

**2013 Senate Bill 565 (LRB -4178)**

An Act to amend 15.07 (1) (cm), 46.031 (2), 46.031 (2g) (a), 46.031 (2g) (b), 46.031 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3) (c), 46.034 (3), 46.175, 46.18 (1), 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18 (13), 46.18 (14), 46.18 (15), 46.19 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g), (3r), (4), (4m) (a) and (b) and (6), 46.56 (1) (a), 46.56 (2) (a), 46.56 (2) (b), 46.56 (3) (b) 11., 46.56 (4) (d), 46.56 (15) (b) (intro.), 51.08, 51.20 (18) (a), 51.42 (1) (b), 51.42 (3) (a), 51.42 (3) (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a) 2. (intro.), 51.42 (6m) (intro.), 51.42 (6m) (c), 51.42 (6m) (i), 51.42 (6m) (m) 3., 51.423 (11), 51.44 (4), 51.61 (1) (e), 51.61 (1) (f), 55.001 and 59.53 (7); and to create 13.94 (1) (mg), 15.07 (1) (b) 24., 15.07 (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435 (5) (kf), 51.41 and 59.53 (25) of the statutes; relating to: Milwaukee County mental health functions, programs, and services, creation of the Milwaukee County Mental Health Board, and making an appropriation. (FE)

**2014**

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03-20.	A.	Rules suspended	
03-20.	A.	Read a third time and <b>concurred in</b> , Ayes 89, Noes 1, Paired 2	
03-20.	A.	Ordered immediately messaged	
03-21.	S.	Received from Assembly concurred in	

2013

ENROLLED BILL

13en S B-565

ADOPTED DOCUMENTS:

Orig     Engr    S SubAmdt 1    13s 03631 1

Amendments to above (if none, write "NONE"): SA1 — a 2061/1

Corrections - show date (if none, write "NONE"): MARCH 11, 2014

Topic Rel

3-25-14

Date

J. Miller

Enrolling Drafter



**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 565**

March 4, 2014 – Offered by Senator VUKMIR.

1 **AN ACT to amend** 15.07 (1) (cm), 46.031 (2), 46.031 (2g) (a), 46.031 (2g) (b), 46.031  
2 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3) (c), 46.034 (3), 46.175, 46.18 (1),  
3 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18 (13), 46.18 (14), 46.18 (15), 46.19  
4 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g), (3r), (4),  
5 (4m) (a) and (b) and (6), 46.56 (1) (a), 46.56 (2) (a), 46.56 (2) (b), 46.56 (3) (b) 11.,  
6 46.56 (4) (d), 46.56 (15) (b) (intro.), 51.08, 51.20 (18) (a), 51.42 (1) (b), 51.42 (3)  
7 (a), 51.42 (3) (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a) 2. (intro.), 51.42  
8 (6m) (intro.), 51.42 (6m) (c), 51.42 (6m) (i), 51.42 (6m) (m) 3., 51.423 (11), 51.44  
9 (4), 51.61 (1) (e), 51.61 (1) (f), 55.001 and 59.53 (7); and **to create** 13.94 (1) (mg),  
10 15.07 (1) (b) 24., 15.07 (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435 (5) (kf), 51.41  
11 and 59.53 (25) of the statutes; **relating to:** Milwaukee County mental health  
12 functions, programs, and services, creation of the Milwaukee County Mental  
13 Health Board, and making an appropriation.

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

1           **SECTION 1.** 13.94 (1) (mg) of the statutes is created to read:

2           13.94 (1) (mg) No later than January 1, 2017, and biennially thereafter,  
3 perform a financial and performance evaluation audit of the Milwaukee County  
4 mental health board and of mental health functions, programs, and services in  
5 Milwaukee County including a review of the effectiveness of the Milwaukee County  
6 mental health board and new policies implemented under that board in providing  
7 mental health services, a review of the expenditures of the Milwaukee County  
8 mental health board, a review of Milwaukee County's expenditures for mental health  
9 functions, programs, and services and the outcomes of those programs and services  
10 in the period after the formation of the Milwaukee County mental health board. The  
11 legislative audit bureau shall file a copy of the audit report under this paragraph  
12 with the distributees specified in par. (b) and the Milwaukee County executive and  
13 the Milwaukee County board of supervisors. The audit under this paragraph does  
14 not count toward the limit of audits of a county in a calendar year in par. (m).

15           **SECTION 2.** 15.07 (1) (b) 24. of the statutes is created to read:

16           15.07 (1) (b) 24. The Milwaukee County mental health board, subject to s.  
17 15.195 (9).

(INS. SAI-1)

18           **SECTION 3.** 15.07 (1) (cm) of the statutes is amended to read:

19           15.07 (1) (cm) The term of one member of the government accountability board  
20 shall expire on each May 1. The terms of the 3 members of the land and water  
21 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
22 The term of the member of the land and water conservation board appointed under  
23 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

1 the appraiser members of the real estate appraisers board and the terms of the  
2 auctioneer and auction company representative members of the auctioneer board  
3 shall expire on May 1 in an even-numbered year. The terms of the members of the  
4 cemetery board shall expire on July 1 in an even-numbered year. The term of the  
5 student member of the Board of Regents of the University of Wisconsin System who  
6 is at least 24 years old shall expire on May 1 of every even-numbered year. The terms  
7 of 6 of the members of the Milwaukee County mental health board appointed under  
8 s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.

INS. SAI-2

9 SECTION 4. 15.07 (3) (bm) 7. of the statutes is created to read:

10 15.07 (3) (bm) 7. The Milwaukee County mental health board shall meet 6  
11 times each year and may meet at other times on the call of the chairperson or a  
12 majority of the board's members.

INS. SAI-3

13 SECTION 5. 15.195 (9) of the statutes is created to read:

14 15.195 (9) MILWAUKEE COUNTY MENTAL HEALTH BOARD. (a) There is created a  
15 Milwaukee County mental health board, which is attached to the department of  
16 health services under s. 15.03.

17 (b) Subject to par. (d), the board shall consist of the following 11 voting members  
18 appointed for 4-year terms except for the members under subs. 10. and 11.:

19 1. A psychiatrist or psychologist who is suggested by the Milwaukee County  
20 board of supervisors. The Milwaukee County board of supervisors shall solicit  
21 suggestions for psychiatrists and psychologists from organizations including the  
22 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin  
23 Psychological Association, the Wisconsin Psychiatric Association, and the Wisconsin  
24 Association of Family and Children's Agencies for individuals who specialize in a full  
25 continuum of behavioral health services for children. The Milwaukee County board

1 of supervisors shall suggest to the governor 4 psychiatrists and psychologists for this  
2 board membership position.

3 2. A psychiatrist or psychologist who is suggested by the Milwaukee County  
4 board of supervisors. The Milwaukee County board of supervisors shall solicit  
5 suggestions for psychiatrists and psychologists from organizations including the  
6 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin  
7 Psychological Association, the Wisconsin Psychiatric Association, and the  
8 Milwaukee Co-occurring Competency Cadre for individuals who specialize in a full  
9 continuum of behavioral health services for adults. The Milwaukee County board  
10 of supervisors shall suggest to the governor 4 psychiatrists and psychologists for this  
11 board membership position.

12 3. A representative of the community who is a consumer of mental health  
13 services and who is suggested by the Milwaukee County board of supervisors. The  
14 Milwaukee County board of supervisors shall solicit suggestions for individuals who  
15 have experienced mental illness or substance abuse from organizations including  
16 Warmline, the Milwaukee Mental Health Task Force, and the Milwaukee  
17 Co-occurring Competency Cadre. The Milwaukee County board of supervisors shall  
18 suggest to the governor 4 representatives of the community for this board  
19 membership position.

20 4. A psychiatric mental health advanced practice nurse prescriber who is  
21 suggested by the Milwaukee County board of supervisors. The Milwaukee County  
22 board of supervisors shall solicit suggestions from organizations including the  
23 Wisconsin Nurses Association for individuals who specialize in a full continuum of  
24 behavioral health and medical services including emergency detention, inpatient,  
25 residential, transitional, partial hospitalization, intensive outpatient, and

1 wraparound community-based services. The Milwaukee County board of  
2 supervisors shall suggest to the governor 4 psychiatric mental health advanced  
3 practice nurse prescribers for this board membership position. (NS. SA1-5)

4 5. An individual specializing in finance and administration who is suggested  
5 by the Milwaukee County executive. The Milwaukee County executive shall solicit  
6 suggestions from organizations including the Wisconsin Hospital Association, the  
7 Wisconsin County Human Services Association, and the Public Policy Forum for  
8 individuals with experience in analyzing healthcare operating expenses, revenues,  
9 and reimbursement, knowledge of public and private funding and systems, and  
10 expertise in financial restructuring for sustainability. The Milwaukee County  
11 executive shall suggest to the governor 4 individuals specializing in finance and  
12 administration for this board membership position.

13 6. A health care provider with experience in the delivery of substance abuse  
14 services who is suggested by the Milwaukee County executive. The Milwaukee  
15 County executive shall solicit suggestions from organizations including the  
16 Wisconsin Nurses Association and the Milwaukee Co-occurring Competency Cadre  
17 for health care providers specializing in providing substance abuse services. The  
18 Milwaukee County executive shall suggest to the governor 4 health care providers  
19 with experience in the delivery of substance abuse services for this board  
20 membership position.

21 7. An individual with legal expertise who is suggested by the Milwaukee  
22 County executive. The Milwaukee County executive shall solicit suggestions from  
23 organizations including the Legal Aid Society of Milwaukee, Legal Action of  
24 Wisconsin, Community Justice Counsel, and Disability Rights Wisconsin for  
25 individuals who have legal expertise specializing in emergency detention regulatory

1 requirements including policies, procedures, provider responsibilities, and patient  
2 rights. The Milwaukee County executive shall suggest to the governor 4 individuals  
3 with legal expertise for this board membership position.

4 8. A health care provider representing community-based mental health  
5 service providers who is suggested by the Milwaukee County board of supervisors.  
6 The Milwaukee County board of supervisors shall solicit suggestions from  
7 organizations including the Wisconsin Nurses Association, the Milwaukee Health  
8 Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee  
9 Co-occurring Competency Cadre for health care providers specializing in  
10 community-based, recovery-oriented, mental health systems. The Milwaukee  
11 County board of supervisors shall suggest to the governor 4 health care providers  
12 representing community-based mental health service providers for this board  
13 membership position.

14 9. An individual who is a consumer or family member representing  
15 community-based mental health service providers and who is suggested by the  
16 Milwaukee County executive. The Milwaukee County executive shall solicit  
17 suggestions from organizations including the Milwaukee Health Care Partnership,  
18 the Milwaukee Mental Health Task Force, and the Milwaukee Co-occurring  
19 Competency Cadre for consumers and family members representing  
20 community-based mental health service providers. The Milwaukee County  
21 executive shall suggest to the governor 4 consumers or family members representing  
22 community-based mental health service providers for this board membership  
23 position.

24 10. The chairperson of the county community programs board in Milwaukee  
25 County under s. 51.42 (4), or his or her designee who is not an elected official as



1 defined in s. 5.02 (3m). If the chairperson of the county community programs board  
2 in Milwaukee County is an elected official, the chairperson shall designate a member  
3 of the county community programs board who is not an elected official to be a member  
4 under this subdivision.

5 11. The chairperson of the Milwaukee Mental Health Task Force, or his or her  
6 designee.

