



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

1 **AN ACT** *to repeal* 15.07 (1) (b) 24., 15.07 (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435
2 (5) (kf) and 51.41 (6); *to amend* 15.07 (1) (cm), 15.07 (1) (cm), 46.031 (2), 46.031
3 (2g) (a), 46.031 (2g) (b), 46.031 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3)
4 (c), 46.034 (3), 46.175, 46.18 (1), 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18
5 (13), 46.18 (14), 46.18 (15), 46.19 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a)
6 and (b) 1. (intro.), (3), (3g), (3r), (4), (4m) (a) and (b) and (6), 46.56 (1) (a), 46.56
7 (2) (a), 46.56 (2) (b), 46.56 (3) (b) 11., 46.56 (4) (d), 46.56 (15) (b) (intro.), 51.08,
8 51.20 (18) (a), 51.41 (3) and (5) (a) and (b), 51.42 (1) (b), 51.42 (3) (a), 51.42 (3)
9 (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a) 2. (intro.), 51.42 (6m) (intro.),
10 51.42 (6m) (c), 51.42 (6m) (i), 51.42 (6m) (m) 3., 51.423 (11), 51.44 (4), 51.61 (1)
11 (e), 51.61 (1) (f), 55.001 and 59.53 (7); and *to create* 13.94 (1) (mg), 15.07 (1) (b)
12 24., 15.07 (3) (bm) 7., 15.195 (9), 17.07 (3r), 19.42 (7w) (e), 20.435 (5) (kf), 46.011
13 (1s), 51.41 and 59.53 (25) of the statutes; **relating to:** Milwaukee County

1 mental health functions, programs, and services, creation of the Milwaukee
2 County Mental Health Board, and making an appropriation.

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

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

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

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

18 15.07 (1) (b) 24. The Milwaukee County mental health board, subject to s.
19 15.195 (9).

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

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

1 15.07 (1) (cm) The term of one member of the government accountability board
2 shall expire on each May 1. The terms of the 3 members of the land and water
3 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
4 The term of the member of the land and water conservation board appointed under
5 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
6 the appraiser members of the real estate appraisers board and the terms of the
7 auctioneer and auction company representative members of the auctioneer board
8 shall expire on May 1 in an even-numbered year. The terms of the members of the
9 cemetery board shall expire on July 1 in an even-numbered year. The term of the
10 student member of the Board of Regents of the University of Wisconsin System who
11 is at least 24 years old shall expire on May 1 of every even-numbered year. The terms
12 of 6 of the members of the Milwaukee County mental health board appointed under
13 s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.

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

16 15.07 (1) (cm) The term of one member of the government accountability board
17 shall expire on each May 1. The terms of the 3 members of the land and water
18 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
19 The term of the member of the land and water conservation board appointed under
20 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
21 the appraiser members of the real estate appraisers board and the terms of the
22 auctioneer and auction company representative members of the auctioneer board
23 shall expire on May 1 in an even-numbered year. The terms of the members of the
24 cemetery board shall expire on July 1 in an even-numbered year. The term of the
25 student member of the Board of Regents of the University of Wisconsin System who

1 is at least 24 years old shall expire on May 1 of every even-numbered year. ~~The terms~~
2 ~~of 6 of the members of the Milwaukee County mental health board appointed under~~
3 ~~s. 15.195 (9) (b) shall expire on May 1 of an even-numbered year.~~

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

5 15.07 (3) (bm) 7. The Milwaukee County mental health board shall meet 6
6 times each year and may meet at other times on the call of the chairperson or a
7 majority of the board's members.

8 **SECTION 4d.** 15.07 (3) (bm) 7. of the statutes, as created by 2013 Wisconsin Act
9 (this act), is repealed.

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

11 15.195 (9) MILWAUKEE COUNTY MENTAL HEALTH BOARD. (a) There is created a
12 Milwaukee County mental health board, which is attached to the department of
13 health services under s. 15.03.

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

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

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

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

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

1 suggest to the governor 4 psychiatric mental health advanced practice nurses for this
2 board membership position.

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

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

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

1 rights. The Milwaukee County executive shall suggest to the governor 4 individuals
2 with legal expertise for this board membership position.

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

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

23 10. The chairperson of the county community programs board in Milwaukee
24 County under s. 51.42 (4), or his or her designee who is not an elected official as
25 defined in s. 5.02 (3m). If the chairperson of the county community programs board

1 in Milwaukee County is an elected official, the chairperson shall designate a member
2 of the county community programs board who is not an elected official to be a member
3 under this subdivision.

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

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

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

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

1 treated in the least restrictive environment to the greatest extent possible, providing
2 early intervention to minimize the length and depth of psychotic and other mental
3 health episodes, diverting people from the corrections system, when appropriate, or
4 maximizing the use of mobile crisis units and crisis intervention training.

