



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-4178/1  
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## 2013 SENATE BILL 565

February 5, 2014 – Introduced by Senator VUKMIR, cosponsored by Representative SANFELIPPO. Referred to Committee on Health and Human Services.

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

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

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

This bill creates the Milwaukee County Mental Health Board (MCMHB) attached to the Department of Health Services (DHS) for limited purposes. The MCMHB is comprised of 11 voting and 2 nonvoting members nominated by the governor and with advice and consent of the senate appointed to serve for four-year terms. The bill specifies procedures for suggesting individuals for nominations and creates limitations on those who may serve as a member of the MCMHB and also sets criteria for removal of MCMHB members. The Milwaukee County board of supervisors (county board) must arrange for payment from the Milwaukee County mental health budget of expenses of the MCMHB under an agreement between the Milwaukee County board and DHS.

The bill requires the MCMHB to fulfill duties including the following: overseeing the provision of mental health programs and services in Milwaukee County; making the final determination on mental health policy in Milwaukee County; replacing the Milwaukee County board of supervisors (county board) in all mental health functions typically performed by a county board; and attempting to achieve costs savings in the provision of mental health programs and services in Milwaukee County. The MCMHB must facilitate delivery of mental health services in an efficient and effective manner by committing to community-based, person-centered, recovery-oriented, mental health systems; maximizing comprehensive community-based services; prioritizing access to community-based services and reducing reliance on institutional and inpatient care; protecting the personal liberty of individuals experiencing mental illness so that they may be treated in the least restrictive environment to the greatest extent possible; providing early intervention to minimize the length and depth of psychotic and other mental health episodes; diverting people experiencing mental illness from the corrections system when appropriate; and maximizing use of mobile crisis units and crisis intervention training. Under the bill, any contract related to mental health with a value of at least \$100,000, to which Milwaukee County is a party, may take effect only if the MCMHB does not vote to reject the contract within 14 days after the contract is signed or countersigned by the county executive.

Under the bill, the MCMHB must allocate moneys for mental health functions, programs, and services in Milwaukee County within a total budget amount which is incorporated into the Milwaukee County budget by the county board. The bill sets the total budget amount for each fiscal year to be the sum of a base budget amount equal to \$177,425,000 and any amount of unexpended moneys held by the Milwaukee County treasurer in a mental health reserve fund mandated by the bill, subject to the following adjustments:

1) The bill requires the Milwaukee County treasurer to hold in a mental health reserve fund any moneys that were appropriated, but not expended, in a fiscal year

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for mental health functions, programs, and services in Milwaukee County, and specifies that moneys in the reserve fund may be expended only for such functions, programs, and services. If in the fiscal year previous to the fiscal year for which the budget is being determined, the county treasurer is holding any such unexpended moneys in the mental health reserve fund, the base budget amount for the fiscal year for which the budget is being determined is decreased by the amount of those unexpended moneys.

2) If there are no moneys in the mental health reserve fund, the MCMHB requests a mental health budget increase from the Milwaukee County executive, and the Milwaukee County executive approves the mental health budget increase, the base budget amount, together with any increase under item 3), below, is increased to reflect the percentage change in a certain consumer price index during the calendar year preceding the fiscal year for which the budget is being determined or, if that percentage change is positive and if there is a smaller positive percentage change in the property tax levy between the two calendar years preceding the fiscal year for which the budget is being determined, to reflect that smaller positive percentage change.

3) If the MCMHB is transferred jurisdiction of a function, service, or program, under a procedure specified in the bill, that it did not have jurisdiction over initially, the base budget amount is increased by the amount expended by Milwaukee County on that function, service, or program in the fiscal year before the fiscal year in which the function, program, or service is transferred. The increase applies for every fiscal year for which the MCMHB has jurisdiction over the function, service, or program.

Under the bill, the Milwaukee County board may not provide funding and the Milwaukee County executive may not approve funding, in any fiscal year, for mental health functions, services, and programs that is less than or more than the total budget amount calculated for that fiscal year, as described above.

The bill removes the jurisdiction over any mental health policy, functions, programs, or services, from the Milwaukee County board. The bill prohibits the Milwaukee County board from creating new mental health functions, programs, or services that are under its jurisdiction. Disputes between the Milwaukee County board and the MCMHB over whether a function, program, or service is a mental health function, program, or service are resolved by the secretary of DHS.

