



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/28/2007 (Per: DAK)



Appendix A

 The 2005 drafting file for LRB 05-4249

has been transferred to the drafting file for

2007 LRB 07-1649

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

Bill

Received: **12/13/2005**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis (aide)**

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

Drafter: **dkennedy**

May Contact: **Tim Steller**

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Council on Mental Health

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>
/?	dkennedy 01/18/2006	jdyer 01/18/2006		_____			State
/P1			pgreensl 01/18/2006	_____	lnorthro 01/18/2006		State
/1	dkennedy 01/31/2006	jdyer 02/01/2006	rschluet 02/01/2006	_____	sbasford 02/01/2006		

FE Sent For:

<END>

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/?	dkennedy 01/18/2006	jdyer 01/18/2006		_____			State
/P1		1 2 / jld	pgreensl 01/18/2006	_____	lnorthro 01/18/2006		

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/?	dkennedy	PI 1/18 jld	1/18 PG	1/18 P8/15			

FE Sent For:

<END>

Kennedy, Debora

From: McGinnis, Cindy
Sent: Tuesday, December 13, 2005 4:11 PM
To: Kennedy, Debora
Subject: FW: Legislation to expand the Wisconsin Mental Health Council

Attachments: WI Council on MH Legis proposal.doc



WI Council on MH
Legis proposa...

Debora-

Rep. Grigsby would like to have the attached proposal drafted. She is doing this for the WI Council on Mental Health. If you have any questions related to this draft, please contact Tim Steller, Chair of that Council at tsteller@norcen.org or at (715) 848-4402.

Thank you.

Cindy McGinnis
Office of State Representative Tamara Grigsby
122 North State Capitol
P.O. Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

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

From: Tim Steller [<mailto:tsteller@norcen.org>]
Sent: Friday, December 02, 2005 1:29 PM
To: McGinnis, Cindy
Subject: Legislation to expand the Wisconsin Mental Health Council

Cindy: As promised, attached is information regarding the legislation we hope to have introduced. Please contact me with any questions. Thank you for your assistance. Tim Steller

TITLE: Expanding the Membership of the Wisconsin Council on Mental Health

DESCRIPTION OF CURRENT LAW AND PROBLEM

Current Law:

The current state statute on the Wisconsin Council on Mental Health (s.s. 15.197) creates a Council "consisting of 15 members nominated by the secretary of health and human services and appointed by the Governor." The current federal law on state mental health planning councils (42 USC 300x-3) does not regulate the size of the membership but requires "not less than 50 percent of the members of the Council are individuals who are not State employees or providers of mental health services." Thus, only 7 members could be state employees or providers. The federal law requires the Council include 6 representatives of "the principle State agencies with respect to mental health, education, vocational rehabilitation, criminal justice, housing, and social services." Representatives of "public and private entities concerned with the need, planning, operation, funding, and use of mental health services" are also required. Private and public county providers of mental health services can only be included on the Council in this final 7th membership slot. The remaining members must be consumers, parents of child consumers, and advocates who are not state employees or providers.

Problem:

The limit of 15 Council members in state statute leaves the Council vulnerable to being out of compliance with federal requirements. Since federal requirements mandate at least 7 members must be state employees or providers and that 50 percent of members must not be state employees or providers, the absolute minimum Council size is 15 members. However, a 15-member Council leaves no flexibility to allow for unexpected fluctuations in Council membership. If a consumer member leaves prematurely before the end of their appointed term, the Council will be out of compliance with the federal requirement for at least 50 percent non-state employee and provider members. If a state employee or provider leaves prematurely, the Council will be out of compliance with the federal requirements for state employee and provider membership. To help accommodate for such fluctuations, the DHFS Secretary appoints three additional members bringing the current Council membership total to 18. These members are also used to meet federal requirements, such as having a member from the Corrections state agency. However, since these members are not appointed by the Governor as official members, their voting rights are limited to federal Mental Health Block Grant issues so their membership can be counted towards the federal requirements. Finally, it is the consensus of the Council and the DDES/BMHSAS that the limit of 15 members does not allow for enough consumer and advocate representation.

RECOMMENDATION FOR ACTION

It is recommended that the current state statute 15.197 be changed to create a minimum membership of 21 and a maximum of 25 to allow the Council to better meet federal requirements and include a broader diversity of members.

ADMINISTRATIVE IMPACT

A slight administrative impact will occur on the staffing support from the Bureau of Mental Health and Substance Abuse Services (BMHSAS). The staff support functions would remain the same, but there would be additional Council members for which to arrange travel, for example.