5 (d) 1. The governor shall nominate individuals for appointment under par. (b)
6 1. to 9. in consultation with the Milwaukee County executive.

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

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

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

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

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

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

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

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

12 **SECTION 5d.** 15.195 (9) of the statutes, as created by 2013 Wisconsin Act (this
13 act), is repealed.

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

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

17 1. The governor, for cause.

18 2. If the Milwaukee County executive suggested the member for nomination,
19 the Milwaukee County executive, for neglect of duty, misconduct, malfeasance in
20 office, failure to attend 4 board meetings in one year, or failure to attend 2 board
21 meetings within one year without providing advance notice to the chairperson of the
22 board.

23 3. If the Milwaukee County board of supervisors suggested the member for
24 nomination, the Milwaukee County board of supervisors, for neglect of duty,
25 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.

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

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

9 19.42 (7w) (e) The position of member of the Milwaukee County mental health
10 board as created under s. 51.41 (1d).

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

12 20.435 (5) (kf) *Milwaukee County mental health board; audit.* All moneys
13 received under s. 51.41 (6) (b) for the general program operations of the Milwaukee
14 County mental health board and for the performance of the audit and the completion
15 of the report under 2013 Wisconsin Act (this act), section 53 (4).

16 **SECTION 7d.** 20.435 (5) (kf) of the statutes, as created by 2013 Wisconsin Act
17 (this act), is repealed.

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

19 46.011 (1s) “Milwaukee County mental health board” means the Milwaukee
20 County mental health board created under s. 51.41 (1d).

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

22 46.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
23 budget to the county executive or county administrator or the county board or the
24 Milwaukee County mental health board, the county departments listed in sub. (1)

1 shall assess needs and inventory resources and services, using an open public
2 participation process.

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

4 46.031 (2g) (a) The department shall annually submit to the county board of
5 supervisors in a county with a single-county department, the Milwaukee County
6 mental health board in Milwaukee County for matters related to mental health, or
7 the county boards of supervisors in counties with a multicounty department a
8 proposed written contract containing the allocation of funds and such administrative
9 requirements as necessary. The contract as approved may contain conditions of
10 participation consistent with federal and state law. The contract may also include
11 provisions necessary to ensure uniform cost accounting of services. Any changes to
12 the proposed contract shall be mutually agreed upon. The county board of
13 supervisors in a county with a single-county department, the Milwaukee County
14 mental health board in Milwaukee County for matters related to mental health, or
15 the county boards of supervisors in counties with a multicounty department shall
16 approve the contract before January 1 of the year in which it takes effect unless the
17 department grants an extension. The county board of supervisors in a county with
18 a single-county department, the Milwaukee County mental health board in
19 Milwaukee County, or the county boards of supervisors in counties with a
20 multicounty department may designate an agent to approve addenda to any contract
21 after the contract has been approved.

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

23 46.031 (2g) (b) The department may not approve contracts for amounts in
24 excess of available revenues. The county board of supervisors in a county with a
25 single-county department, the Milwaukee County mental health board in

1 Milwaukee County for matters related to mental health, or the county boards of
2 supervisors in counties with a multicounty department may appropriate funds not
3 used to match state funds under ss. 46.495 (1) (d) and 51.423. Actual expenditure
4 of county funds shall be reported in compliance with procedures developed by the
5 department, and shall comply with standards guaranteeing quality of care
6 comparable to similar facilities.

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

8 46.031 (2r) (b) If the department withholds a portion of the allocable
9 appropriation under par. (a), the county department affected by the action of the
10 department may submit to the county board of supervisors in a county with a
11 single–county department or to its designated agent, to the Milwaukee County
12 mental health board if related to mental health in Milwaukee County, or to the
13 county boards of supervisors in counties with a multicounty department or their
14 designated agents a plan to rectify the deficiency found by the department. The
15 county board of supervisors or its designated agent in a county with a single–county
16 department, the Milwaukee County mental health board if related to mental health,
17 or the county boards of supervisors in counties with a multicounty department or
18 their designated agents may approve or amend the plan and may submit for
19 departmental approval the plan as adopted. If a multicounty department is
20 administering a program, the plan may not be submitted unless each county board
21 of supervisors which participated in the establishment of the multicounty
22 department, or its designated agent, adopts it.