7 (c) Subject to par. (d), the board shall consist of the following 2 nonvoting  
8 members appointed for 4-year terms:

9 1. A health care provider who is an employee of a higher education institution  
10 suggested by the Medical College of Wisconsin. The governor shall solicit  
11 suggestions from the Medical College of Wisconsin for individuals specializing in  
12 community-based, recovery-oriented mental health systems, maximizing  
13 comprehensive community-based services, prioritizing access to community-based  
14 services and reducing reliance on institutional and inpatient care, protecting the  
15 personal liberty of individuals experiencing mental illness so that they may be  
16 treated in the least restrictive environment to the greatest extent possible, providing  
17 early intervention to minimize the length and depth of psychotic and other mental  
18 health episodes, diverting people from the corrections system, when appropriate, or  
19 maximizing the use of mobile crisis units and crisis intervention training.

20 2. A health care provider who is an employee of a higher education institution  
21 suggested by the University of Wisconsin—Madison. The governor shall solicit  
22 suggestions from the University of Wisconsin—Madison for individuals specializing  
23 in community-based, recovery-oriented mental health systems, maximizing  
24 comprehensive community-based services, prioritizing access to community-based  
25 services and reducing reliance on institutional and inpatient care, protecting the

1 personal liberty of individuals experiencing mental illness so that they may be  
2 treated in the least restrictive environment to the greatest extent possible, providing  
3 early intervention to minimize the length and depth of psychotic and other mental  
4 health episodes, diverting people from the corrections system, when appropriate, or  
5 maximizing the use of mobile crisis units and crisis intervention training.

6 (d) 1. The governor shall nominate individuals for appointment under par. (b)

7 1. to 9. in consultation with the Milwaukee County executive.

8 2. The governor shall ensure that one of the members under par. (b) 1. and 2.  
9 is a psychologist.

10 3. A person nominating or suggesting individuals for nomination under par. (b)  
11 shall attempt to ensure that individuals suggested are among the most-qualified  
12 and experienced in their field.

13 4. a. In this subdivision, "cultural competency" means the ability to understand  
14 and act respectfully toward, in a cultural context, the beliefs, interpersonal styles,  
15 attitudes, and behaviors of persons and families of various cultures, including  
16 persons and families who receive mental health services in Milwaukee County and  
17 persons and families who provide mental health services in Milwaukee County.

18 b. Members under par. (b) collectively shall possess cultural competency and  
19 shall reflect the population that is serviced by the Milwaukee County mental health  
20 system.

21 5. No member of the board may be an employee of Milwaukee County at the  
22 time of nomination.

23 6. No member of the board may be a lobbyist, as defined in s. 13.62 (11). No  
24 member of the board may directly or indirectly solicit or receive subscriptions or  
25 contributions for any partisan political party or any political purpose while

1 appointed to the board. No member of the board may engage in any form of political  
2 activity calculated to favor or improve the chances of any political party or any person  
3 seeking or attempting to hold partisan office. No member of the board may hold an  
4 elected office. Any violation of this subdivision is adequate grounds for dismissal.

5 7. No member under par. (b) may serve more than 2 consecutive terms in a  
6 membership position for which suggestions for nomination are made by the same  
7 individual or entity, except that a member may serve 3 consecutive terms in a  
8 membership position for which suggestions for nomination are made by the same  
9 individual or entity if one of those 3 terms is for less than 2 years. An individual who  
10 has served 2 consecutive 4-year terms or 3 consecutive terms totalling less than 10  
11 years is eligible to be suggested for nomination as a member under par. (b) after the  
12 individual has not served on the board for 12 months.

INS. SA1-6

13 **SECTION 6.** 17.07 (3r) of the statutes is created to read:

14 17.07 (3r) (a) Notwithstanding sub. (3), a member of the Milwaukee County  
15 mental health board may be removed by any of the following:

- 16 1. The governor, for cause.
- 17 2. If the Milwaukee County executive suggested the member for nomination,  
18 the Milwaukee County executive, for neglect of duty, misconduct, malfeasance in  
19 office, failure to attend 4 board meetings in one year, or failure to attend 2 board  
20 meetings within one year without providing advance notice to the chairperson of the  
21 board.
- 22 3. If the Milwaukee County board of supervisors suggested the member for  
23 nomination, the Milwaukee County board of supervisors, for neglect of duty,  
24 misconduct, malfeasance in office, failure to attend 4 board meetings in one year, or

1 failure to attend 2 board meetings within one year without providing advance notice  
2 to the chairperson of the board.

3 (b) Notwithstanding sub. (3), a member of the Milwaukee County mental  
4 health board shall be removed by the governor for engaging in an activity under s.  
5 15.195 (9) (d) that disqualifies an individual from board membership.

INS. SAI-7

6 SECTION 7. 20.435 (5) (kf) of the statutes is created to read:

7 20.435 (5) (kf) *Milwaukee County mental health board; audit.* All moneys  
8 received under s. 51.41 (6) (b) for the general program operations of the Milwaukee  
9 County mental health board and for the performance of the audit and the completion  
10 of the report under 2013 Wisconsin Act .... (this act), section 53 (4).

INS. SAI-8

11 SECTION 8. 46.031 (2) of the statutes is amended to read:

12 46.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed  
13 budget to the county executive or county administrator or the county board or the  
14 Milwaukee County mental health board, the county departments listed in sub. (1)  
15 shall assess needs and inventory resources and services, using an open public  
16 participation process.

17 SECTION 9. 46.031 (2g) (a) of the statutes is amended to read:

18 46.031 (2g) (a) The department shall annually submit to the county board of  
19 supervisors in a county with a single-county department, the Milwaukee County  
20 mental health board in Milwaukee County for matters related to mental health, or  
21 the county boards of supervisors in counties with a multicounty department a  
22 proposed written contract containing the allocation of funds and such administrative  
23 requirements as necessary. The contract as approved may contain conditions of  
24 participation consistent with federal and state law. The contract may also include  
25 provisions necessary to ensure uniform cost accounting of services. Any changes to

1 the proposed contract shall be mutually agreed upon. The county board of  
2 supervisors in a county with a single-county department, the Milwaukee County  
3 mental health board in Milwaukee County for matters related to mental health, or  
4 the county boards of supervisors in counties with a multicounty department shall  
5 approve the contract before January 1 of the year in which it takes effect unless the  
6 department grants an extension. The county board of supervisors in a county with  
7 a single-county department, the Milwaukee County mental health board in  
8 Milwaukee County, or the county boards of supervisors in counties with a  
9 multicounty department may designate an agent to approve addenda to any contract  
10 after the contract has been approved.

11 **SECTION 10.** 46.031 (2g) (b) of the statutes is amended to read:

12 46.031 (2g) (b) The department may not approve contracts for amounts in  
13 excess of available revenues. The county board of supervisors in a county with a  
14 single-county department, the Milwaukee County mental health board in  
15 Milwaukee County for matters related to mental health, or the county boards of  
16 supervisors in counties with a multicounty department may appropriate funds not  
17 used to match state funds under ss. 46.495 (1) (d) and 51.423. Actual expenditure  
18 of county funds shall be reported in compliance with procedures developed by the  
19 department, and shall comply with standards guaranteeing quality of care  
20 comparable to similar facilities.

21 **SECTION 11.** 46.031 (2r) (b) of the statutes is amended to read:

22 46.031 (2r) (b) If the department withholds a portion of the allocable  
23 appropriation under par. (a), the county department affected by the action of the  
24 department may submit to the county board of supervisors in a county with a  
25 single-county department or to its designated agent, to the Milwaukee County

1 mental health board if related to mental health in Milwaukee County, or to the  
2 county boards of supervisors in counties with a multicounty department or their  
3 designated agents a plan to rectify the deficiency found by the department. The  
4 county board of supervisors or its designated agent in a county with a single-county  
5 department, the Milwaukee County mental health board if related to mental health,  
6 or the county boards of supervisors in counties with a multicounty department or  
7 their designated agents may approve or amend the plan and may submit for  
8 departmental approval the plan as adopted. If a multicounty department is  
9 administering a program, the plan may not be submitted unless each county board  
10 of supervisors which participated in the establishment of the multicounty  
11 department, or its designated agent, adopts it.

12 **SECTION 12.** 46.031 (3) (a) of the statutes is amended to read:

13 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the  
14 county board of supervisors of each county, the Milwaukee County mental health  
15 board, as applicable, or the county boards of supervisors of 2 or more counties jointly  
16 shall establish a citizen advisory committee to the county departments under ss.  
17 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise  
18 in the formulation of the budget under sub. (1). Membership on the committee shall  
19 be determined by the county board of supervisors in a county with a single-county  
20 committee, the Milwaukee County mental health board, as applicable, or by the  
21 county boards of supervisors in counties with a multicounty committee and shall  
22 include representatives of those persons receiving services, providers of service and  
23 citizens. A majority of the members of the committee shall be citizen and service  
24 consumers. The committee's membership may not consist of more than 25% county  
25 supervisors, nor of more than 20% service providers. The chairperson of the

1 committee shall be appointed by the county board of supervisors establishing it or  
2 by the Milwaukee County mental health board, if it establishes the committee. In  
3 the case of a multicounty committee, the chairperson shall be nominated by the  
4 committee and approved by the county boards of supervisors establishing it. The  
5 county board of supervisors in a county with a single-county committee or the county  
6 boards of supervisors in counties with a multicounty committee may designate an  
7 agent to determine the membership of the committee and to appoint the committee  
8 chairperson or approve the nominee.

9 **SECTION 13.** 46.031 (3) (b) of the statutes is amended to read:

10 46.031 (3) (b) *Alternate process.* The county board of supervisors, the  
11 Milwaukee County mental health board, as applicable, or the boards of 2 or more  
12 counties acting jointly may submit a report to the department on the open public  
13 participation process used under sub. (2). The county board of supervisors or the  
14 Milwaukee County mental health board may designate an agent, or the boards of 2  
15 or more counties acting jointly may designate an agent, to submit the report. If the  
16 department approves the report, establishment of a citizen advisory committee  
17 under par. (a) is not required.

18 **SECTION 14.** 46.031 (3) (c) of the statutes is amended to read:

19 46.031 (3) (c) *Yearly report.* The county board of supervisors or its designated  
20 agent, the Milwaukee County mental health board, as applicable, or the boards of 2  
21 or more counties acting jointly or their designated agent, shall submit to the  
22 department a list of members of the citizen advisory committee under par. (a) or a  
23 report on the open public participation process under par. (b) on or before July 1 of  
24 each year.

25 **SECTION 15.** 46.034 (3) of the statutes is amended to read:

1           46.034 (3) With the agreement of the affected county board of supervisors in  
2 a county with a single-county department, the Milwaukee County mental health  
3 board, as applicable, or boards of supervisors in counties with a multicounty  
4 department, effective for the contract period beginning January 1, 1980, the  
5 department may approve a county with a single-county department or counties  
6 participating in a multicounty department to administer a single consolidated aid  
7 consisting of the state and federal financial aid available to that county or those  
8 counties from appropriations under s. 20.435 (7) (b) and (o) for services provided and  
9 purchased by county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437.  
10 Under such an agreement, in the interest of improved service coordination and  
11 effectiveness, the county board of supervisors in a county with a single-county  
12 department, the Milwaukee County mental health board, as applicable, or county  
13 boards of supervisors in counties with a multicounty department may reallocate  
14 among county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 funds  
15 that otherwise would be specified for use by a single county department. The budget  
16 under s. 46.031 (1) shall be the vehicle for expressing the proposed use of the single  
17 consolidated fund by the county board of supervisors in a county with a single-county  
18 department, the Milwaukee County mental health board, as applicable, or county  
19 boards of supervisors in counties with a multicounty department. Approval by the  
20 department of this use of the fund shall be in the contract under s. 46.031 (2g).  
21 Counties that were selected by the department to pilot test consolidated aids for  
22 contract periods beginning January 1, 1978, may continue or terminate  
23 consolidation with the agreement of the affected county board of supervisors in a  
24 county with a single-county department, the Milwaukee County mental health  
25 board, or county boards of supervisors in counties with a multicounty department.



