

State of Wisconsin



1997 Assembly Bill 741

Date of enactment: **June 10, 1998**
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1997 WISCONSIN ACT 268

AN ACT to *renumber* 51.42 (5a); to *renumber and amend* 51.42 (5); to *amend* 46.23 (3) (b) 2. b., 51.42 (6) (intro.), 51.42 (6m) (e), 51.42 (6m) (f) and 51.42 (8) (b) 1.; and to *create* 51.42 (5) (b) and 51.42 (5a) (b) of the statutes; **relating to**: authorizing certain county community programs boards and certain county community programs directors, together with private or public organizations or affiliations, to organize, establish and participate in the governance and operation of an entity to operate a mental health-related service.

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

SECTION 1. 46.23 (3) (b) 2. b. of the statutes is amended to read:

46.23 (3) (b) 2. b. Any reference in any law to a county director appointed under s. 46.22 (2) (b), 51.42 (5) (4) (a) 4. or 51.437 (9) (a) applies to the county human services director appointed under sub. (5) (f) in his or her administration of the powers and duties of the county director to which the reference is made. Except as provided in s. 46.21 (2m) (b) 2. b., any reference in any law to a county director appointed under s. 46.22 (3m) (a), 51.42 (6m) (intro.) or 51.437 (10m) (intro.) applies to the county human services director appointed under sub. (6m) (intro.) in his or her administration of the powers and duties of the county director to which the reference is made.

SECTION 2. 51.42 (5) of the statutes is renumbered 51.42 (5) (a), and 51.42 (5) (a) 12., as renumbered, is amended to read:

51.42 (5) (a) 12. Determine, subject to the approval of the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multi-

county department of community programs and with the advice of the county community programs director appointed under ~~par. (d)~~ subd. 4., whether services are to be provided directly by the county department of community programs or contracted for with other providers and make such contracts. The county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs may elect to require the approval of any such contract by the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs.

SECTION 3. 51.42 (5) (b) of the statutes is created to read:

51.42 (5) (b) Subject to the approval of the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs and with the advice of the county community programs director appointed under par. (a) 4., a county community programs board appointed under sub. (4) (a) 1. may, together with a private or public organization or affiliation, do all of the following:

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

1. Organize, establish and participate in the governance and operation of an entity to operate, wholly or in part, any mental health–related service.

2. Participate in the financing of the entity under subd. 1.

3. Provide administrative and financial services or resources for operation of the entity under subd. 1. on terms prescribed by the county board of supervisors.

SECTION 4. 51.42 (5a) of the statutes is renumbered 51.42 (5a) (a).

SECTION 5. 51.42 (5a) (b) of the statutes is created to read:

51.42 (5a) (b) The county community programs director, subject only to the supervision of the county executive or county administrator, may do all of the following:

1. Organize, establish and participate in the governance and operation of an entity to operate, wholly or in part, any mental health–related service.

2. Participate in the financing of the entity under subd. 1.

3. Provide administrative and financial services or resources for operation of the entity under subd. 1. on terms prescribed by the county executive or county administrator.

SECTION 6. 51.42 (6) (intro.) of the statutes is amended to read:

51.42 (6) **POWERS AND DUTIES OF COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES.** (intro.) A county community programs director appointed under

sub. (5) ~~(a)~~ (a) 4, shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the county department of community programs, subject to such delegation of authority as is not inconsistent with this section and the rules of the department of health and family services promulgated under this section. In consultation and agreement with the county community programs board, the county community programs director appointed under sub. (5) (d) shall do all of the following:

SECTION 7. 51.42 (6m) (e) of the statutes is amended to read:

51.42 (6m) (e) Assist the county community programs board under sub. (5a) in the preparation of the budgets required under sub. (5a) ~~(e)~~ (a) 3.

SECTION 8. 51.42 (6m) (f) of the statutes is amended to read:

51.42 (6m) (f) Make recommendations to the county executive or county administrator regarding modifications to the proposed budget prepared by the county community programs board under sub. (5a) ~~(e)~~ (a) 3.

SECTION 9. 51.42 (8) (b) 1. of the statutes is amended to read:

51.42 (8) (b) 1. Any reference in any law to a county community programs director appointed under sub. (5) ~~(d)~~ (a) 4, applies to the director of a county department appointed under s. 46.23 (5) (f) in his or her administration of the powers and duties of that county community programs director.