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

24 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
25 county board of supervisors of each county, the Milwaukee County mental health

1 board, as applicable, or the county boards of supervisors of 2 or more counties jointly
2 shall establish a citizen advisory committee to the county departments under ss.
3 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise
4 in the formulation of the budget under sub. (1). Membership on the committee shall
5 be determined by the county board of supervisors in a county with a single–county
6 committee, the Milwaukee County mental health board, as applicable, or by the
7 county boards of supervisors in counties with a multicounty committee and shall
8 include representatives of those persons receiving services, providers of service and
9 citizens. A majority of the members of the committee shall be citizen and service
10 consumers. The committee’s membership may not consist of more than 25% county
11 supervisors, nor of more than 20% service providers. The chairperson of the
12 committee shall be appointed by the county board of supervisors establishing it or
13 by the Milwaukee County mental health board, if it establishes the committee. In
14 the case of a multicounty committee, the chairperson shall be nominated by the
15 committee and approved by the county boards of supervisors establishing it. The
16 county board of supervisors in a county with a single–county committee or the county
17 boards of supervisors in counties with a multicounty committee may designate an
18 agent to determine the membership of the committee and to appoint the committee
19 chairperson or approve the nominee.

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

21 46.031 (3) (b) *Alternate process.* The county board of supervisors, the
22 Milwaukee County mental health board, as applicable, or the boards of 2 or more
23 counties acting jointly may submit a report to the department on the open public
24 participation process used under sub. (2). The county board of supervisors or the
25 Milwaukee County mental health board may designate an agent, or the boards of 2

1 or more counties acting jointly may designate an agent, to submit the report. If the
2 department approves the report, establishment of a citizen advisory committee
3 under par. (a) is not required.

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

5 46.031 (3) (c) *Yearly report.* The county board of supervisors or its designated
6 agent, the Milwaukee County mental health board, as applicable, or the boards of 2
7 or more counties acting jointly or their designated agent, shall submit to the
8 department a list of members of the citizen advisory committee under par. (a) or a
9 report on the open public participation process under par. (b) on or before July 1 of
10 each year.

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

12 46.034 (3) With the agreement of the affected county board of supervisors in
13 a county with a single–county department, the Milwaukee County mental health
14 board, as applicable, or boards of supervisors in counties with a multicounty
15 department, effective for the contract period beginning January 1, 1980, the
16 department may approve a county with a single–county department or counties
17 participating in a multicounty department to administer a single consolidated aid
18 consisting of the state and federal financial aid available to that county or those
19 counties from appropriations under s. 20.435 (7) (b) and (o) for services provided and
20 purchased by county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437.
21 Under such an agreement, in the interest of improved service coordination and
22 effectiveness, the county board of supervisors in a county with a single–county
23 department, the Milwaukee County mental health board, as applicable, or county
24 boards of supervisors in counties with a multicounty department may reallocate
25 among county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 funds

1 that otherwise would be specified for use by a single county department. The budget
2 under s. 46.031 (1) shall be the vehicle for expressing the proposed use of the single
3 consolidated fund by the county board of supervisors in a county with a single–county
4 department, the Milwaukee County mental health board, as applicable, or county
5 boards of supervisors in counties with a multicounty department. Approval by the
6 department of this use of the fund shall be in the contract under s. 46.031 (2g).
7 Counties that were selected by the department to pilot test consolidated aids for
8 contract periods beginning January 1, 1978, may continue or terminate
9 consolidation with the agreement of the affected county board of supervisors in a
10 county with a single–county department, the Milwaukee County mental health
11 board, or county boards of supervisors in counties with a multicounty department.

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

13 **46.175 County institutions: minimum standards.** Notwithstanding any
14 other provision of law, any county currently operating an institution established
15 under s. 49.70, 49.71, 49.72, 51.08, or 51.09 may, by resolution of the county board
16 or, in Milwaukee County for institutions providing mental health treatment, the
17 Milwaukee County mental health board, designate such institution or distinct part
18 of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any
19 county institution or part thereof, where so designated, shall be required to meet
20 those licensure standards established by the department for the type of facility
21 designated by the county. Any designation under this section may be made only if
22 such designation will not result in any additional cost to the state.

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

24 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, or similar
25 institution, shall, subject to regulations approved by the county board except in

1 Milwaukee County for county homes, infirmaries, hospitals, or institutions
2 providing mental health treatment, be managed by a board of trustees, electors of the
3 county, chosen by ballot by the county board. In Milwaukee County, every county
4 home, infirmary, hospital, or similar institution that provides mental health
5 treatment shall, subject to standards and procedures adopted by the Milwaukee
6 County mental health board, be managed by a board of trustees, electors of the
7 county, chosen by ballot by the Milwaukee County mental health board. At its
8 annual meeting, the county board or the Milwaukee County mental health board, if
9 applicable, shall appoint an uneven number of trustees, from 3 to 9 at the option of
10 the board, for staggered 3–year terms ending the first Monday in January. Any
11 vacancy shall be filled for the unexpired term by the county board or the Milwaukee
12 County mental health board, as applicable; but the chairperson of the county board
13 may appoint a trustee to fill the vacancy until the county board acts except for boards
14 of trustees appointed by the Milwaukee County mental health board for which the
15 chairperson of the Milwaukee County mental health board may appoint a trustee to
16 fill the vacancy until the entire Milwaukee County mental health board acts.