1           **SECTION 16.** 46.175 of the statutes is amended to read:

2           **46.175 County institutions: minimum standards.** Notwithstanding any  
3 other provision of law, any county currently operating an institution established  
4 under s. 49.70, 49.71, 49.72, 51.08, or 51.09 may, by resolution of the county board  
5 or, in Milwaukee County for institutions providing mental health treatment, the  
6 Milwaukee County mental health board, designate such institution or distinct part  
7 of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any  
8 county institution or part thereof, where so designated, shall be required to meet  
9 those licensure standards established by the department for the type of facility  
10 designated by the county. Any designation under this section may be made only if  
11 such designation will not result in any additional cost to the state.

12           **SECTION 17.** 46.18 (1) of the statutes is amended to read:

13           **46.18 (1) TRUSTEES.** Every county home, infirmary, hospital, or similar  
14 institution, shall, subject to regulations approved by the county board except in  
15 Milwaukee County for county homes, infirmaries, hospitals, or institutions  
16 providing mental health treatment, be managed by a board of trustees, electors of the  
17 county, chosen by ballot by the county board. In Milwaukee County, every county  
18 home, infirmary, hospital, or similar institution that provides mental health  
19 treatment shall, subject to standards and procedures adopted by the Milwaukee  
20 County mental health board, be managed by a board of trustees, electors of the  
21 county, chosen by ballot by the Milwaukee County mental health board. At its  
22 annual meeting, the county board or the Milwaukee County mental health board, if  
23 applicable, shall appoint an uneven number of trustees, from 3 to 9 at the option of  
24 the board, for staggered 3-year terms ending the first Monday in January. Any  
25 vacancy shall be filled for the unexpired term by the county board or the Milwaukee

1 County mental health board, as applicable; but the chairperson of the county board  
2 may appoint a trustee to fill the vacancy until the county board acts except for boards  
3 of trustees appointed by the Milwaukee County mental health board for which the  
4 chairperson of the Milwaukee County mental health board may appoint a trustee to  
5 fill the vacancy until the entire Milwaukee County mental health board acts.

6 **SECTION 18.** 46.18 (3) of the statutes is amended to read:

7 46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for  
8 misconduct or neglect, by a two-thirds vote of the county board or of the Milwaukee  
9 County mental health board, as applicable, on due notice in writing and hearing of  
10 the charges against the trustee.

11 **SECTION 19.** 46.18 (4) of the statutes is amended to read:

12 46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file  
13 the official oath and execute and file an official bond to the county, in the amount  
14 determined by the county board, or the Milwaukee County mental health board, as  
15 applicable, and the sufficiency of the sureties shall be approved by the chairperson  
16 of the board. Each trustee shall be reimbursed for traveling expenses necessarily  
17 incurred in the discharge of the duties, and shall receive the compensation fixed by  
18 the county board or the Milwaukee County mental health board, as applicable,  
19 unless otherwise provided by law.

20 **SECTION 20.** 46.18 (11) of the statutes is amended to read:

21 46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,  
22 the Milwaukee County mental health board, as applicable, shall annually  
23 appropriate for operation and maintenance of each such institution not less than the  
24 amount of state aid estimated by the trustees to accrue to said institution; or such

1 lesser sum as may be estimated by the trustees to be necessary for operation and  
2 maintenance.

3 **SECTION 21.** 46.18 (12) of the statutes is amended to read:

4 46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County  
5 mental health board, as applicable, may provide that the trustees and  
6 superintendent of any institution shall be the trustees and superintendent of any  
7 other institution.

8 **SECTION 22.** 46.18 (13) of the statutes is amended to read:

9 46.18 (13) BUILDING RESERVE FUND. The Except in Milwaukee County, the  
10 county board shall maintain as a segregated cash reserve an annual charge of 2% of  
11 the original cost of new construction or purchase or of the appraised value of existing  
12 infirmary structures and equipment. In Milwaukee County, the Milwaukee County  
13 mental health board, for mental health infirmary structures and equipment, shall  
14 ensure the maintenance, as a segregated cash reserve, of an annual charge of 2  
15 percent of the original cost of new construction or purchase or of the appraised value  
16 of existing mental health infirmary structures and equipment. If the infirmary or  
17 any of its equipment is replaced, any net cost of replacement in excess of the original  
18 cost is subject to an annual charge of 2%. No contributions to the cash reserve in  
19 excess of the amount required under this subsection may be included in the  
20 calculation under s. 49.726 (1). The county board, except the Milwaukee County  
21 board, may from time to time appropriate from such reserve sums to be expended  
22 solely for the enlargement, modernization or replacement of such infirmary and its  
23 equipment. In Milwaukee County, the Milwaukee County mental health board may  
24 require to be appropriated from reserve sums for mental health infirmaries to be

1 expended for the enlargement, modernization, or replacement of a mental health  
2 infirmery and its equipment.

3 **SECTION 23.** 46.18 (14) of the statutes is amended to read:

4 46.18 (14) INCENTIVE PAYMENTS TO PATIENTS IN MENTAL HOSPITALS. The county  
5 board or, in Milwaukee County, the Milwaukee County mental health board may  
6 authorize the board of trustees of any county mental hospital to establish a program  
7 of incentive payments so as to provide incentive and encouragement to patients by  
8 the disbursement of small weekly payments but not restricted to work allowances.  
9 Incentive payments paid to inmates shall not be included as costs in arriving at the  
10 per capita rate for state aids or charges to other counties and the state for care of  
11 inmates. ~~In counties having a population of 500,000 or more the county board of~~  
12 ~~supervisors may establish a similar program.~~

13 **SECTION 24.** 46.18 (15) of the statutes is amended to read:

14 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of  
15 supervisors, or the Milwaukee County mental health board, as applicable, so  
16 authorizes, the trustees of the county hospital may, together with a private or public  
17 organization or affiliation, organize, establish and participate in the governance and  
18 operation of an entity to operate, wholly or in part, any health-related service, may  
19 participate in the financing of the entity and may provide administrative and  
20 financial services or resources for its operation on terms prescribed by the county  
21 board of supervisors or the Milwaukee County mental health board, as applicable.

22 **SECTION 25.** 46.19 (4) of the statutes is amended to read:

23 46.19 (4) The salaries of the superintendent, visiting physician and all  
24 necessary additional officers and employees shall be fixed by the county board. In  
25 Milwaukee County, the salaries of any superintendent of a mental health institution

1 and the salaries of any visiting physician and necessary additional officers and  
2 employees whose duties are related to mental health shall be fixed by the county  
3 executive.

4 **SECTION 26.** 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),  
5 (3r), (4), (4m) (a) and (b) and (6) of the statutes are amended to read:

6 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance  
7 and improvement of the county hospital; the detention center; the probation section  
8 of the children's court center; the provision and maintenance of the physical facilities  
9 for the children's court and its intake section under the supervision and operation  
10 of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided  
11 in s. 938.06 (1); ~~the mental health complex~~; the county department of human  
12 services; the central service departments; and all buildings and land used in  
13 connection with any institution under this section except a mental health  
14 institution. The powers and duties of the county board of supervisors are policy  
15 forming only, and not administrative or executive. The county board of supervisors  
16 may not form policies regarding mental health or mental health institutions,  
17 programs, or services. The Milwaukee County mental health board shall adopt the  
18 policies under this paragraph regarding mental health and mental health  
19 institutions, programs, and services.

20 (j) May exercise approval or disapproval power over contracts and purchases  
21 of the director that are for \$50,000 or more, except that the county board of  
22 supervisors may not exercise approval or disapproval power over any personal  
23 service contract or over any contract or purchase of the director that relates to  
24 community living arrangements, adult family homes, or foster homes and that was  
25 entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless

1 of whether the contract mentions the provider, except as provided in par. (m). The  
2 county board of supervisors may not exercise approval or disapproval power over any  
3 contract relating to mental health or mental health institutions, programs, or  
4 services. This paragraph does not preclude the county board of supervisors from  
5 creating a central purchasing department for all county purchases that are not  
6 related to mental health.

7 (k) Shall make sufficient appropriation annually for the support, maintenance,  
8 salaries, repairs and improvements to the county department of human services and  
9 the institutions, except for mental health institutions. The appropriations shall be  
10 used subject to the order of the director or administrator and as the policies adopted  
11 by the county board of supervisors provide. The director or administrator may not  
12 incur any expense or contract for new buildings, additions to present buildings or the  
13 purchase of land until the county board of supervisors, or the Milwaukee County  
14 mental health board, as applicable, has appropriated or provided for the money to  
15 defray such expense.

16 (m) May establish and maintain in connection with such county hospital, an  
17 emergency unit or department for the treatment, subject to such rules as may be  
18 prescribed by the county board of supervisors, of persons in the county who may meet  
19 with accidents or be suddenly afflicted with illness not contagious; provided that  
20 medical care and treatment shall only be furnished in such unit or department until  
21 such time as the patient may be safely removed to another hospital or to his or her  
22 place of abode, or regularly admitted to the county hospital. The county board of  
23 supervisors may also contract with any private hospital or nonprofit hospital within  
24 the county for the use of its facilities and for medical service to be furnished by a  
25 licensed physician or physicians to patients who require emergency medical

1 treatment or first aid as a result of any accident, injury or sudden affliction of illness  
2 occurring within the county, except that reasonable compensation may only be  
3 authorized until the patient is regularly admitted as an inpatient or safely removed  
4 to another hospital or to his place of abode. In this paragraph, "hospital" includes,  
5 without limitation due to enumeration, public health centers, medical facilities and  
6 general, tuberculosis, ~~mental~~, chronic disease and other types of hospitals and  
7 related facilities, such as laboratories, outpatient departments, nurses' home and  
8 training facilities, and central service facilities operated in connection with  
9 hospitals. In this paragraph, "hospital" does not include any hospital furnishing  
10 primarily domiciliary care. In this paragraph "nonprofit hospital" means any  
11 hospital owned and operated by a corporation or association, no part of the net  
12 earnings of which inures, or may lawfully inure, to the benefit of any private  
13 shareholder or individual.

14 (q) May, together with a private or public organization or affiliation, organize,  
15 establish and participate in the governance and operation of an entity to operate,  
16 wholly or in part, any health-related service except a mental health-related service,  
17 may participate in the financing of the entity and may provide administrative and  
18 financial services or resources for its operation on terms prescribed by the county  
19 board of supervisors. The Milwaukee County mental health board may, together  
20 with a private or public organization or affiliation, organize, establish, and  
21 participate in the governance and operation of an entity to operate, wholly or in part,  
22 any mental health-related service, may participate in the financing of the entity, and  
23 may provide administrative and financial services or resources for its operation.