POLICY IMPLICATIONS

No apparent policy implications would result from expanding the Wisconsin Council on Mental Health.

FISCAL EFFECT

This statutory language change would have a small fiscal impact. The Wisconsin Council on Mental Health and its committees are currently funded with approximately \$20,000 annually through the Mental Health Block Grant for consumer stipends, travel, meals, room rental, etc. Increasing the membership from 18 to 25 members would require another approximately \$5,000 (for example).

DRAFTING INSTRUCTIONS

Describe the statutory change needed; attach a separate page if necessary.

It is recommended that all language in the statute referring to specific types of members for the Council be removed and the Council composition be guided by federal law only. The Governor (and the Council for its recommendations to the Governor) may use the flexibility that exists within federal law to tailor the Council composition. It is recommended that current state statute not repeat or restate the provisions of the federal law regulating Council membership. For example, current state statutory language restates the federal requirement for at least 50 percent of Council members to be non-state employees or providers. It is recommended that the federal law be referenced in place of repeating or restating its provisions. The federal law should be referenced in general rather than specifically cited to allow for future potential changes in federal law.

D NOTE

D NOTE

EFFECTIVE DATE FOR CHANGE TO CURRENT LAW AND/OR INITIAL APPLICABILITY FOR NEW PROVISION

July 1, 2006

INTERESTED/AFFECTED PARTIES

Proponents and Opponents

Proponents: The Wisconsin Council on Mental Health, the DDES/BMHSAS, and mental health advocates are in favor of expanding the Council membership. The Governor's Office has stated that they also support the expansion as long as a proportion of the additional members have diverse ethnic and geographic backgrounds that support the Council's overall goal of having a ethnically and geographically diverse membership that closely mirrors the state's diversity.

Opponents: There are no known opponents to the increase in Council membership.

CONTACT PERSON

Tim Steller, Chair, Wisconsin Council on Mental Health
(715) 848-4402, tsteller@norcen.org

SOON - In edit 1/18

D-NOTE

DAK: A...

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: membership of the Council on Mental Health.

Analysis by the Legislative Reference Bureau - 15

Under current state law, the Council on Mental Health in the Department of Health and Family Services is required to consist of fifteen members, nominated by the secretary of health and family services and appointed by the governor, who include representatives of consumers of mental health services and consumer family members; private mental health services organizations or groups; mental health service providers; and state and county agencies.

Under current federal law, as a condition for receipt of moneys under a federal mental health block grant, a state must establish and maintain a mental health planning council. Membership of the council must include representatives of principal state agencies with respect to mental health, education, vocational rehabilitation, criminal justice, housing, and social services and with respect to development of the state plan for Medical Assistance. Membership must also include representatives of public and private mental health service entities; adults with serious mental illnesses who are receiving or have received mental health services; and the families of those adults or families of children with emotional disturbances. Of this membership, at least 50 percent must be individuals who are not state employees or providers of mental health services.

This bill increases the required number of members of the Council on Mental Health to be not less than 21 and not more than 25.

nor

For further information see the [✓]state 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. 15.197 (1) [✓](intro.) of the statutes is amended to read:

2 15.197 (1) [✓]COUNCIL ON MENTAL HEALTH. (intro.) There is created in the

3 department of health and family services a council on mental health consisting of ~~15~~ [✓]

4 not less than 21 and not more than 25 ^{e nor} members nominated by the secretary of health

5 and family services and appointed by the governor for [✓]staggered 3-year terms.

6 Persons appointed to the council on mental health shall have a recognized interest

7 in and demonstrated knowledge of the problems of mental health. At least one-half

8 of the members shall be consumers of mental health services or persons who do not

9 provide mental health services. The council shall include representatives of all of the

10 following:

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114; 2001 a. 59, 109; 2003 a. 29, 186.

11

(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4249/3dn

DAK: x:...

PI

JLD

and have not yet incorporated all the changes proposed,

To Representative Grigsby:

I have drafted this bill in preliminary form because the instructions for the bill raise the following issues that should be resolved before the bill is introduced:

1. *Incorporating material from external sources.* The instructions recommend that all language in s. 15.197 (1), stats., referring to specific types of members be repealed and the Council composition be guided by federal law only, and, moreover, that the federal law be referenced generally rather than specifically cited, so as to allow for future potential changes in federal law.