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

18 46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for
19 misconduct or neglect, by a two–thirds vote of the county board or of the Milwaukee
20 County mental health board, as applicable, on due notice in writing and hearing of
21 the charges against the trustee.

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

23 46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file
24 the official oath and execute and file an official bond to the county, in the amount
25 determined by the county board, or the Milwaukee County mental health board, as

1 applicable, and the sufficiency of the sureties shall be approved by the chairperson
2 of the board. Each trustee shall be reimbursed for traveling expenses necessarily
3 incurred in the discharge of the duties, and shall receive the compensation fixed by
4 the county board or the Milwaukee County mental health board, as applicable,
5 unless otherwise provided by law.

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

7 46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,
8 the Milwaukee County mental health board, as applicable, shall annually
9 appropriate for operation and maintenance of each such institution not less than the
10 amount of state aid estimated by the trustees to accrue to said institution; or such
11 lesser sum as may be estimated by the trustees to be necessary for operation and
12 maintenance.

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

14 46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County
15 mental health board, as applicable, may provide that the trustees and
16 superintendent of any institution shall be the trustees and superintendent of any
17 other institution.

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

19 46.18 (13) BUILDING RESERVE FUND. The Except in Milwaukee County, the
20 county board shall maintain as a segregated cash reserve an annual charge of 2% of
21 the original cost of new construction or purchase or of the appraised value of existing
22 infirmary structures and equipment. In Milwaukee County, the Milwaukee County
23 mental health board, for mental health infirmary structures and equipment, shall
24 ensure the maintenance, as a segregated cash reserve, of an annual charge of 2
25 percent of the original cost of new construction or purchase or of the appraised value

1 of existing mental health infirmary structures and equipment. If the infirmary or
2 any of its equipment is replaced, any net cost of replacement in excess of the original
3 cost is subject to an annual charge of 2%. No contributions to the cash reserve in
4 excess of the amount required under this subsection may be included in the
5 calculation under s. 49.726 (1). The county board, except the Milwaukee County
6 board, may from time to time appropriate from such reserve sums to be expended
7 solely for the enlargement, modernization or replacement of such infirmary and its
8 equipment. In Milwaukee County, the Milwaukee County mental health board may
9 require to be appropriated from reserve sums for mental health infirmaries to be
10 expended for the enlargement, modernization, or replacement of a mental health
11 infirmary and its equipment.

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

13 46.18 (14) INCENTIVE PAYMENTS TO PATIENTS IN MENTAL HOSPITALS. The county
14 board or, in Milwaukee County, the Milwaukee County mental health board may
15 authorize the board of trustees of any county mental hospital to establish a program
16 of incentive payments so as to provide incentive and encouragement to patients by
17 the disbursement of small weekly payments but not restricted to work allowances.
18 Incentive payments paid to inmates shall not be included as costs in arriving at the
19 per capita rate for state aids or charges to other counties and the state for care of
20 inmates. ~~In counties having a population of 500,000 or more the county board of~~
21 ~~supervisors may establish a similar program.~~

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

23 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of
24 supervisors, or the Milwaukee County mental health board, as applicable, so
25 authorizes, the trustees of the county hospital may, together with a private or public

1 organization or affiliation, organize, establish and participate in the governance and
2 operation of an entity to operate, wholly or in part, any health–related service, may
3 participate in the financing of the entity and may provide administrative and
4 financial services or resources for its operation on terms prescribed by the county
5 board of supervisors or the Milwaukee County mental health board, as applicable.

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

7 46.19 (4) The salaries of the superintendent, visiting physician and all
8 necessary additional officers and employees shall be fixed by the county board. In
9 Milwaukee County, the salaries of any superintendent of a mental health institution
10 and the salaries of any visiting physician and necessary additional officers and
11 employees whose duties are related to mental health shall be fixed by the county
12 executive.

13 **SECTION 26.** 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),
14 (3r), (4), (4m) (a) and (b) and (6) of the statutes are amended to read:

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

1 programs, or services. The Milwaukee County mental health board shall adopt the
2 policies under this paragraph regarding mental health and mental health
3 institutions, programs, and services.

4 (j) May exercise approval or disapproval power over contracts and purchases
5 of the director that are for \$50,000 or more, except that the county board of
6 supervisors may not exercise approval or disapproval power over any personal
7 service contract or over any contract or purchase of the director that relates to
8 community living arrangements, adult family homes, or foster homes and that was
9 entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless
10 of whether the contract mentions the provider, except as provided in par. (m). The
11 county board of supervisors may not exercise approval or disapproval power over any
12 contract relating to mental health or mental health institutions, programs, or
13 services. This paragraph does not preclude the county board of supervisors from
14 creating a central purchasing department for all county purchases that are not
15 related to mental health.