24 **(2m)** (a) *Creation.* The management, operation, maintenance and  
25 improvement of human services in a county with a population of 500,000 750,000 or

1 more is vested in a county department of human services under the jurisdiction, as  
2 to policy, of the county board of supervisors or, as to mental health policy, the  
3 Milwaukee County mental health board. The county department of human services  
4 shall consist of the director appointed under sub. (1m), any division administrator  
5 appointed under sub. (4) or s. 51.41 (9), and necessary personnel appointed by the  
6 director or appointed by a division administrator and approved by the director.

7 (b) 1. (intro.) The county board of supervisors or, in matters related to mental  
8 health, the Milwaukee County mental health board may transfer the powers and  
9 duties of any human services program under the control of the county and shall  
10 transfer all of the following to the county department of human services:

11 (3) POWERS AND DUTIES OF THE DIRECTOR. All of the administrative and executive  
12 powers and duties of managing, operating, maintaining and improving the county  
13 department of human services and other institutions and departments that the  
14 county board of supervisors or, in matters of mental health, the Milwaukee County  
15 mental health board may place under the jurisdiction of the director are vested in the  
16 director, subject to the policies and in accordance with the principles adopted by the  
17 county board of supervisors or, in matters of mental health, the Milwaukee County  
18 health board.

19 (3g) POWERS AND DUTIES OF THE ADMINISTRATOR. All of the administrative and  
20 executive powers and duties of managing, operating, maintaining and improving the  
21 county hospital and other institutions and departments that the county board of  
22 supervisors or, in matters of mental health, the Milwaukee County mental health  
23 board may place under the jurisdiction of the administrator are vested in the  
24 administrator, subject to the policies and in accordance with the principles adopted



1 by the county board of supervisors or, in matters of mental health, the Milwaukee  
2 County mental health board.

3 (3r) OTHER POWERS AND DUTIES. The county board of supervisors or, in matters  
4 of mental health, the Milwaukee County mental health board may place under the  
5 jurisdiction of county entities not specified under this section the administrative and  
6 executive powers and duties of managing, operating, maintaining and improving  
7 institutions and departments or other responsibilities that are specified in sub. (2),  
8 including functions related to the central service departments and buildings and  
9 land used in connection with any institution under sub. (2).

10 (4) MANAGEMENT PERSONNEL. ~~The~~ Except as provided in s. 51.41 (9), the director  
11 may appoint personnel to manage the county department of human services and the  
12 administrator may appoint personnel to manage the county hospital, in accordance  
13 with ordinances of the county board of supervisors.

14 (4m) (a) The county hospitals and county sanatoriums of a county with a  
15 population of ~~500,000~~ 750,000 or more shall be devoted to hospital service and the  
16 treatment of patients upon such terms and conditions as the county board of  
17 supervisors or, in matters of mental health, the Milwaukee County mental health  
18 board establishes. The hospitals and sanatoriums may be utilized for instruction of  
19 medical students, physicians and nurses and for scientific and clinical research that  
20 will promote the welfare of the patients and assist the application of science to the  
21 alleviation of human suffering.

22 (b) Professional staff responsible for the care of patients under this subsection  
23 may submit bills for professional services under policies adopted by the county board  
24 of supervisors or under mental health policies adopted by the Milwaukee County  
25 mental health board.

1           **(6) REPORTS; EXPENDITURES.** The director and the administrator shall submit  
2 annually to the county board of supervisors, or to the Milwaukee County mental  
3 health board in matters of mental health, reports, including itemized statements of  
4 receipts and disbursements, at the times and in the manner that the county board  
5 of supervisors or Milwaukee County mental health board specifies and as are  
6 required to comply with applicable federal statutes and regulations and state  
7 statutes and rules. Disbursements shall be made in the manner that the county  
8 board of supervisors or Milwaukee County mental health board, as applicable,  
9 adopts, consistent with sound accounting and auditing procedure and with  
10 applicable federal statutes and regulations, state statutes and rules and  
11 requirements of the county auditor and county department of administration.

12           **SECTION 27.** 46.56 (1) (a) of the statutes is amended to read:

13           46.56 (1) (a) "Administering agency" means a department designated by a  
14 county board of supervisors, by the Milwaukee County mental health board in  
15 Milwaukee County, or by a tribe to administer an initiative.

16           **SECTION 28.** 46.56 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,  
17 is amended to read:

18           46.56 (2) (a) Except as provided in par. (b), if a county board of supervisors or  
19 the Milwaukee County mental health board establishes an initiative under s. 59.53  
20 (7) or if a tribe establishes an initiative, the county board, Milwaukee County mental  
21 health board, or tribe shall appoint a coordinating committee and designate an  
22 administering agency. The initiative may be funded by the county or tribe or the  
23 county board of supervisors, Milwaukee County mental health board, or tribe may  
24 apply for funding by the state in accordance with sub. (15).

1           **SECTION 29.** 46.56 (2) (b) of the statutes, as created by 2013 Wisconsin Act 20,  
2 is amended to read:

3           46.56 (2) (b) A county may enter into an agreement with one or more other  
4 counties or tribes to establish an initiative and a tribe may enter into an agreement  
5 with one or more counties or tribes to establish an initiative. The parties to the  
6 agreement shall designate in the agreement a single lead administrative county or  
7 lead administrative tribe. The county board of the lead administrative county, the  
8 Milwaukee County mental health board, if Milwaukee County is the lead  
9 administrative county, or the lead administrative tribe shall appoint a coordinating  
10 committee and designate an administering agency. The initiative may be funded by  
11 the participating entities, or the county board of supervisors of the lead  
12 administrative county, the Milwaukee County mental health board, if Milwaukee  
13 County is the lead administrative county, or the lead administrative tribe may apply  
14 for funding by the state in accordance with sub. (15).

15           **SECTION 30.** 46.56 (3) (b) 11. of the statutes is amended to read:

16           46.56 (3) (b) 11. Representatives of the county board or, in Milwaukee County,  
17 the Milwaukee County mental health board or, for an initiative established by a  
18 tribe, representatives of the elected governing body of the tribe.

19           **SECTION 31.** 46.56 (4) (d) of the statutes, as affected by 2013 Wisconsin Act 20,  
20 is amended to read:

21           46.56 (4) (d) If the county board of supervisors, Milwaukee County mental  
22 health board, or tribe or a multi–entity initiative decides to seek state funding under  
23 sub. (15), develop the application in cooperation with the coordinating committee.

24           **SECTION 32.** 46.56 (15) (b) (intro.) of the statutes, as affected by 2013 Wisconsin  
25 Act 20, is amended to read:

1           46.56 (15) (b) (intro.) In order to apply for funds under this subsection, the  
2 county board of supervisors, Milwaukee County mental health board, or tribe or, for  
3 a multi-entity initiative, the county board of the lead administrative county, the  
4 Milwaukee County mental health board, if Milwaukee County is the lead  
5 administrative county, or the lead administrative tribe shall do all of the following:

6           **SECTION 33.** 51.08 of the statutes is amended to read:

7           **51.08 Milwaukee County Mental Health Complex.** Any county having a  
8 population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a  
9 county mental health complex. The county mental health complex shall be a hospital  
10 devoted to the detention and care of drug addicts, alcoholics, chronic patients and  
11 mentally ill persons whose mental illness is acute. Such hospital shall be governed  
12 pursuant to s. 46.21. Treatment of alcoholics at the county mental health complex  
13 is subject to approval by the department under s. 51.45 (8). The county mental health  
14 complex established pursuant to this section is subject to rules promulgated by the  
15 department concerning hospital standards. The county board may not sell the  
16 county mental health complex under this section without approval of the Milwaukee  
17 County mental health board.

18           **SECTION 34.** 51.20 (18) (a) of the statutes is amended to read:

19           51.20 (18) (a) Unless previously fixed by the county board of supervisors or the  
20 Milwaukee County mental health board in the county in which the examination is  
21 held, the examiners shall receive a fee as fixed by the court for participation in  
22 commitment proceedings, and reasonable reimbursement for travel expenses.

23           **SECTION 35.** 51.41 of the statutes is created to read:

24           **51.41 Milwaukee County mental health; Milwaukee County mental**  
25 **health board.**

INS. SAI-9  
AS AMENDED

*INS. SAI-10*

1

(1) DUTIES OF THE BOARD. The Milwaukee County mental health board shall do all of the following:

2

3

(a) Oversee the provision of mental health programs and services in Milwaukee County.

4

5

(b) Allocate moneys for mental health functions, programs, and services in Milwaukee County within the budget amount set in sub. (4) (a).

6

*INS. SAI-11*

*INS. SAI-12*

*INS. SAI-13*

7

(c) Make the final determination on mental health policy in Milwaukee County.

8

(d) Replace the Milwaukee County board of supervisors in all mental health functions that are typically performed by a county board of supervisors.

9

10

(e) Facilitate delivery of mental health services in an efficient and effective manner by making a commitment to all of the following:

11

12

1. Community-based, person-centered, recovery-oriented, mental health systems.

13

14

2. Maximizing comprehensive community-based services.

15

3. Prioritizing access to community-based services and reducing reliance on institutional and inpatient care.

16

17

4. Protecting the personal liberty of individuals experiencing mental illness so that they may be treated in the least restrictive environment to the greatest extent possible.

18

19

20

5. Providing early intervention to minimize the length and depth of psychotic and other mental health episodes.

21

22

6. Diverting people experiencing mental illness from the corrections system when appropriate.

23

24

7. Maximizing use of mobile crisis units and crisis intervention training.

1 (f) Attempt to achieve costs savings in the provision of mental health programs  
2 and services in Milwaukee County.

3 (g) Cooperate and consult with the department on recommendations for and  
4 establishing policy for inpatient mental health treatment facilities and related  
5 programs in Milwaukee County.

6 (2) POWERS OF THE BOARD; LIMITATIONS. (a) The Milwaukee County mental  
7 health board may request information from the Milwaukee Mental Health Complex,  
8 a county department under s. 46.21 or 51.42 or any other Milwaukee County  
9 governmental unit that possesses mental health information in order to fulfill its  
10 duties of overseeing mental health functions, programs, and services in Milwaukee  
11 County.

12 (b) The Milwaukee County mental health board may not establish policies that  
13 change general audit, bill paying, payroll, and human resource procedures for  
14 Milwaukee County government or for the county department under s. 46.21 for  
15 divisions, branches, or functions other than those related to mental health. The  
16 Milwaukee County mental health board may change payroll and human resource  
17 procedures for the divisions, branches, and functions of the county department under  
18 s. 46.21 that relate to mental health only as authorized in this section and ss. 46.18,  
19 46.21, and 51.42.

20 (3) PUBLIC HEARING. Annually, the Milwaukee County mental health board  
21 shall hold a public hearing in Milwaukee County as one of its required meetings.

22 (4) MILWAUKEE COUNTY MENTAL HEALTH BUDGET. (a) In this subsection:

23 1. "Community aids amount" means the amount of the mental health budget  
24 that is funded from the community aids allocation received under s. 46.40.

1           2. "Mental health budget" means the part of the budget for Milwaukee County  
2 for a fiscal year that covers mental health functions, programs, and services in  
3 Milwaukee County.

4           3. "Tax levy amount" means the amount of the mental health budget that is  
5 funded from revenues from the tax levy.

6           (b) 1. The Milwaukee County mental health board shall propose to the  
7 Milwaukee County executive the total amount of the mental health budget, the  
8 community aids amount, and the tax levy amount. The Milwaukee County mental  
9 health board may not propose a tax levy amount that is less than \$53,000,000 or more  
10 than \$65,000,000, except as provided in subds. 5. and 6.