Under the bill, the Milwaukee County executive must nominate an individual to be the administrator of any division of the county department of human services that administers behavioral health for Milwaukee County. The administrator may be hired only upon approval of the MCMHB. The Milwaukee County executive determines the salary and benefits and job duties of this administrator, but the county executive may not assign the administrator any duties that are not related to mental health functions, programs, and services in Milwaukee County. The administrator may be removed by the MCMHB on its own by a vote of 8 of the members or, if the Milwaukee County executive has recommended removal, by a vote of 6 members of the MCMHB. The bill prohibits the Milwaukee County board from hiring, removing, or disciplining, setting the salary or benefits of, or assigning or removing job duties of this administrator.

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Under current law, a county board has the primary responsibility for the well-being, treatment, and care of the mentally ill, developmentally disabled, alcoholic, and other drug dependent citizens residing within its county and for ensuring that those individuals in need of such emergency services found within its county receive immediate emergency services. The primary responsibility is limited, under current law, to the programs, services, and resources that the county board is reasonably able to provide within the limits of available state and federal funds and of county funds required to be appropriated to match state funds. Under the bill, in Milwaukee County, the MCMHB has primary responsibility for the well-being, treatment, and care of the mentally ill, alcoholic, and other drug dependent citizens residing within Milwaukee County and for ensuring that those individuals in need of such emergency services found within Milwaukee County receive emergency services. Under the bill, the Milwaukee County board retains the primary responsibility for the well-being, treatment, and care of developmentally disabled citizens residing in Milwaukee County, except where the responsibility is delegated explicitly to the MCMHB.

Under current mental health-related statutes, the county board has certain powers and duties. The bill makes changes to some powers and duties of the county board including the following:

1. Under current law, county departments of community programs among others, submit budget for services first to DHS. DHS submits a model of the contract containing the allocation of funds to the county board, which must approve the contract. Currently, the county board may appropriate moneys not used to match state funds. The bill requires the department to submit contracts related to mental health in Milwaukee County to the MCMHB.

2. Current law allows DHS to withhold a portion of the appropriation allocated to certain county departments, including the county department of community programs, for certain reasons, including duplicative services, inconsistency with federal statutes or regulations, and inconsistency with the contract with the county department. Under current law the county department affected by the withholding of the appropriation, may submit to the county board a plan to rectify the deficiency that prompted the withholding. The county board may approve or amend the plan and submit the plan to DHS. Under the bill, if the withholding is related to mental health in Milwaukee County, the county department submits the report to the MCMHB and the MCMHB approves or amends the plan for submittal to DHS.

3. Under current law the county board of supervisors must establish a citizen advisory committee to the county departments, including the county department of community programs, which advises the county department in the formation of the budget. The county board determines membership on the board, which must include representatives of persons receiving services, providers of services, and citizens, and selects the chairperson of the committee. Under current law, the establishment of a citizen advisory committee is not required if the county board of supervisors submits a report to DHS on the open public participation process it used to obtain advice on the budget. Under the bill, the MCMHB takes the actions of the county

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board of supervisors, as applicable, in either the establishment of the citizen advisory committee or the alternate open public participation report.

4. Under current law, every county home, infirmary, hospital, or similar institution must, subject to regulations approved by the county board, be managed by a board of trustees chosen by ballot by the county board. Current law specifies how the county board selects the trustees, fills vacancies on the board of trustees, removes trustees, and sets other requirements related to those trustees. The bill substitutes the MCMHB for the county board of supervisors in appointment, removal, and other requirements for trustees of county homes, infirmaries, hospitals, and similar institutions that provide mental health treatment in Milwaukee County. Furthermore, the trustees, under current law, appoint a superintendent of each institution, who must appoint and prescribe duties of necessary additional officers and employees of the institution, subject to county civil service law and approval of the trustees. Under current law, the salaries of the superintendent, visiting physician, and all necessary additional officers are fixed by the county board. Under the bill, in Milwaukee County, the salaries of any superintendent of a mental health institution and the salaries of any visiting physician and necessary additional officers and employees are fixed by the county executive.

5. Under current law, a county board must maintain as a segregated cash reserve an annual charge of 2 percent of the original cost of new construction or purchase or of the appraised value of existing infirmary structures and equipment. Under the bill, the MCMHB must ensure the maintenance of such a reserve for mental health infirmary structures and equipment in Milwaukee County.