16 (k) Shall make sufficient appropriation annually for the support, maintenance,
17 salaries, repairs and improvements to the county department of human services and
18 the institutions, except for mental health institutions. The appropriations shall be
19 used subject to the order of the director or administrator and as the policies adopted
20 by the county board of supervisors provide. The director or administrator may not
21 incur any expense or contract for new buildings, additions to present buildings or the
22 purchase of land until the county board of supervisors, or the Milwaukee County
23 mental health board, as applicable, has appropriated or provided for the money to
24 defray such expense.

1 (m) May establish and maintain in connection with such county hospital, an
2 emergency unit or department for the treatment, subject to such rules as may be
3 prescribed by the county board of supervisors, of persons in the county who may meet
4 with accidents or be suddenly afflicted with illness not contagious; provided that
5 medical care and treatment shall only be furnished in such unit or department until
6 such time as the patient may be safely removed to another hospital or to his or her
7 place of abode, or regularly admitted to the county hospital. The county board of
8 supervisors may also contract with any private hospital or nonprofit hospital within
9 the county for the use of its facilities and for medical service to be furnished by a
10 licensed physician or physicians to patients who require emergency medical
11 treatment or first aid as a result of any accident, injury or sudden affliction of illness
12 occurring within the county, except that reasonable compensation may only be
13 authorized until the patient is regularly admitted as an inpatient or safely removed
14 to another hospital or to his place of abode. In this paragraph, “hospital” includes,
15 without limitation due to enumeration, public health centers, medical facilities and
16 general, tuberculosis, ~~mental~~, chronic disease and other types of hospitals and
17 related facilities, such as laboratories, outpatient departments, nurses’ home and
18 training facilities, and central service facilities operated in connection with
19 hospitals. In this paragraph, “hospital” does not include any hospital furnishing
20 primarily domiciliary care. In this paragraph “nonprofit hospital” means any
21 hospital owned and operated by a corporation or association, no part of the net
22 earnings of which inures, or may lawfully inure, to the benefit of any private
23 shareholder or individual.

24 (q) May, together with a private or public organization or affiliation, organize,
25 establish and participate in the governance and operation of an entity to operate,

1 wholly or in part, any health–related service except a mental health–related service,
2 may participate in the financing of the entity and may provide administrative and
3 financial services or resources for its operation on terms prescribed by the county
4 board of supervisors. The Milwaukee County mental health board may, together
5 with a private or public organization or affiliation, organize, establish, and
6 participate in the governance and operation of an entity to operate, wholly or in part,
7 any mental health–related service, may participate in the financing of the entity, and
8 may provide administrative and financial services or resources for its operation.

9 **(2m)** (a) *Creation.* The management, operation, maintenance and
10 improvement of human services in a county with a population of 500,000 750,000 or
11 more is vested in a county department of human services under the jurisdiction, as
12 to policy, of the county board of supervisors or, as to mental health policy, the
13 Milwaukee County mental health board. The county department of human services
14 shall consist of the director appointed under sub. (1m), any division administrator
15 appointed under sub. (4) or s. 51.41 (9), and necessary personnel appointed by the
16 director or appointed by a division administrator and approved by the director.

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

21 **(3) POWERS AND DUTIES OF THE DIRECTOR.** All of the administrative and executive
22 powers and duties of managing, operating, maintaining and improving the county
23 department of human services and other institutions and departments that the
24 county board of supervisors or, in matters of mental health, the Milwaukee County
25 mental health board may place under the jurisdiction of the director are vested in the

1 director, subject to the policies and in accordance with the principles adopted by the
2 county board of supervisors or, in matters of mental health, the Milwaukee County
3 health board.

4 **(3g)** POWERS AND DUTIES OF THE ADMINISTRATOR. All of the administrative and
5 executive powers and duties of managing, operating, maintaining and improving the
6 county hospital and other institutions and departments that the county board of
7 supervisors or, in matters of mental health, the Milwaukee County mental health
8 board may place under the jurisdiction of the administrator are vested in the
9 administrator, subject to the policies and in accordance with the principles adopted
10 by the county board of supervisors or, in matters of mental health, the Milwaukee
11 County mental health board.

12 **(3r)** OTHER POWERS AND DUTIES. The county board of supervisors or, in matters
13 of mental health, the Milwaukee County mental health board may place under the
14 jurisdiction of county entities not specified under this section the administrative and
15 executive powers and duties of managing, operating, maintaining and improving
16 institutions and departments or other responsibilities that are specified in sub. (2),
17 including functions related to the central service departments and buildings and
18 land used in connection with any institution under sub. (2).