11           2. The county executive, in his or her proposed budget for Milwaukee County  
12 for a fiscal year, may include a tax levy amount that is different than the tax levy  
13 amount proposed under subd. 1., but the county executive may not include a tax levy  
14 amount that is less than \$53,000,000 or more than \$65,000,000, except as provided  
15 in subds. 5. and 6.

16           3. The county board of supervisors shall allocate to mental health functions,  
17 programs, and services an amount from the county's community aids allocation  
18 received under s. 46.40 that maintains or increases the expenditures for mental  
19 health functions, programs, and services paid from the county's community aids  
20 allocation in the previous fiscal year to the extent of the availability of community  
21 aids funds from the state.

22           4. Except as provided in subds. 5. and 6., the county board of supervisors shall  
23 incorporate into the budget for Milwaukee County for a fiscal year all of the  
24 following:

1 a. The tax levy amount as proposed by the county executive under subd. 2. and  
2 the amount of the community aids allocation determined under subd. 3.

3 b. An amount equal to the total amount of the mental health budget proposed  
4 under subd. 1., less the community aids amount proposed under subd. 1 and the tax  
5 levy amount proposed under subd. 1.

6 5. If the Milwaukee County mental health board transfers to itself jurisdiction  
7 of a function, service, or program under sub. (5) (b) that it did not have jurisdiction  
8 over on the effective date of this subdivision .... [LRB inserts date], the tax levy  
9 amount proposed under subd. 2. is increased by an amount equal to the amount  
10 derived from revenue from the tax levy that was expended by Milwaukee County for  
11 the transferred function, service, or program in the fiscal year before the fiscal year  
12 in which the function, program, or service is transferred. The \$65,000,000 limit  
13 imposed under subds. 1. and 2. upon the tax levy amount may be exceeded by the  
14 amount of the increase under this subdivision in any fiscal year in which the  
15 Milwaukee County mental health board has jurisdiction over the transferred  
16 function, service or program.

17 6. If a majority of the Milwaukee County mental health board and a majority  
18 of the Milwaukee County board of supervisors approves and the Milwaukee County  
19 executive agrees the tax levy amount may be less than \$53,000,000 or more than  
20 \$65,000,000 for a fiscal year.

21 (c) Except as allowed under pars. (b) 2., 3., 4., 5., and 6. and (d), the Milwaukee  
22 County board of supervisors may not in a fiscal year provide funding, and the  
23 Milwaukee County executive may not in a fiscal year approve funding, for mental  
24 health functions, services, and programs that is less than or more than the total



1 amount of the mental health budget proposed under par. (b) 1. for that fiscal year for  
2 those mental health functions, services, and programs.

3 (d) The treasurer in Milwaukee County shall hold any moneys that at the end  
4 of a fiscal year have not been expended or encumbered from the amount budgeted  
5 for mental health functions, programs, and services in a mental health reserve fund.  
6 Moneys in the reserve fund may be used at any time to cover deficits in the  
7 Milwaukee County mental health budget. If the amount in the reserve fund exceeds  
8 \$10,000,000, the amount exceeding \$10,000,000 may be used at any time for any  
9 mental health function, program, or service in Milwaukee County. Moneys in the  
10 reserve fund may be used only for the purposes described in this paragraph.

11 (5) JURISDICTION OF MILWAUKEE COUNTY BOARD. (a) The Milwaukee County  
12 board of supervisors has no jurisdiction over any mental health policy, functions,  
13 programs, or services. The Milwaukee County board of supervisors may not create  
14 new mental health functions, programs, or services that are under the jurisdiction  
15 of the board of supervisors. Any dispute between the Milwaukee County board of  
16 supervisors and the Milwaukee County mental health board over whether a  
17 function, program, or service is a mental health function, program, or service under  
18 the jurisdiction of the Milwaukee County mental health board shall be resolved by  
19 the secretary of health services.

20 (b) The Milwaukee County mental health board may transfer jurisdiction over  
21 a Milwaukee County function, service, or program to itself that pertains to mental  
22 health or is highly integrated with mental health services and that is not under its  
23 jurisdiction by statute or by agreement with the Milwaukee County board of  
24 supervisors, by an affirmative vote of 8 of the voting Milwaukee County mental  
25 health board members if the secretary of health services approves the transfer.

1           **(6) PAYMENT OF BOARD EXPENDITURES.** (a) The Milwaukee County board of  
2 supervisors and the department shall enter an agreement for the payment of  
3 expenses of the Milwaukee County mental health board and for the performance of  
4 the audit and the completion of the report under 2013 Wisconsin Act .... (this act),  
5 section 53 (4).

6           (b) The Milwaukee County board of supervisors shall arrange for the payment  
7 of expenses from the mental health budget, as defined in sub. (4) (a) 2., according to  
8 the agreement under par. (a). All payments shall be credited to the appropriation  
9 account under s. 20.435 (5) (kf).

10           **(7) COUNTY DEPARTMENT REQUIREMENTS.** (a) A county department under s. 46.21  
11 or 51.42 in Milwaukee County may not impede the Milwaukee County mental health  
12 board in performing its duties under this section or exercising its powers under this  
13 section.

14           (b) A county department under s. 46.21 or 51.42 in Milwaukee County shall  
15 respond to any requests for information from the Milwaukee County mental health  
16 board.

17           **(8) REPORTS; STUDIES.** (a) By March 1, 2015, and annually by March 1  
18 thereafter, the Milwaukee County mental health board shall submit to the  
19 Milwaukee County executive, the Milwaukee County board of supervisors, and the  
20 department a report including a description of the funding allocations for Milwaukee  
21 County's mental health functions, services, and programs and a description of any  
22 improvements and efficiencies in those mental health functions, programs, and  
23 services. The department shall provide access to the report under this subsection to  
24 the public including posting the report on the department's Internet site.

1 (b) The Milwaukee County mental health board shall arrange for a study to be  
2 conducted on alternate funding sources for mental health services and programs  
3 including fee-for-service models, managed care models that integrate mental  
4 health services into the contracts with an increased offset through basic county  
5 allocation reduction, and other funding models. By March 1, 2016, the Milwaukee  
6 County mental health board shall submit to the Milwaukee County board of  
7 supervisors, the Milwaukee County executive, and the department a report of the  
8 results of the study.

9 (9) ADMINISTRATOR. (a) The Milwaukee County executive shall nominate an  
10 individual to be the administrator of any division or branch of the department under  
11 s. 46.21 that administers behavioral health for Milwaukee County. The nominated  
12 individual may be hired as the administrator only upon approval of the Milwaukee  
13 County mental health board. If the county executive does not nominate an  
14 individual by June 1, 2015, the Milwaukee County mental health board may hire an  
15 individual to be the administrator. Upon a vacancy in the position of administrator,  
16 if the county executive does not nominate an individual within 12 months of the date  
17 the position becomes vacant, the Milwaukee County mental health board may hire  
18 an individual to be the administrator.

19 (b) The Milwaukee County executive shall determine the salary and benefits  
20 and the job duties of the administrator. The county executive may not assign the  
21 administrator any duties that are not related to mental health functions, programs,  
22 and services in Milwaukee County.

23 (c) 1. The administrator under this subsection may be removed by the  
24 Milwaukee County mental health board by a vote of 8 members of that board.

1           2. The Milwaukee County executive may recommend removal of the  
2 administrator under this subsection to the Milwaukee County mental health board.  
3 If the county executive recommends removal under this subdivision, the Milwaukee  
4 County mental health board may remove the administrator upon a vote of 6 members  
5 of that board.

6           (d) The Milwaukee County board of supervisors may not hire, remove, or  
7 discipline; set the salary or benefits of, or assign or remove any job duties of the  
8 administrator under this subsection.

9           (10) MENTAL HEALTH CONTRACTS. Any contract related to mental health with a  
10 value of at least \$100,000, to which Milwaukee County is a party may take effect only  
11 if the Milwaukee County mental health board votes to approve, or does not vote to  
12 reject, the contract within 28 days after the contract is signed or countersigned by  
13 the county executive.

14           (11) TRANSITION LIAISON POSITION. (a) The Milwaukee County executive shall  
15 nominate an individual who has knowledge of the services provided by and the  
16 mental health systems of Milwaukee County to be a transition liaison to assist the  
17 Milwaukee County mental health board in the transition of oversight functions. The  
18 transition liaison shall be assigned or hired to that position only upon approval of the  
19 Milwaukee County mental health board. The transition liaison shall be assigned to  
20 or employed in that position for no longer than 12 months, except that the county  
21 executive may grant extensions to the term of that position.

22           (b) 1. The Milwaukee County executive shall determine the salary and benefits  
23 and the job duties of the transition liaison assigned or hired under par. (a).

24           2. The Milwaukee County executive may remove the transition liaison  
25 assigned or hired under par. (a). If the Milwaukee County executive removes the

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1 transition liaison assigned or hired under par. (a) before the 12 months following the  
2 date of the assignment or hiring of the initial transition liaison have expired, the  
3 Milwaukee County executive shall nominate another transition liaison to serve for  
4 at least the remainder of the 12 months following the date of the assignment or hiring  
5 of the initial transition liaison.

6 (c) The Milwaukee County board of supervisors may not hire, remove, or  
7 discipline; set the salary or benefits of; or assign or remove any job duties of the  
8 transition liaison assigned or hired under this subsection.

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9 **SECTION 36.** 51.42 (1) (b) of the statutes is amended to read:

10 51.42 (1) (b) *County liability.* The county board of supervisors except in  
11 Milwaukee County, has the primary responsibility for the well-being, treatment and  
12 care of the mentally ill, developmentally disabled, alcoholic and other drug  
13 dependent citizens residing within its county and for ensuring that those individuals  
14 in need of such emergency services found within its county receive immediate  
15 emergency services. In Milwaukee County, the Milwaukee County mental health  
16 board has the primary responsibility for the well-being, treatment and care of the  
17 mentally ill, alcoholic, and other drug dependent citizens residing within Milwaukee  
18 County and for ensuring that those individuals in need of such emergency services  
19 found within Milwaukee County receive immediate emergency services. The county  
20 board of supervisors of Milwaukee County has the primary responsibility for the  
21 well-being, treatment, and care of the developmentally disabled citizens residing  
22 within Milwaukee County, except where the responsibility is delegated explicitly  
23 under this section to the Milwaukee County mental health board, and for ensuring  
24 that developmentally disabled individuals in need of such emergency services found  
25 within Milwaukee County receive immediate emergency services. This primary

1 responsibility is limited to the programs, services and resources that the county  
2 board of supervisors, or, as applicable, the Milwaukee County mental health board,  
3 is reasonably able to provide within the limits of available state and federal funds  
4 and of county funds required to be appropriated to match state funds. County  
5 liability for care and services purchased through or provided by a county department  
6 of community programs established under this section shall be based upon the  
7 client's county of residence except for emergency services for which liability shall be  
8 placed with the county in which the individual is found. For the purpose of  
9 establishing county liability, "emergency services" includes those services provided  
10 under the authority of s. 55.05 (4), 2003 stats., or s. 55.06 (11) (a), 2003 stats., or s.  
11 51.15, 51.45 (11) (a) or (b) or (12), 55.13, or 55.135 for not more than 72 hours.  
12 Nothing in this paragraph prevents recovery of liability under s. 46.10 or any other  
13 statute creating liability upon the individual receiving a service or any other  
14 designated responsible party, or prevents reimbursement by the department of  
15 health services for the actual cost of all care and services from the appropriation  
16 under s. 20.435 (7) (da), as provided in s. 51.22 (3).

