



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5410/1  
TJD:emw

## 2017 SENATE BILL 791

February 7, 2018 - Introduced by Senator DARLING, cosponsored by Representative SANFELIPPO. Referred to Committee on Government Operations, Technology and Consumer Protection.

1     **AN ACT** *to repeal* 51.41 (9) (c) 2.; *to renumber and amend* 51.41 (9) (c) 1.; *to*  
2           *amend* 46.18 (1); and *to create* 51.41 (1d) (em) of the statutes; **relating to:**  
3           trustees of Milwaukee County mental health facilities, Milwaukee County  
4           Mental Health Board vacancies, and the administrator of the behavioral health  
5           division.

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***Analysis by the Legislative Reference Bureau***

This bill removes the specifications on the Milwaukee County Mental Health Board's appointment of trustees to manage county homes, infirmaries, hospitals, or institutions providing mental health treatment in Milwaukee County, creates a deadline for suggesting individuals to fill Milwaukee County Mental Health Board vacancies, and changes who may remove the administrator of the behavioral health division of the Milwaukee County Department of Health and Human Services. The Milwaukee County Mental Health Board is established by Milwaukee County as specified by law and oversees the provision of mental health programs and services in Milwaukee County in place of the Milwaukee County board of supervisors. Current law requires the Milwaukee County Mental Health Board to elect a board of trustees to manage county homes, infirmaries, hospitals, or institutions providing mental health treatment. Current law requires the Milwaukee County Mental Health Board to appoint at its annual meeting an odd number of trustees, from three to nine, for staggered three-year terms and specifies how the board must fill vacancies. The bill eliminates the specific requirements for appointment of trustees

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and specifies that every county home, infirmary, hospital, or similar institution that provides mental health treatment in Milwaukee County must be managed as specified by the Milwaukee County Mental Health Board.

Under current law, a vacancy in a county office that is an appointed position is filled by the appointing power. Five of the 11 voting members of the Milwaukee County Mental Health Board are appointed by the Milwaukee County executive from individuals suggested by the Milwaukee County board of supervisors. The bill specifies that the board of supervisors must submit its suggestions to fill a vacancy in one of those positions to the county executive within 60 days after the vacancy occurs. If the board of supervisors does not submit its suggestions to fill the vacancy within 60 days, the county executive may fill the vacancy by appointing an individual who meets the criteria for that board member position without the board of supervisors's suggestion.

Currently, the administrator of the behavioral health division of the Milwaukee County Department of Health and Human Services may be removed by vote of the Milwaukee County Mental Health Board. If the county executive has suggested removal, the administrator may be removed on a vote of six members of the mental health board, otherwise the administrator may be removed on a vote of eight members of the board. Under the bill, the administrator may be removed 1) by a vote of eight members of the mental health board, 2) by the county executive, or 3) by the director of the Milwaukee County Department of Health and Human Services.

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

1           **SECTION 1.** 46.18 (1) of the statutes is amended to read:

2           46.18 (1) TRUSTEES. Every county home, infirmary, hospital, or similar  
3 institution, shall, subject to regulations approved by the county board except in  
4 Milwaukee County for county homes, infirmaries, hospitals, or institutions  
5 providing mental health treatment, be managed by a board of trustees, electors of the  
6 county, chosen by ballot by the county board. In Milwaukee County, every county  
7 home, infirmary, hospital, or similar institution that provides mental health  
8 treatment shall, ~~subject to standards and procedures adopted by the Milwaukee~~  
9 ~~County mental health board,~~ be managed by a board of trustees, electors of the  
10 county, chosen by ballot as specified by the Milwaukee County mental health board.  
11 At its annual meeting, the county board ~~or the Milwaukee County mental health~~

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1 ~~board, if applicable,~~ shall appoint an uneven number of trustees, from 3 to 9 at the  
2 option of the board, for staggered 3-year terms ending the first Monday in January.  
3 Any vacancy shall be filled for the unexpired term by the county board ~~or the~~  
4 ~~Milwaukee County mental health board, as applicable;~~ but the chairperson of the  
5 county board may appoint a trustee to fill the vacancy until the county board acts  
6 ~~except for boards of trustees appointed by the Milwaukee County mental health~~  
7 ~~board for which the chairperson of the Milwaukee County mental health board may~~  
8 ~~appoint a trustee to fill the vacancy until the entire Milwaukee County mental health~~  
9 ~~board acts.~~

10 **SECTION 2.** 51.41 (1d) (em) of the statutes is created to read:

11 51.41 (1d) (em) If a vacancy occurs in a board member position described under  
12 par. (b) 1., 2., 3., 4., or 8., the Milwaukee County board of supervisors shall submit  
13 to the Milwaukee County executive suggested individuals to fill the vacancy in that  
14 position within 60 days after the vacancy occurs. If the Milwaukee County board of  
15 supervisors does not submit suggested individuals to fill a vacancy under par. (b) 1.,  
16 2., 3., 4., or 8. within 60 days, the Milwaukee County executive may appoint an  
17 individual meeting the criteria in accordance with the applicable board member  
18 position description under par. (b) 1., 2., 3., 4., or 8. to fill the vacancy without  
19 suggestion by the Milwaukee County board of supervisors.

20 **SECTION 3.** 51.41 (9) (c) 1. of the statutes is renumbered 51.41 (9) (c) and  
21 amended to read:

22 51.41 (9) (c) The administrator under this subsection may be removed by the  
23 Milwaukee County mental health board by a vote of 8 members of that board, the  
24 director of a county department under s. 46.21 in Milwaukee County, or the county  
25 executive of Milwaukee County.