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

23 **(4m)** (a) The county hospitals and county sanatoriums of a county with a
24 population of ~~500,000~~ 750,000 or more shall be devoted to hospital service and the
25 treatment of patients upon such terms and conditions as the county board of

1 supervisors or, in matters of mental health, the Milwaukee County mental health
2 board establishes. The hospitals and sanatoriums may be utilized for instruction of
3 medical students, physicians and nurses and for scientific and clinical research that
4 will promote the welfare of the patients and assist the application of science to the
5 alleviation of human suffering.

6 (b) Professional staff responsible for the care of patients under this subsection
7 may submit bills for professional services under policies adopted by the county board
8 of supervisors or under mental health policies adopted by the Milwaukee County
9 mental health board.

10 **(6) REPORTS; EXPENDITURES.** The director and the administrator shall submit
11 annually to the county board of supervisors, or to the Milwaukee County mental
12 health board in matters of mental health, reports, including itemized statements of
13 receipts and disbursements, at the times and in the manner that the county board
14 of supervisors or Milwaukee County mental health board specifies and as are
15 required to comply with applicable federal statutes and regulations and state
16 statutes and rules. Disbursements shall be made in the manner that the county
17 board of supervisors or Milwaukee County mental health board, as applicable,
18 adopts, consistent with sound accounting and auditing procedure and with
19 applicable federal statutes and regulations, state statutes and rules and
20 requirements of the county auditor and county department of administration.

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

22 46.56 (1) (a) “Administering agency” means a department designated by a
23 county board of supervisors, by the Milwaukee County mental health board in
24 Milwaukee County, or by a tribe to administer an initiative.

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

3 46.56 (2) (a) Except as provided in par. (b), if a county board of supervisors or
4 the Milwaukee County mental health board establishes an initiative under s. 59.53
5 (7) or if a tribe establishes an initiative, the county board, Milwaukee County mental
6 health board, or tribe shall appoint a coordinating committee and designate an
7 administering agency. The initiative may be funded by the county or tribe or the
8 county board of supervisors, Milwaukee County mental health board, or tribe may
9 apply for funding by the state in accordance with sub. (15).

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

12 46.56 (2) (b) A county may enter into an agreement with one or more other
13 counties or tribes to establish an initiative and a tribe may enter into an agreement
14 with one or more counties or tribes to establish an initiative. The parties to the
15 agreement shall designate in the agreement a single lead administrative county or
16 lead administrative tribe. The county board of the lead administrative county, the
17 Milwaukee County mental health board, if Milwaukee County is the lead
18 administrative county, or the lead administrative tribe shall appoint a coordinating
19 committee and designate an administering agency. The initiative may be funded by
20 the participating entities, or the county board of supervisors of the lead
21 administrative county, the Milwaukee County mental health board, if Milwaukee
22 County is the lead administrative county, or the lead administrative tribe may apply
23 for funding by the state in accordance with sub. (15).

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

1 46.56 (3) (b) 11. Representatives of the county board or, in Milwaukee County,
2 the Milwaukee County mental health board or, for an initiative established by a
3 tribe, representatives of the elected governing body of the tribe.

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

6 46.56 (4) (d) If the county board of supervisors, Milwaukee County mental
7 health board, or tribe or a multi–entity initiative decides to seek state funding under
8 sub. (15), develop the application in cooperation with the coordinating committee.

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

11 46.56 (15) (b) (intro.) In order to apply for funds under this subsection, the
12 county board of supervisors, Milwaukee County mental health board, or tribe or, for
13 a multi–entity initiative, the county board of the lead administrative county, the
14 Milwaukee County mental health board, if Milwaukee County is the lead
15 administrative county, or the lead administrative tribe shall do all of the following:

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

17 **51.08 Milwaukee County Mental Health Complex.** Any county having a
18 population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a
19 county mental health complex. The county mental health complex shall be a hospital
20 devoted to the detention and care of drug addicts, alcoholics, chronic patients and
21 mentally ill persons whose mental illness is acute. Such hospital shall be governed
22 pursuant to s. 46.21. Treatment of alcoholics at the county mental health complex
23 is subject to approval by the department under s. 51.45 (8). The county mental health
24 complex established pursuant to this section is subject to rules promulgated by the
25 department concerning hospital standards. The county board may not sell the

1 county mental health complex under this section without approval of the Milwaukee
2 County mental health board.

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

4 51.20 (18) (a) Unless previously fixed by the county board of supervisors or the
5 Milwaukee County mental health board in the county in which the examination is
6 held, the examiners shall receive a fee as fixed by the court for participation in
7 commitment proceedings, and reasonable reimbursement for travel expenses.

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

9 **51.41 Milwaukee County mental health; Milwaukee County mental**
10 **health board.**

11 **(1d) MILWAUKEE COUNTY MENTAL HEALTH BOARD; APPOINTMENTS; REQUIREMENTS;**
12 **VACANCIES.** (a) Milwaukee County shall establish the Milwaukee County mental
13 health board.

