

1983 Senate Bill 520

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1983 Wisconsin Act 239

AN ACT to amend 46.206 (1) (c), 46.21 (1) (a), (2) (a) and (3) (b), 46.27 (3) (b) (intro.), 46.27 (3) (b) 4, 48.06 (1) (a) 3, 51.42 (5) (h) 4 and 59.031 (2) (bm) 1. b of the statutes, relating to county board authority to approve contracts and purchases of the director of institutions and departments in populous counties and changing the title of the director of institutions and departments in populous counties.

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

SECTION 1. 46.206 (1) (c) of the statutes is amended to read:

46.206 (1) (c) The department may at any time audit all county records relating to the administration of such services and public assistance and may at any time conduct administrative reviews of county departments of public welfare or social services created by ss. 46.22 and 49.51 (2) (a). Whenever the department conducts such audit or administrative review in a county it shall furnish a copy of the audit or administrative review report to the chairperson of the county board, to the county clerk, and to the director of the county department of public welfare or to the director of ~~institutions and departments~~ the department that administers the health and human services programs, of such county.

SECTION 2. 46.21 (1) (a), (2) (a) and (3) (b) of the statutes are amended to read:

46.21 (1) (a) The county executive shall, under ss. 63.01 to 63.17, appoint a director of institutions and departments under ss. 63.01 to 63.17 the department that administers the health and human services programs. Such appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of public welfare, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the duties of the office. Such director shall file an official oath and bond in such sum as shall be fixed by the county board of supervisors. The county board of supervisors may create one or 2 positions of deputy director of ~~institutions and departments~~ the department that administers the health and human services programs. The director shall be appointed by the county executive in the unclassified civil service and is subject to confirmation by the county board, as provided in s. 59.031 (2) (bm).

(2) (a) The county board of supervisors shall determine policy for the operation, maintenance and improvement in each county by the director of ~~institutions and departments~~ the department that administers the health and human services programs, of the county hospital, dispensary-emergency unit of the hospital, guidance clinic, infirmary, home for children, the detention home, and the probation section of the children's court center, and the provision and maintenance of the physical facilities for that court and its intake section under the supervision and operation of the judges assigned to exercise jurisdiction under ch. 48 and as provided in s. 48.06 (1), mental health center, north division and south division, tuberculosis hospital, department of social services created by s. 49.51 (2) (a), county agent's department, farm, service departments and all buildings and land used in connection with any or all such institutions. A diagnostic and treatment center may be designated as part of the county mental health center, north division, and all personnel fully attached to that facility shall be under the jurisdiction of the superintendent or medical director of the county mental health center, north division. The powers and duties of the county board of supervisors are policy forming only, and not administrative or executive.

(3) (b) ~~Contracts and purchases of the director shall be subject to an inspection either by the proper committee of the county board of supervisors or any other agency the county board of supervisors may select~~ The county board of supervisors may exercise approval or disapproval power over contracts and purchases of the director that are for \$50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over personal service contracts. The county board of supervisors also may not exercise approval or disapproval power over contracts and purchases of the director relating to community living arrangements or foster homes and entered into pursuant to a coordinated plan and budget, regardless of whether the coordinated plan and budget mentions the provider, except as provided in sub. (8) (b). This paragraph does not preclude the county board of supervisors from creating a central purchasing department for all county purchases.

SECTION 3. 46.27 (3) (b) (intro.) of the statutes is amended to read:

46.27 (3) (b) (intro.) Designate one of the following agencies, subject to departmental review and approval, to administer the program:

SECTION 4. 46.27 (3) (b) 4 of the statutes, as created by 1983 Wisconsin Act 27, is amended to read:

46.27 (3) (b) 4. ~~A director of institutions and departments~~ the director of the department that administers the health and human services programs who is appointed under s. 46.21.

SECTION 5. 48.06 (1) (a) 3 of the statutes is amended to read:

48.06 (1) (a) 3. The county board of supervisors shall develop policies and establish necessary rules for the management and administration of the nonjudicial operations of the children's court center. The director of the center shall report and is responsible to

the director of ~~institutions and departments~~ the department that administers the health and human services programs for the execution of all nonjudicial operational policies and rules governing the center, including activities of probation officers whenever they are not performing services for the court. The director of the center is also responsible for the preparation and submission to the county board of supervisors of the annual budget for the center except for the judicial functions or responsibilities which are delegated by law to the judge or judges and clerk of circuit court. The county board of supervisors shall make provision in the organization of the office of director for the devolution of the director's authority in the case of temporary absence, illness, disability to act or a vacancy in position and shall establish the general qualifications for the position. The county board of supervisors also has the authority to investigate, arbitrate and resolve any conflict in the administration of the center as between judicial and nonjudicial operational policy and rules. The county board of supervisors does not have authority and may not assert jurisdiction over the disposition of any case or child after a written order is made under s. 48.21 or if a petition is filed under s. 48.25. All personnel of the intake and probation sections and of the secure detention facilities shall be appointed under civil service by the director except that existing court service personnel having permanent civil service status may be reassigned to any of the respective sections within the center specified in this paragraph.

SECTION 6. 51.42 (5) (h) 4 of the statutes is amended to read:

51.42 (5) (h) 4. Appoint a director of the program, subject to the approval of the county board or boards of supervisors, on the basis of recognized and demonstrated interest in and knowledge of the problems of mental health, mental retardation, alcoholism and drug addiction, with due regard to training, experience, executive and administrative ability, and general qualification and fitness for the performance of the duties of the director. The county board or boards of supervisors may delegate this authority to the board established under this section. In any county with a population of 500,000 or more that does not combine with another county to establish a board, the county executive shall appoint either the director of ~~institutions and departments~~ the department that administers the health and human services programs or a department head under s. 46.21 as the director of the program, subject to confirmation by the county board. In a county with a population of 500,000 or more, the director of the program serves at the pleasure of the county executive;

SECTION 7. 59.031 (2) (bm) 1. b of the statutes is amended to read:

59.031 (2) (bm) 1. b. The director of ~~institutions and departments~~ the department that administers the health and human services programs under s. 46.21 (1) (a).