One issue that this instruction raises is a potential improper delegation of law-making power. Article IV, section 1, of the Wisconsin Constitution provides: "The legislative power shall be vested in a senate and assembly." If a court finds that the legislature incorporated external material into a statute without incorporating later changes, a court has no grounds to strike down the law as an improper delegation of law-making power, because the legislature theoretically has examined all relevant external material and passed judgment on its value. But, if a court interprets a statute that incorporates external material as incorporating later changes in the material, another question arises: has the legislature unconstitutionally delegated its legislative power to make laws by allowing the external source to dictate additions to the statutes? Some delegations are considered valid in Wisconsin, if a court views the delegation to be a delegation of fact-finding powers or if the court views operation of a statute that incorporates later changes of adopted external material on the ground that the state statute's operation is simply contingent upon later external events (such as the issuance of federal regulations). It is unclear if a court might view the second exception as applicable here.

The first exception appears to be inapplicable, and

There are several ways to avoid or minimize this problem:

- a. Refer to the specific federal law "as amended to _____" (the date of enactment of this bill as an act). Note that we do not, in the statutes, refer to federal law in general, as requested; that policy, again, is to avoid an improper delegation.
- b. Repeat or paraphrase the federal language in the statutes.
- c. Require an agency to promulgate rules concerning the membership and to revise the rules as necessary to keep state law current with federal requirements.

2. *Terms of membership.* Currently, s. 15.197 (1) (intro.), states, ✓ specifies that members of the Council on Mental Health are appointed by the governor for “staggered 3-year terms.” The word “staggered” has been used in the past to keep all of the terms of members from expiring at the same time. The word is no longer used in modern drafting, however, because, without more, it is unclear *how* the terms are to be staggered. Current drafting specifies the length of terms of initial members that will result in staggering (for instance, in creating some new council of nine members with three-year terms, three members might be initially appointed for five-year ✓ terms; three members might be initially appointed for ✓ four-year terms; and three members might be initially appointed for three-year ✓ terms). Staggering initial terms in enacted legislation in this way may be construed to grant continuing authority to stagger the terms. For a varying membership, as has been requested for this bill, staggering could possibly be accomplished by requiring that each member who is initially appointed to fill an expansion of current Council membership initially serve a four- (or five, or whatever) year term; in that way, unless the Council on Mental Health was expanded by adding new members all at the same time, the resulting terms would be staggered. ✓

Please review these issues; I would be happy to discuss them further or ✓ provide other assistance that you might need.

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

LRB-4249/P1dn
DAK:jld:pg

January 18, 2006

To Representative Grigsby:

I have drafted this bill in preliminary form and have not yet incorporated all the changes proposed, because the instructions for the bill raise the following issues that should be resolved before the bill is introduced:

1. *Incorporating material from external sources.* The instructions recommend that all language in s. 15.197 (1), stats., referring to specific types of members be repealed and the Council composition be guided by federal law only, and, moreover, that the federal law be referenced generally rather than specifically cited, so as to allow for future potential changes in federal law.

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- b. Repeat or paraphrase the federal language in the statutes.
- c. Require an agency to promulgate rules concerning the membership and to revise the rules as necessary to keep state law current with federal requirements.

2. *Terms of membership.* Currently, s. 15.197 (1) (intro.), stats., specifies that members of the Council on Mental Health are appointed by the governor for “staggered 3-year terms.” The word “staggered” has been used in the past to keep all of the terms of members from expiring at the same time. The word is no longer used in modern drafting, however, because, without more, it is unclear *how* the terms are to be staggered. Current drafting specifies the length of terms of initial members that will result in staggering (for instance, in creating some new council of nine members with three-year terms, three members might be initially appointed for five-year terms; three members might be initially appointed for four-year terms; and three members might be initially appointed for three-year terms). Staggering initial terms in enacted legislation in this way may be construed to grant continuing authority to stagger the terms. For a varying membership, as has been requested for this bill, staggering could possibly be accomplished by requiring that each member who is initially appointed to fill an expansion of current Council membership initially serve a four-year (or five-year, or whatever) term; in that way, unless the Council on Mental Health was expanded by adding new members all at the same time, the resulting terms would be staggered.

Please review these issues; I would be happy to discuss them further or provide other assistance that you might need.

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

**DRAFTER'S NOTE
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LEGISLATIVE REFERENCE BUREAU**

LRB-4249/P1dn
DAK:jld:pg

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There are several ways to avoid or minimize this problem:

- Tim Connor*
- a. Refer to the specific federal law " , as amended to _____ " (the date of enactment of this bill as an act). Note that we do not, in the statutes, refer to federal law in general, as requested; that policy, again, is to avoid an improper delegation.
 - b. Repeat or paraphrase the federal language in the statutes.
 - c. Require an agency to promulgate rules concerning the membership and to revise the rules as necessary to keep state law current with federal requirements.