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

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

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

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

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

1 suggest to the Milwaukee County executive 4 psychiatric mental health advanced
2 practice nurses for this board membership position.

3 5. An individual specializing in finance and administration. The Milwaukee
4 County executive shall solicit suggestions from organizations including the
5 Wisconsin Hospital Association, the Wisconsin County Human Services Association,
6 and the Public Policy Forum for at least 4 individuals with experience in analyzing
7 healthcare operating expenses, revenues, and reimbursement, knowledge of public
8 and private funding and systems, and expertise in financial restructuring for
9 sustainability.

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

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

21 8. A health care provider representing community-based mental health
22 service providers who is suggested by the Milwaukee County board of supervisors.
23 The Milwaukee County board of supervisors shall solicit suggestions from
24 organizations including the Wisconsin Nurses Association, the Milwaukee Health
25 Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee

1 Co-occurring Competency Cadre for health care providers specializing in
2 community-based, recovery-oriented, mental health systems. The Milwaukee
3 County board of supervisors shall suggest to the Milwaukee County executive 4
4 health care providers representing community-based mental health service
5 providers for this board membership position.

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

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

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

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

22 1. A health care provider who is an employee of a higher education institution
23 suggested by the Medical College of Wisconsin. The Milwaukee County executive
24 shall solicit suggestions from the Medical College of Wisconsin for individuals
25 specializing in community-based, recovery-oriented mental health systems,

1 maximizing comprehensive community–based services, prioritizing access to
2 community–based services and reducing reliance on institutional and inpatient
3 care, protecting the personal liberty of individuals experiencing mental illness so
4 that they may be treated in the least restrictive environment to the greatest extent
5 possible, providing early intervention to minimize the length and depth of psychotic
6 and other mental health episodes, diverting people from the corrections system,
7 when appropriate, or maximizing the use of mobile crisis units and crisis
8 intervention training.

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

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

23 2. A person nominating or suggesting individuals for nomination under par. (b)
24 shall attempt to ensure that individuals suggested are among the most–qualified
25 and experienced in their field.

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

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

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

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

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

1 7. Notwithstanding par. (b) 1., 2., 3., 4., and 8. and subject to subd. 6., if the
2 Milwaukee County board of supervisors chooses to suggest a member of the
3 Milwaukee County mental health board for reappointment to his or her position
4 under par. (b) 1., 2., 3., 4., or 8., the Milwaukee County board of supervisors is not
5 required to solicit suggestions from organizations and is not required to submit an
6 additional 3 suggestions to the Milwaukee County executive for that appointment.
7 Notwithstanding par. (b) 5., 6., 7., and 9. and subject to subd. 6., if the Milwaukee
8 County executive chooses to reappoint a member of the Milwaukee County mental
9 health board to his or her position under par. (b) 5., 6., 7., or 9., the Milwaukee County
10 executive is not required to solicit suggestions from organizations for that
11 appointment.

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

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

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

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

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

1 a. If the Milwaukee County executive solicited suggestions for nomination, the
2 Milwaukee County executive, for cause.

3 b. If the Milwaukee County board of supervisors suggested the member for
4 nomination, the Milwaukee County board of supervisors, for cause.

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

8 **(1s) DUTIES OF THE BOARD.** The Milwaukee County mental health board shall
9 do all of the following:

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

12 (b) Allocate moneys for mental health functions, programs, and services in
13 Milwaukee County within the mental health budget as defined in sub. (4) (a) 2.

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

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

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

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

21 2. Maximizing comprehensive community-based services.

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

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

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

14 **(2) POWERS OF THE BOARD; LIMITATIONS.** The Milwaukee County mental health
15 board may request information from the Milwaukee Mental Health Complex, a
16 county department under s. 46.21 or 51.42 or any other Milwaukee County
17 governmental unit that possesses mental health information in order to fulfill its
18 duties of overseeing mental health functions, programs, and services in Milwaukee
19 County.

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 and
18 to ensure there is no interruption of mental health services. The transition liaison
19 shall be assigned or hired to that position only upon approval of the Milwaukee
20 County mental health board. The transition liaison shall be assigned to or employed
21 in that position for no longer than 12 months, except that the county executive may
22 grant extensions to the term of that position.

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

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

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

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

13 51.41 (3) PUBLIC HEARING; MEETINGS. The Milwaukee County mental health
14 board shall meet 6 times each year and may meet at other times on the call of the
15 chairperson or a majority of the board's members. Annually, the Milwaukee County
16 mental health board shall hold a public hearing in Milwaukee County as one of its
17 required meetings.