17 **SECTION 37.** 51.42 (3) (a) of the statutes is amended to read:

18 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county  
19 board of supervisors of any county except Milwaukee County, the Milwaukee County  
20 mental health board, or the county boards of supervisors of 2 or more counties, shall  
21 establish a county department of community programs on a single-county or  
22 multicounty basis to administer a community mental health, developmental  
23 disabilities, alcoholism and drug abuse program, make appropriations to operate the  
24 program and authorize the county department of community programs to apply for  
25 grants-in-aid under s. 51.423. The county department of community programs shall

1 consist of a county community programs board, a county community programs  
2 director and necessary personnel.

3 **SECTION 38.** 51.42 (3) (ar) 8. of the statutes is amended to read:

4 51.42 (3) (ar) 8. By September 30, submit for inclusion as part of the proposed  
5 county budget to the Milwaukee County mental health board in Milwaukee County,  
6 to the county executive or county administrator, or, in those counties without a  
7 county executive or county administrator, directly to the county board of supervisors  
8 in a county with a single-county department of community programs or the county  
9 boards of supervisors in counties with a multicounty department of community  
10 programs a proposed budget for the succeeding calendar year covering services,  
11 including active treatment community mental health center services, based on the  
12 plan required under subd. 5. The final budget shall be submitted to the department  
13 of health services.

14 **SECTION 39.** 51.42 (3) (ar) 14. of the statutes is amended to read:

15 51.42 (3) (ar) 14. If the county board of supervisors or, as applicable, the  
16 Milwaukee County mental health board establishes an initiative to provide  
17 coordinated services under s. 59.53 (7), participate in and may administer the  
18 initiative, including entering into any written interagency agreements or contracts.

19 **SECTION 40.** 51.42 (3) (b) of the statutes is amended to read:

20 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any  
21 county with a single-county department of community programs, the Milwaukee  
22 County mental health board, and the county boards of supervisors of counties with  
23 a multicounty department of community programs may designate the county  
24 department of community programs as the administrator of any other county health

1 care program or institution, but the operation of such program or institution is not  
2 reimbursable under s. 51.423.

3 **SECTION 41.** 51.42 (4) (a) 2. (intro.) of the statutes is amended to read:

4 51.42 (4) (a) 2. (intro.) In any county with a county executive or county  
5 administrator and which has established a single-county department of community  
6 programs, the county executive or county administrator shall appoint, subject to  
7 confirmation by the Milwaukee County mental health board in Milwaukee County  
8 or the county board of supervisors, the county community programs board, which  
9 shall be only a policy-making body determining the broad outlines and principles  
10 governing the administration of programs under this section. A member of a county  
11 community programs board appointed under this subdivision may be removed by the  
12 county executive or county administrator under the following circumstances:

13 **SECTION 42.** 51.42 (6m) (intro.) of the statutes is amended to read:

14 51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A  
15 COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county  
16 executive or county administrator in which the county board of supervisors or the  
17 Milwaukee County mental health board has established a single-county department  
18 of community programs, the county executive or county administrator shall appoint  
19 and supervise the county community programs director. In any county with a  
20 population of ~~500,000~~ 750,000 or more, the county executive or county administrator  
21 shall appoint the director of the county department of human services under s. 46.21  
22 as the county community programs director. The appointment of a county  
23 community programs director under this subsection shall be on the basis of  
24 recognized and demonstrated interest in and knowledge of the problems of mental  
25 health, intellectual disability, alcoholism and drug addiction, with due regard to



1 training, experience, executive and administrative ability, and general qualification  
2 and fitness for the performance of the duties of the director. The appointment of a  
3 county community programs director under this subsection is subject to  
4 confirmation by the county board of supervisors, except in Milwaukee County, unless  
5 the county board of supervisors, by ordinance, elects to waive confirmation or unless  
6 the appointment is made under a civil service system competitive examination  
7 procedure established under s. 59.52 (8) or ch. 63. The county community programs  
8 director, subject only to the supervision of the county executive or county  
9 administrator, shall:

10 **SECTION 43.** 51.42 (6m) (c) of the statutes is amended to read:

11 51.42 **(6m)** (c) Determine, subject to the approval of the county board of  
12 supervisors or the Milwaukee County mental health board, as applicable, and with  
13 the advice of the county community programs board, whether services are to be  
14 provided directly by the county department of community programs or contracted for  
15 with other providers and make such contracts. The county board of supervisors,  
16 except in Milwaukee County, or the Milwaukee County mental health board in  
17 Milwaukee County may elect to require the approval of any such contract by the  
18 county board of supervisors or the Milwaukee County mental health board.

19 **SECTION 44.** 51.42 (6m) (i) of the statutes is amended to read:

20 51.42 **(6m)** (i) Establish salaries and personnel policies of the programs of the  
21 county department of community programs subject to approval of the county  
22 executive or county administrator and county board of supervisors, except in  
23 Milwaukee County, or the Milwaukee County mental health board in Milwaukee  
24 County unless the county board of supervisors or the Milwaukee County mental  
25 health board elects not to review the salaries and personnel policies.

1           **SECTION 45.** 51.42 (6m) (m) 3. of the statutes is amended to read:

2           51.42 (**6m**) (m) 3. Such other reports as are required by the secretary and the  
3 county board of supervisors or, as applicable, the Milwaukee County mental health  
4 board.

5           **SECTION 46.** 51.423 (11) of the statutes is amended to read:

6           51.423 (11) Each county department under s. 51.42 or 51.437, or both, shall  
7 apply all funds it receives under subs. (1) to (7) to provide the services required under  
8 ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and  
9 accessibility of the persons in its jurisdiction, except that the county department may  
10 pay for inpatient treatment only with funds designated by the department for  
11 inpatient treatment. The county department may expand programs and services  
12 with county funds not used to match state funds under this section subject to the  
13 approval of the county board of supervisors in a county with a single-county  
14 department, except in Milwaukee County, the Milwaukee County mental health  
15 board in Milwaukee County, or the county boards of supervisors in counties with  
16 multicounty departments and with other local or private funds subject to the  
17 approval of the department and the county board of supervisors in a county with a  
18 single-county department under s. 51.42 or 51.437, the Milwaukee County mental  
19 health board with a department under s. 51.42, or the county boards of supervisors  
20 in counties with a multicounty department under s. 51.42 or 51.437. The county  
21 board of supervisors in a county with a single-county department under s. 51.42 or  
22 51.437, the Milwaukee County mental health board with a department under s.  
23 51.42, or the county boards of supervisors in counties with a multicounty department  
24 under s. 51.42 or 51.437 may delegate the authority to expand programs and services  
25 to the county department under s. 51.42 or 51.437. The county department under

1 s. 51.42 or 51.437 shall report to the department all county funds allocated to the  
2 county department under s. 51.42 or 51.437 and the use of such funds. Moneys  
3 collected under s. 46.10 shall be applied to cover the costs of primary services,  
4 exceptional and specialized services or to reimburse supplemental appropriations  
5 funded by counties. County departments under ss. 51.42 and 51.437 shall include  
6 collections made on and after October 1, 1978, by the department that are subject to  
7 s. 46.10 (8m) (a) 3. and 4. and are distributed to county departments under ss. 51.42  
8 and 51.437 from the appropriation account under s. 20.435 (5) (gg), as revenues on  
9 their grant-in-aid expenditure reports to the department.

10 **SECTION 47.** 51.44 (4) of the statutes is amended to read:

11 51.44 (4) Each county board of supervisors, except in Milwaukee County, and  
12 the Milwaukee County mental health board in Milwaukee County shall designate  
13 the appropriate county department under s. 46.21, 46.23 or 51.437, the local health  
14 department of the county or another entity as the local lead agency to provide early  
15 intervention services under the funding specified in sub. (3).

16 **SECTION 48.** 51.61 (1) (e) of the statutes is amended to read:

17 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under  
18 s. 51.35 (3) or 51.37 or under ch. 971 or 975, have the right to the least restrictive  
19 conditions necessary to achieve the purposes of admission, commitment or protective  
20 placement, under programs, services and resources that the county board of  
21 supervisors or the Milwaukee County mental health board, as applicable, is  
22 reasonably able to provide within the limits of available state and federal funds and  
23 of county funds required to be appropriated to match state funds.

24 **SECTION 49.** 51.61 (1) (f) of the statutes is amended to read:

1           51.61 (1) (f) Have a right to receive prompt and adequate treatment,  
2 rehabilitation and educational services appropriate for his or her condition, under  
3 programs, services and resources that the county board of supervisors or the  
4 Milwaukee County mental health board, as applicable, is reasonably able to provide  
5 within the limits of available state and federal funds and of county funds required  
6 to be appropriated to match state funds.

7           **SECTION 50.** 55.001 of the statutes is amended to read:

8           **55.001 Declaration of policy.** The legislature recognizes that many citizens  
9 of the state, because of serious and persistent mental illness, degenerative brain  
10 disorder, developmental disabilities, or other like incapacities, are in need of  
11 protective services or protective placement. Except as provided in s. 49.45 (30m) (a),  
12 the protective services or protective placement should, to the maximum degree of  
13 feasibility under programs, services and resources that the county board of  
14 supervisors or the Milwaukee County mental health board, as applicable, is  
15 reasonably able to provide within the limits of available state and federal funds and  
16 of county funds required to be appropriated to match state funds, allow the  
17 individual the same rights as other citizens, and at the same time protect the  
18 individual from financial exploitation, abuse, neglect, and self-neglect. This chapter  
19 is designed to establish those protective services and protective placements, to  
20 assure their availability to all individuals when in need of them, and to place the  
21 least possible restriction on personal liberty and exercise of constitutional rights  
22 consistent with due process and protection from abuse, financial exploitation,  
23 neglect, and self-neglect.

24           **SECTION 51.** 59.53 (7) of the statutes is amended to read:

1           59.53 (7) INITIATIVE TO PROVIDE COORDINATED SERVICES. The Except in  
2 Milwaukee County, the board may establish an initiative to provide coordinated  
3 services under s. 46.56.

4           **SECTION 52.** 59.53 (25) of the statutes is created to read:

5           59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board  
6 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) and  
7 (31), 66.0301, and 66.0607 (2), related to mental health functions, programs, and  
8 services.

9           **SECTION 53. Nonstatutory provisions.**

10          (1) INITIAL TERMS OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

11 Notwithstanding the length of terms for the members of the Milwaukee County  
12 mental health board specified in sections 15.07 (1) (cm) and 15.195 (9) of the statutes  
13 the initial members, other than the members approved under section 15.195 (9) (b)  
14 10. and 11. of the statutes, as created by this act, shall be appointed for the following  
15 terms:

16          (a) Three members, as designated by the governor, specified under section  
17 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,  
18 2016.

19          (b) Three members, as designated by the governor, specified under section  
20 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,  
21 2017.

22          (c) Three members, as designated by the governor, specified under section  
23 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,  
24 2018.

1 (d) The members specified under section 15.195 (9) (c) of the statutes, as created  
2 by this act, for terms that expire on May 1, 2017.

3 (2) PROVISIONAL APPOINTMENTS TO THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

4 (a) Notwithstanding section 15.07 (1) (b) 24. of the statutes, as created by this  
5 act, within 60 days after the effective date of this act, the governor shall provisionally  
6 appoint initial members of the Milwaukee County mental health board under section  
7 15.195 (9) of the statutes, as created by this act. Those provisional appointments  
8 remain in force until withdrawn by the governor or acted upon by the senate, and if  
9 confirmed by the senate shall continue for the remainder of the unexpired term, if  
10 any, of the member and until a successor is chosen and qualifies. A provisional  
11 appointee under this paragraph may exercise all the powers and duties of the office  
12 to which the person is appointed during the time in which the appointee qualifies.