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

Currently 15
 4 Sec'y appointees
 2

{ 2 3 yr
 2 4 yr
 2 5 yr.

Tim Connor 261-6744

Kennedy, Debora

From: Connor, Tim
Sent: Tuesday, January 31, 2006 2:37 PM
To: Kennedy, Debora
Cc: [accessstoinc.org].mikeb; Foxcroft, Melanie; [norcen.org].tsteller
Subject: [Possible Spam] revisions to Mental Health Council statutory language

Debora,
Following up on our phone conversations this week and last week, here are the DHFS/Bureau of Mental Health and Substance Abuse Services and the Mental Health Council preferences for addressing the 2 issues you identified in the draft revision of s.s. 15.197 (1):

Issue 1. Incorporating material from external sources.
To ensure that the federal legislation and this state statute complement instead of contradict each other, we prefer option A in which the state statute refer to the specific federal law *, as amended to

^{*}
(the date of enactment of this bill as an act).

Issue 2. Terms of membership.
We agree fully with your sole recommendation that staggering terms of new members could be accomplished by requiring that each member who is initially appointed to fill an expansion of current Council membership initially serve a 3, 4, or 5 -year term - whichever length term is appropriate to keep an even distribution of the staggered terms. For example, there are currently 15 Gov. appointees on the Council. There are 4 current Sec. appointees and another 2 Sec. appointments in process. These 6 members would all become Gov. appointees under the revised state statute. If all given the standard 3-year term, they would all be up for reappointment in 3 years. To avoid this bulge of reappointments in a single year, we would work with the Gov. office give the 6 new members the following terms:

two 3-year terms
two 4-year terms
two 5-year terms

With a Council of 21 members, this would allow us to have 7 terms that expire every year within a 3-year cycle.

Thanks in advance for redrafting the legislation accordingly and resubmitting to Rep. Grigsby. Please keep myself and Tim Steller apprised of when it is resubmitted if you could.

Tim

Tim G. Connor
Section Chief for Mental Health Services and Evaluation Bureau of Mental Health and Substance Abuse Services
1 West Wilson Street, RM 455
Madison, WI 53707
608-261-6744 (phone)
608-267-7793 (fax)
connotg@dhfs.state.wi.us

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(SOON - In edit '131)
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4249/P1 /
DAK:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to amend* 15.197 (1) (intro.) of the statutes; **relating to:** membership of
2 the Council on Mental Health.

Analysis by the Legislative Reference Bureau

Under current state law, the Council on Mental Health in the Department of Health and Family Services is required to consist of 15 members, nominated by the secretary of health and family services and appointed by the governor, who include representatives of consumers of mental health services and consumer family members; private mental health services organizations or groups; mental health service providers; and state and county agencies.

Under current federal law, as a condition for receipt of moneys under a federal mental health block grant, a state must establish and maintain a mental health planning council. Membership of the council must include representatives of principal state agencies with respect to mental health, education, vocational rehabilitation, criminal justice, housing, and social services and with respect to development of the state plan for Medical Assistance. Membership must also include representatives of public and private mental health service entities; adults with serious mental illnesses who are receiving or have received mental health services; and the families of those adults or families of children with emotional disturbances. Of this membership, at least 50 percent must be individuals who are not state employees or providers of mental health services.

This bill increases the required number of members of the Council on Mental Health to be not less than 21 nor more than 25.

INSERT A ✓

INSERT A

180
A The bill eliminates all requirements for representation of agencies and groups and all requirements for proportions of total membership and, instead, requires that the members include representatives of groups and a proportion of members as specified in federal law. The bill includes provisions to stagger the lengths of terms of initial members of the expanded membership.

INSERT 2-11

1 SECTION 1. 15.197 (1) (intro.) of the statutes is renumbered 15.197 (1) and
2 amended to read:

3 15.197 (1) COUNCIL ON MENTAL HEALTH. (intro.) There is created in the
4 department of health and family services a council on mental health consisting of 15
5 not less than 21 nor more than 25 members nominated by the secretary of health and
6 family services and appointed by the governor for staggered 3-year terms. Persons
7 appointed to the council on mental health shall have a recognized interest in and
8 demonstrated knowledge of the problems of mental health. At least one-half of the
9 members shall be consumers of mental health services or persons who do not provide
10 mental health services. The council shall include representatives of all of the
11 following: groups and a proportion of members as specified in 42 USC 300x-3 (c), as
12 amended to the effective date of this subsection ... [revisor inserts date].