18 (5) (a) The Milwaukee County board of supervisors has no jurisdiction over any
19 mental health policy, functions, programs, or services. The Milwaukee County board
20 of supervisors may not create new mental health functions, programs, or services
21 that are under the jurisdiction of the board of supervisors. ~~Any dispute between the~~
22 ~~Milwaukee County board of supervisors and the Milwaukee County mental health~~
23 ~~board over whether a function, program, or service is a mental health function,~~
24 ~~program, or service under the jurisdiction of the Milwaukee County mental health~~
25 ~~board shall be resolved by the secretary of health services.~~

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

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

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

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

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

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

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

1 grants-in-aid under s. 51.423. The county department of community programs shall
2 consist of a county community programs board, a county community programs
3 director and necessary personnel.

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

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

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

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

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

21 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any
22 county with a single-county department of community programs, the Milwaukee
23 County mental health board, and the county boards of supervisors of counties with
24 a multicounty department of community programs may designate the county
25 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.

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

21 (2d) COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD; TRANSFER OF
22 BOARD MEMBER APPOINTMENTS. Notwithstanding section 51.41 (1d) of the statutes, as
23 created by this act, on January 1, 2015, the Milwaukee County executive shall
24 appoint the individuals who are appointed to the state-based Milwaukee County
25 mental health board under section 15.195 (9) of the statutes, as created by this act,

1 as of December 31, 2014, to the county–based Milwaukee County mental health
2 board as created in section 51.41 (1d) of the statutes, as created by this act, to serve
3 the remainder of their terms as specified under subsection (1). Beginning January
4 1, 2015, the Milwaukee County executive shall make appointments to the
5 Milwaukee County mental health board in accordance with section 51.41 (1d) of the
6 statutes, as created by this act, to fill board vacancies and to fill positions when the
7 term of a board member expires.

8 (3) JURISDICTION OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD. The mental
9 health functions, programs, and services over which the Milwaukee County mental
10 health board has jurisdiction upon appointment of the Milwaukee County mental
11 health board are those functions, programs, and services that Milwaukee County
12 included in its 2014 budget under the behavioral health division unit 6300 and under
13 the behavioral health community services branch of unit 8700.

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

15 (a) The department of health services shall perform or arrange for an
16 operational and programmatic audit of the behavioral health division of the
17 Milwaukee County department of health and human services, the psychiatric
18 hospital of the Milwaukee County mental health complex, and the related behavioral
19 health programs. The audit shall include recommendations for the state assuming
20 oversight responsibility for emergency detention services and the psychiatric
21 hospital of the Milwaukee County Mental Health Complex, developing a plan for
22 closing the Milwaukee County Mental Health Complex, and developing a plan for
23 state oversight of a regional facility for the delivery of institutional, inpatient, crisis
24 services, and behavioral health services using similar state–operated regional
25 facilities as a model. In addition, the audit shall provide details and specifications

1 on how, after the transitioning of the county–run institutional model to a state–based
2 regionalized model, the state–based Milwaukee County mental health board will
3 transition to a county–based board, the positions on the Milwaukee County mental
4 health board will transition to a community–based focus, the funding for inpatient
5 services and community–based services will continue, and mental health services
6 will be delivered in a manner that reflects all of the following principles:

7 1. Community–based, person–centered, recovery–oriented mental health
8 systems.

9 2. Maximizing comprehensive community–based services.

10 3. Prioritizing access to community–based services and reducing reliance on
11 institutional and inpatient care.

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

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

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

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

20 (b) The department of health services may enter into a contract for the
21 performance of the audit under paragraph (a). By December 1, 2014, the department
22 of health services or the person with whom the department of health services has
23 entered into a contract for the audit under paragraph (a) shall submit a report of the
24 findings of the audit under paragraph (a), including recommendations for inpatient
25 mental health treatment in Milwaukee County, to the secretary of health services.

1 The secretary of health services shall submit a copy of the report to the Milwaukee
2 County mental health board, the Milwaukee County board of supervisors, the
3 Milwaukee County executive, and the legislature under section 13.172 (2) of the
4 statutes.

5 (c) The Milwaukee County mental health board, the behavioral health division
6 and the community services branch of the Milwaukee County department of health
7 and human services, and any other Milwaukee County governmental unit that has
8 information necessary for the performance of the audit under paragraph (a) shall
9 cooperate with the department of health services or the contractor of the department
10 of health services for the performance of the audit.

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

13 (1) **TRANSITION TO COUNTY-BASED MILWAUKEE COUNTY MENTAL HEALTH BOARD.** The
14 treatment of sections 15.07 (1) (cm) (by SECTION 3d), 19.42 (7w) (e), 46.011 (1s), and
15 51.41 (1d), (3) (by SECTION 35m), and (5) (a) and (b) (by SECTION 35m) of the statutes
16 and the repeal of sections 15.07 (1) (b) 24. and (3) (bm) 7., 15.195 (9), 17.07 (3r), 20.435
17 (5) (kf), and 51.41 (6) of the statutes take effect on January 1, 2015.

18 (END)