13 (b) A provisional appointment made under paragraph (a) that is withdrawn by  
14 the governor lapses and such withdrawal creates a vacancy for provisional  
15 appointment of a replacement initial member of the Milwaukee County mental  
16 health board. Any provisional appointment made under paragraph (a) that is  
17 rejected by the senate lapses and such rejection creates a vacancy for nomination and  
18 appointment under section 15.07 (1) (b) 24. of the statutes, as created by this act, of  
19 a replacement initial board member.

INS. SA 1 - 18

20 (3) JURISDICTION OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD. The mental  
21 health functions, programs, and services over which the Milwaukee County mental  
22 health board has jurisdiction upon appointment of the Milwaukee County mental  
23 health board are those functions, programs, and services that Milwaukee County  
24 included in its 2014 budget under the behavioral health division unit 6300 and under  
25 the behavioral health community services branch of unit 8700.

1 (4) AUDIT AND REPORT BY DEPARTMENT OF HEALTH SERVICES.

2 (a) The department of health services shall perform or arrange for an  
3 operational and programmatic audit of the behavioral health division of the  
4 Milwaukee County department of health and human services, the psychiatric

5 hospital of the Milwaukee County mental health complex, and the related behavioral  
6 health programs. *INS. SAI-19* The department of health services may enter into a contract for  
7 the performance of the audit. *INS. SAI-20*

8 services or the person with whom the department of health services has entered into  
9 a contract for the audit shall submit a report of the findings of the audit, including  
10 recommendations for inpatient mental health treatment in Milwaukee County, to  
11 the secretary of health services. The secretary of health services shall submit a copy  
12 of the report to the Milwaukee County mental health board, the Milwaukee County  
13 board of supervisors, the Milwaukee County executive, and the legislature under

14 section 13.172 (2) of the statutes. *INS. SAI-21*

15 (b) The Milwaukee County mental health board, the behavioral health division  
16 and the community services branch of the Milwaukee County department of health  
17 and human services, and any other Milwaukee County governmental unit that has  
18 information necessary for the performance of the audit under paragraph (a) shall  
19 cooperate with the department of health services or the contractor of the department  
20 of health services for the performance of the audit. *INS. SAI-22*

21 (END) *INS. SAI-24*

*INS. SAI-25*

*INS. SAI-2*



State of Wisconsin  
2013-2014 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 565**

Prepared by the Legislative Reference Bureau  
(March 11, 2014)

1. Page 9, line 3: delete "suggest" and substitute "reappoint".
2. Page 9, line 4: delete "for reappointment".

CORR 1

NOTE: When drafting an exception to the appointment procedures for positions appointed by the county executive in created s. 51.41, the drafter used the same language for the set of appointments whose nominees are suggested by the county board and those whose nominees are collected and then appointed by the county executive himself or herself. This correction eliminates the requirement that the county executive suggest individuals to himself or herself for appointment by himself or herself and makes no substantive change.

(END)





**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 565**

March 11, 2014 – Offered by Senators CARPENTER, L. TAYLOR and VUKMIR.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 17: after that line insert:

3 **SECTION 2d.** 15.07 (1) (b) 24. of the statutes, as created by 2013 Wisconsin Act  
4 .... (this act), is repealed".

SA1-1

5 **2.** Page 3, line 8: after that line insert:

6 **SECTION 3d.** 15.07 (1) (cm) of the statutes, as affected by 2013 Wisconsin Act  
7 .... (this act), is amended to read:

SA1-2

8 15.07 (1) (cm) The term of one member of the government accountability board  
9 shall expire on each May 1. The terms of the 3 members of the land and water  
10 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
11 The term of the member of the land and water conservation board appointed under  
12 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

1 the appraiser members of the real estate appraisers board and the terms of the  
 2 auctioneer and auction company representative members of the auctioneer board  
 3 shall expire on May 1 in an even-numbered year. The terms of the members of the  
 4 cemetery board shall expire on July 1 in an even-numbered year. The term of the  
 5 student member of the Board of Regents of the University of Wisconsin System who  
 6 is at least 24 years old shall expire on May 1 of every even-numbered year. ~~The terms~~  
 7 ~~of 6 of the members of the Milwaukee County mental health board appointed under~~  
 8 ~~s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.~~”

9 **3.** Page 3, line 12: after that line insert:

SAI-3

10 “SECTION 4d. 15.07 (3) (bm) 7. of the statutes, as created by 2013 Wisconsin Act  
 11 .... (this act), is repealed”.

12 **4.** Page 4, line 20: delete “prescriber”.

SAI-5

13 **5.** Page 5, line 3: delete “nurse prescribers” and substitute “nurses”.

14 **6.** Page 9, line 12: after that line insert:

SAI-6

15 “SECTION 5d. 15.195 (9) of the statutes, as created by 2013 Wisconsin Act ....  
 16 (this act), is repealed.”

17 **7.** Page 10, line 5: after that line insert:

SAI-7

18 “SECTION 6d. 17.07 (3r) of the statutes, as created by 2013 Wisconsin Act ....  
 19 (this act), is repealed.

20 **SECTION 6j.** 19.42 (7w) (e) of the statutes is created to read:

21 19.42 (7w) (e) The position of member of the Milwaukee County mental health  
 22 board as created under s. 51.41 (1d).”

23 **8.** Page 10, line 10: after that line insert:

SAI-8

1 "SECTION 7d. 20.435 (5) (kf) of the statutes, as created by 2013 Wisconsin Act  
2 .... (this act), is repealed.

3 SECTION 7s. 46.011 (1s) of the statutes is created to read:

4 46.011 (1s) "Milwaukee County mental health board" means the Milwaukee  
5 County mental health board created under s. 51.41 (1d).  
6

SAI-9

7 9. Page 26, line 25: after "board." insert "(1d) MILWAUKEE COUNTY MENTAL  
8 HEALTH BOARD; APPOINTMENTS; REQUIREMENTS; VACANCIES. (a) Milwaukee County shall  
9 establish the Milwaukee County mental health board.

10 (b) Subject to par. (d), the board shall consist of the following 11 voting members  
11 appointed by the Milwaukee County executive for 4-year terms except for the  
12 members under subds. 10. and 11.:

13 1. A psychiatrist or psychologist who is suggested by the Milwaukee County  
14 board of supervisors. The Milwaukee County board of supervisors shall solicit  
15 suggestions for psychiatrists and psychologists from organizations including the  
16 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin  
17 Psychological Association, the Wisconsin Psychiatric Association, and the Wisconsin  
18 Association of Family and Children's Agencies for individuals who specialize in a full  
19 continuum of behavioral health services for children. The Milwaukee County board  
20 of supervisors shall suggest to the Milwaukee County executive 4 psychiatrists and  
21 psychologists for this board membership position.

22 2. A psychiatrist or psychologist who is suggested by the Milwaukee County  
23 board of supervisors. The Milwaukee County board of supervisors shall solicit  
24 suggestions for psychiatrists and psychologists from organizations including the  
Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin

1 Psychological Association, the Wisconsin Psychiatric Association, and the  
2 Milwaukee Co-occurring Competency Cadre for individuals who specialize in a full  
3 continuum of behavioral health services for adults. The Milwaukee County board  
4 of supervisors shall suggest to the Milwaukee County executive 4 psychiatrists and  
5 psychologists for this board membership position.

6 3. A representative of the community who is a consumer of mental health  
7 services and who is suggested by the Milwaukee County board of supervisors. The  
8 Milwaukee County board of supervisors shall solicit suggestions for individuals who  
9 have experienced mental illness or substance abuse from organizations including  
10 Warmline, the Milwaukee Mental Health Task Force, and the Milwaukee  
11 Co-occurring Competency Cadre. The Milwaukee County board of supervisors shall  
12 suggest to the Milwaukee County executive 4 representatives of the community for  
13 this board membership position.

14 4. A psychiatric mental health advanced practice nurse who is suggested by the  
15 Milwaukee County board of supervisors. The Milwaukee County board of  
16 supervisors shall solicit suggestions from organizations including the Wisconsin  
17 Nurses Association for individuals who specialize in a full continuum of behavioral  
18 health and medical services including emergency detention, inpatient, residential,  
19 transitional, partial hospitalization, intensive outpatient, and wraparound  
20 community-based services. The Milwaukee County board of supervisors shall  
21 suggest to the Milwaukee County executive 4 psychiatric mental health advanced  
22 practice nurses for this board membership position.

23 5. An individual specializing in finance and administration. The Milwaukee  
24 County executive shall solicit suggestions from organizations including the  
25 Wisconsin Hospital Association, the Wisconsin County Human Services Association,

1 and the Public Policy Forum for at least 4 individuals with experience in analyzing  
2 healthcare operating expenses, revenues, and reimbursement, knowledge of public  
3 and private funding and systems, and expertise in financial restructuring for  
4 sustainability.

5 6. A health care provider with experience in the delivery of substance abuse  
6 services. The Milwaukee County executive shall solicit suggestions from  
7 organizations including the Wisconsin Nurses Association and the Milwaukee  
8 Co-occurring Competency Cadre for at least 4 health care providers specializing in  
9 providing substance abuse services.

10 7. An individual with legal expertise. The Milwaukee County executive shall  
11 solicit suggestions from organizations including the Legal Aid Society of Milwaukee,  
12 Legal Action of Wisconsin, Community Justice Counsel, and Disability Rights  
13 Wisconsin for at least 4 individuals who have legal expertise specializing in  
14 emergency detention regulatory requirements including policies, procedures,  
15 provider responsibilities, and patient rights.

16 8. A health care provider representing community-based mental health  
17 service providers who is suggested by the Milwaukee County board of supervisors.  
18 The Milwaukee County board of supervisors shall solicit suggestions from  
19 organizations including the Wisconsin Nurses Association, the Milwaukee Health  
20 Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee  
21 Co-occurring Competency Cadre for health care providers specializing in  
22 community-based, recovery-oriented, mental health systems. The Milwaukee  
23 County board of supervisors shall suggest to the Milwaukee County executive 4  
24 health care providers representing community-based mental health service  
25 providers for this board membership position.

1           9. An individual who is a consumer or family member representing  
2 community-based mental health service providers. The Milwaukee County  
3 executive shall solicit suggestions from organizations including the Milwaukee  
4 Health Care Partnership, the Milwaukee Mental Health Task Force, and the  
5 Milwaukee Co-occurring Competency Cadre for at least 4 consumers and family  
6 members representing community-based mental health service providers.

7           10. The chairperson of the county community programs board in Milwaukee  
8 County under s. 51.42 (4), or his or her designee who is not an elected official as  
9 defined in s. 5.02 (3m). If the chairperson of the county community programs board  
10 in Milwaukee County is an elected official, the chairperson shall designate a member  
11 of the county community programs board who is not an elected official to be a member  
12 under this subdivision.

13           11. The chairperson of the Milwaukee Mental Health Task Force, or his or her  
14 designee.