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114; 2001 a. 59, 109; 2003 a. 29, 36.

13 SECTION 2. 15.197 (1) (a) of the statutes is repealed.

14 SECTION 3. 15.197 (1) (b) of the statutes is repealed.

15 SECTION 4. 15.197 (1) (c) of the statutes is repealed.

16 SECTION 5. 15.197 (1) (d) of the statutes is repealed.

17 SECTION 6. Nonstatutory provisions.

1 (1) MEMBERSHIP OF COUNCIL ON MENTAL HEALTH. Notwithstanding the length of
2 terms specified for the members of the council on mental health under section 15.197
3 (1) of the statutes, as affected by this act, 2 initial members of the expanded
4 membership shall be appointed for terms expiring on July 1, 2009, 2 initial members
5 of the expanded membership shall be appointed for terms expiring on July 1, 2010,
6 and 2 initial members of the expanded membership shall be appointed for terms
7 expiring on July 1, 2011.

(end ins 2-11)

revised state statute. If all given the standard 3-year term, they would all be up for reappointment in 3 years. To avoid this bulge of reappointments in a single year, we would work with the Gov. office give the 6 new members the following terms:

two 3-year terms
two 4-year terms
two 5-year terms

With a Council of 21 members, this would allow us to have 7 terms that expire every year within a 3-year cycle.

Thanks in advance for redrafting the legislation accordingly and resubmitting to Rep. Grigsby. Please keep myself and Tim Steller apprised of when it is resubmitted if you could.

Tim

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2005 BILL

1 AN ACT *to repeal* 15.197 (1) (a), 15.197 (1) (b), 15.197 (1) (c) and 15.197 (1) (d);
2 and *to renumber and amend* 15.197 (1) (intro.) of the statutes; **relating to:**
3 membership of the Council on Mental Health.

Analysis by the Legislative Reference Bureau

Under current state law, the Council on Mental Health in the Department of Health and Family Services is required to consist of 15 members, nominated by the secretary of health and family services and appointed by the governor, who include representatives of consumers of mental health services and consumer family members; private mental health services organizations or groups; mental health service providers; and state and county agencies.

Under current federal law, as a condition for receipt of moneys under a federal mental health block grant, a state must establish and maintain a mental health planning council. Membership of the council must include representatives of principal state agencies with respect to mental health, education, vocational rehabilitation, criminal justice, housing, and social services and with respect to development of the state plan for Medical Assistance. Membership must also include representatives of public and private mental health service entities; adults with serious mental illnesses who are receiving or have received mental health services; and the families of those adults or families of children with emotional disturbances. Of this membership, at least 50 percent must be individuals who are not state employees or providers of mental health services.

This bill increases the required number of members of the Council on Mental Health to be not less than 21 nor more than 25. The bill eliminates all requirements

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for representation of agencies and groups and all requirements for proportions of total membership and, instead, requires that the members include representatives of groups and a proportion of members as specified in federal law. The bill includes provisions to stagger the lengths of terms of initial members of the expanded membership.

For further information see the *state* 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.** 15.197 (1) (intro.) of the statutes is renumbered 15.197 (1) and
2 amended to read:

3 **15.197 (1) COUNCIL ON MENTAL HEALTH.** There is created in the department of
4 health and family services a council on mental health consisting of 15 not less than
5 21 nor more than 25 members nominated by the secretary of health and family
6 services and appointed by the governor for ~~staggered~~ 3-year terms. Persons
7 appointed to the council on mental health shall have a recognized interest in and
8 ~~demonstrated knowledge of the problems of mental health. At least one-half of the~~
9 ~~members shall be consumers of mental health services or persons who do not provide~~
10 ~~mental health services. The council shall include representatives of all of the~~
11 ~~following: groups and a proportion of members as specified in 42 USC 300x-3 (c), as~~
12 amended to the effective date of this subsection [revisor inserts date].

13 **SECTION 2.** 15.197 (1) (a) of the statutes is repealed.

14 **SECTION 3.** 15.197 (1) (b) of the statutes is repealed.

15 **SECTION 4.** 15.197 (1) (c) of the statutes is repealed.

16 **SECTION 5.** 15.197 (1) (d) of the statutes is repealed.

17 **SECTION 6. Nonstatutory provisions.**

