occupied or managed by the department of health and family services or the department of corrections

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0215/3
DAK:cjs&kg:jf

LFB:.....Stoller – Northern Center for the Developmentally Disabled

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7 managed on the effective date of this subsection [revisor inserts date], by the
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