15           (c) Subject to par. (d), the board shall consist of the following 2 nonvoting  
16 members appointed by the Milwaukee County executive for 4-year terms:

17           1. A health care provider who is an employee of a higher education institution  
18 suggested by the Medical College of Wisconsin. The Milwaukee County executive  
19 shall solicit suggestions from the Medical College of Wisconsin for individuals  
20 specializing in community-based, recovery-oriented mental health systems,  
21 maximizing comprehensive community-based services, prioritizing access to  
22 community-based services and reducing reliance on institutional and inpatient  
23 care, protecting the personal liberty of individuals experiencing mental illness so  
24 that they may be treated in the least restrictive environment to the greatest extent  
25 possible, providing early intervention to minimize the length and depth of psychotic

1 and other mental health episodes, diverting people from the corrections system,  
2 when appropriate, or maximizing the use of mobile crisis units and crisis  
3 intervention training.

4 2. A health care provider who is an employee of a higher education institution  
5 suggested by the University of Wisconsin—Madison. The Milwaukee County  
6 executive shall solicit suggestions from the University of Wisconsin—Madison for  
7 individuals specializing in community-based, recovery-oriented mental health  
8 systems, maximizing comprehensive community-based services, prioritizing access  
9 to community-based services and reducing reliance on institutional and inpatient  
10 care, protecting the personal liberty of individuals experiencing mental illness so  
11 that they may be treated in the least restrictive environment to the greatest extent  
12 possible, providing early intervention to minimize the length and depth of psychotic  
13 and other mental health episodes, diverting people from the corrections system,  
14 when appropriate, or maximizing the use of mobile crisis units and crisis  
15 intervention training.

16 (d) 1. The Milwaukee County executive shall ensure that one of the members  
17 under par. (b) 1. and 2. is a psychologist.

18 2. A person nominating or suggesting individuals for nomination under par. (b)  
19 shall attempt to ensure that individuals suggested are among the most-qualified  
20 and experienced in their field.

21 3. a. In this subdivision, “cultural competency” means the ability to understand  
22 and act respectfully toward, in a cultural context, the beliefs, interpersonal styles,  
23 attitudes, and behaviors of persons and families of various cultures, including  
24 persons and families who receive mental health services in Milwaukee County and  
25 persons and families who provide mental health services in Milwaukee County.

1 b. Members under par. (b) collectively shall possess cultural competency and  
2 shall reflect the population that is serviced by the Milwaukee County mental health  
3 system.

4 4. No member of the board may be an employee of Milwaukee County at the  
5 time of nomination.

6 5. No member of the board may be a lobbyist, as defined in s. 13.62 (11). No  
7 member of the board may directly or indirectly solicit or receive subscriptions or  
8 contributions for any partisan political party or any political purpose while  
9 appointed to the board. No member of the board may engage in any form of political  
10 activity calculated to favor or improve the chances of any political party or any person  
11 seeking or attempting to hold partisan office. No member of the board may hold an  
12 elected office. Any violation of this subdivision is adequate grounds for dismissal.

13 6. No member under par. (b) may serve more than 2 consecutive terms in a  
14 membership position for which suggestions for nomination are made by the same  
15 individual or entity, except that a member may serve 3 consecutive terms in a  
16 membership position for which suggestions for nomination are made by the same  
17 individual or entity if one of those 3 terms is for less than 2 years. An individual who  
18 has served 2 consecutive 4-year terms or 3 consecutive terms totalling less than 10  
19 years is eligible to be suggested for nomination as a member under par. (b) after the  
20 individual has not served on the board for 12 months.

21 7. Notwithstanding par. (b) 1., 2., 3., 4., and 8. and subject to subd. 6., if the  
22 Milwaukee County board of supervisors chooses to suggest a member of the  
23 Milwaukee County mental health board for reappointment to his or her position  
24 under par. (b) 1., 2., 3., 4., or 8., the Milwaukee County board of supervisors is not  
25 required to solicit suggestions from organizations and is not required to submit an



1 additional 3 suggestions to the Milwaukee County executive for that appointment.  
2 Notwithstanding par. (b) 5., 6., 7., and 9. and subject to subd. 6., if the Milwaukee  
3 County executive chooses to suggest a member of the Milwaukee County mental  
4 health board for reappointment to his or her position under par. (b) 5., 6., 7., or 9.,  
5 the Milwaukee County executive is not required to solicit suggestions from  
6 organizations for that appointment.

7 8. Notwithstanding s. 59.17 (2) (c), appointment of members under pars. (b) and  
8 (c) to the Milwaukee County mental health board is not subject to approval of the  
9 Milwaukee County board of supervisors.

10 (f) At its first meeting in each year, the Milwaukee County mental health board  
11 shall elect a chairperson, vice chairperson, and secretary each of whom may be  
12 reelected for successive terms.

13 (g) A majority of the membership of a board constitutes a quorum to do  
14 business, and unless a more restrictive provision is adopted by the board, a majority  
15 of a quorum may act in any matter within the jurisdiction of the board.

16 (h) The members of the Milwaukee County mental health board shall be  
17 reimbursed for their actual and necessary expenses incurred in the performance of  
18 their duties. The members shall receive no compensation for their services.

19 (i) 1. Notwithstanding s. 17.10, a member of the Milwaukee County mental  
20 health board may be removed by all of the following:

21 a. If the Milwaukee County executive solicited suggestions for nomination, the  
22 Milwaukee County executive, for cause.

23 b. If the Milwaukee County board of supervisors suggested the member for  
24 nomination, the Milwaukee County board of supervisors, for cause.

1 2. A member of the Milwaukee County mental health board shall be removed  
2 by the Milwaukee County executive for engaging in an activity that disqualifies an  
3 individual from board membership under this subsection.”.

4 10. Page 27, line 1: delete “(1)” and substitute “(1s)”.

SA1-10

5 11. Page 27, line 6: before “budget” insert “mental health”.

SA1-11

6 12. Page 27, line 6: delete “amount set” and substitute “as defined”.

SA1-12

7 13. Page 27, line 6: after “(a)” insert “2”.

SA1-13

8 14. Page 28, line 6: delete “(a)”.

9 15. Page 28, line 12: delete lines 12 to 19.

SA1-16

10 16. Page 34, line 17: after “functions” insert “and to ensure there is no  
11 interruption of mental health services”.

12 17. Page 35, line 8: after that line insert:

SA1-17

13 **SECTION 35m.** 51.41 (3) and (5) (a) and (b) of the statutes, as created by 2013  
14 Wisconsin Act .... (this act), are amended to read:

15 51.41 (3) PUBLIC HEARING; MEETINGS. The Milwaukee County mental health  
16 board shall meet 6 times each year and may meet at other times on the call of the  
17 chairperson or a majority of the board’s members. Annually, the Milwaukee County  
18 mental health board shall hold a public hearing in Milwaukee County as one of its  
19 required meetings.

20 (5) (a) The Milwaukee County board of supervisors has no jurisdiction over any  
21 mental health policy, functions, programs, or services. The Milwaukee County board  
22 of supervisors may not create new mental health functions, programs, or services  
23 that are under the jurisdiction of the board of supervisors. Any dispute between the

1 ~~Milwaukee County board of supervisors and the Milwaukee County mental health~~  
2 ~~board over whether a function, program, or service is a mental health function,~~  
3 ~~program, or service under the jurisdiction of the Milwaukee County mental health~~  
4 ~~board shall be resolved by the secretary of health services.~~

5 (b) The Milwaukee County mental health board may transfer jurisdiction over  
6 a Milwaukee County function, service, or program to itself that pertains to mental  
7 health or is highly integrated with mental health services and that is not under its  
8 jurisdiction by statute ~~or by agreement with the Milwaukee County board of~~  
9 ~~supervisors,~~ by an affirmative vote of ~~8 of the voting~~ a majority of the Milwaukee  
10 County mental health board and a majority of the Milwaukee County board of  
11 supervisors.

12 **SECTION 35p.** 51.41 (6) of the statutes, as created by 2013 Wisconsin Act ....  
13 (this act), is repealed.”

14 **18.** Page 44, line 19: after that line insert:

SA 1-18

15 “(c) This subsection does not apply after December 31, 2014.

16 (2d) COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD; TRANSFER OF  
17 BOARD MEMBER APPOINTMENTS. Notwithstanding section 51.41 (1d) of the statutes, as  
18 created by this act, on January 1, 2015, the Milwaukee County executive shall  
19 appoint the individuals who are appointed to the state-based Milwaukee County  
20 mental health board under section 15.195 (9) of the statutes, as created by this act,  
21 as of December 31, 2014, to the county-based Milwaukee County mental health  
22 board as created in section 51.41 (1d) of the statutes, as created by this act, to serve  
23 the remainder of their terms as specified under subsection (1). Beginning January  
24 1, 2015, the Milwaukee County executive shall make appointments to the

1 Milwaukee County mental health board in accordance with section 51.41 (1d) of the  
2 statutes, as created by this act, to fill board vacancies and to fill positions when the  
3 term of a board member expires.”

4 **19.** Page 45, line 6: after “programs.” insert “The audit shall include  
5 recommendations for the state assuming oversight responsibility for emergency  
6 detention services and the psychiatric hospital of the Milwaukee County Mental  
7 Health Complex, developing a plan for closing the Milwaukee County Mental Health  
8 Complex, and developing a plan for state oversight of a regional facility for the  
9 delivery of institutional, inpatient, crisis services, and behavioral health services  
10 using similar state-operated regional facilities as a model. In addition, the audit  
11 shall provide details and specifications on how, after the transitioning of the  
12 county-run institutional model to a state-based regionalized model, the state-based  
13 Milwaukee County mental health board will transition to a county-based board, the  
14 positions on the Milwaukee County mental health board will transition to a  
15 community-based focus, the funding for inpatient services and community-based  
16 services will continue, and mental health services will be delivered in a manner that  
17 reflects all of the following principles:

- 18 1. Community-based, person-centered, recovery-oriented mental health  
19 systems.
- 20 2. Maximizing comprehensive community-based services.
- 21 3. Prioritizing access to community-based services and reducing reliance on  
22 institutional and inpatient care.

SA1-19

1 4. Protecting the personal liberty of individuals experiencing mental illness so  
2 that they may be treated in the least restrictive environment to the greatest extent  
3 possible.

4 5. Providing early intervention to minimize the length and depth of psychotic  
5 and other mental health episodes.

6 6. Diverting people experiencing mental illness from the corrections system  
7 when appropriate.

8 7. Maximizing use of mobile crisis units and crisis intervention training.”

9 **20.** Page 45, line 6: before “The department” insert “(b)”.

SAI-20

10 **21.** Page 45, line 7: after “audit” insert “under paragraph (a)”.

SAI-21

11 **22.** Page 45, line 9: delete “audit shall” and substitute “audit under paragraph

SAI-22

12 (a) shall”.

SAI-23

13 **23.** Page 45, line 9: delete “audit, including” and substitute “audit under

14 paragraph (a), including”.

SAI-24

15 **24.** Page 45, line 15: delete “(b)” and substitute “(c)”.

16 **25.** Page 45, line 20: after that line insert:

SAI-25

17 **SECTION 54m. Effective dates.** This act takes effect on the day after  
18 publication, except as follows:

19 (1) TRANSITION TO COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD. The  
20 treatment of sections 15.07 (1) (cm) (by SECTION 3d), 19.42 (7w) (e), 46.011 (1s), and  
21 51.41 (1d), (3) (by SECTION 35m), and (5) (a) and (b) (by SECTION 35m) of the statutes  
22 and the repeal of sections 15.07 (1) (b) 24. and (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435  
23 (5) (kf), and 51.41 (6) of the statutes take effect on January 1, 2015.”