6. Current law vests the management, operation, maintenance, and improvement of human services in Milwaukee County with a county department of human services under the jurisdiction, as to policy, of the county board. The bill assigns the jurisdiction of the Milwaukee County department of human services, as to mental health policy, to the Milwaukee County mental health board.

7. The bill removes from the Milwaukee County board of supervisors and assigns to the Milwaukee County mental health board certain powers and duties including the following: the duty to adopt policies regarding mental health and mental health institutions, programs, and services; the power to approve or disapprove contracts relating to mental health and mental health institutions, programs, and services; and the power to transfer any mental health–related human services program and the duty to transfer certain duties such as the management, operation, maintenance, and improvement of the county mental health complex to the county department of human services.

8. Under current law, the director and administrator of the Milwaukee County department of human services must submit certain annual reports to the county board. The bill requires reports on matters of mental health to be sent to the MCMHB. Disbursements applicable to mental health must be made in the manner that the MCMHB, instead of the Milwaukee County board, adopts.

9. Under current law, a county board of supervisors has powers and duties related to initiatives to provide coordinated services for children and families. The

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bill substitutes, in Milwaukee County, the MCMHB for the county board in those powers and duties.

10. The bill requires the MCMHB, instead of the county board, to establish a county department of community programs to administer a community mental health, developmental disabilities, alcoholism and drug abuse program, make appropriations to operate the program, and authorize the county department of community programs to apply for grants-in-aid. The bill gives to the MCMHB, instead of the county board, authority of approval of the appointment by the Milwaukee County executive of the county community programs board, which is a policy-making body. The bill allows the MCMHB to exercise certain powers and requires the MCMHB to perform duties that would normally be exercised or performed by the county board related to the county department of community programs and the county community programs board.

11. The bill requires the MCMHB, instead of the county board, to designate the appropriate county department, the local health department of the county, or another entity as the local lead agency to provide early intervention services.

The bill requires the MCMHB to submit annual reports to the Milwaukee County executive, the Milwaukee County board, and DHS. The bill requires the MCMHB to arrange for a study on alternate funding sources for mental health services and programs with the results to be submitted by March 1, 2016, to the Milwaukee County board, the Milwaukee County executive, and DHS. In addition, the bill requires the Legislative Audit Bureau to perform a financial and performance evaluation audit of the MCMHB and of the mental health functions, programs, and services in Milwaukee County by January 1, 2017 and then biennial audits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 13.94 (1) (mg) of the statutes is created to read:  
2           13.94 (1) (mg) No later than January 1, 2017, and biennially thereafter,  
3 perform a financial and performance evaluation audit of the Milwaukee County  
4 mental health board and of mental health functions, programs, and services in  
5 Milwaukee County including a review of the effectiveness of the Milwaukee County  
6 mental health board and new policies implemented under that board in providing  
7 mental health services, a review of the expenditures of the Milwaukee County

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1 mental health board, a review of Milwaukee County's expenditures for mental health  
2 functions, programs, and services and the outcomes of those programs and services  
3 in the period after the formation of the Milwaukee County mental health board. The  
4 legislative audit bureau shall file a copy of the audit report under this paragraph  
5 with the distributees specified in par. (b) and the Milwaukee County executive and  
6 the Milwaukee County board of supervisors. The audit under this paragraph does  
7 not count toward the limit of audits of a county in a calendar year in par. (m).

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

9 15.07 (1) (b) 24. The Milwaukee County mental health board, subject to s.  
10 15.195 (9).

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

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

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

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1           15.07 (3) (bm) 7. The Milwaukee County mental health board shall meet 4  
2 times each year and may meet at other times on the call of the chairperson or a  
3 majority of the board's members.

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

5           15.195 (9) MILWAUKEE COUNTY MENTAL HEALTH BOARD. (a) There is created a  
6 Milwaukee County mental health board, which is attached to the department of  
7 health services under s. 15.03.

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

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

18           2. A psychiatrist or psychologist who is suggested by the Milwaukee County  
19 board of supervisors. The Milwaukee County board of supervisors shall solicit  
20 suggestions for psychiatrists and psychologists from organizations including the  
21 Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin  
22 Psychological Association, and the Milwaukee Co-occurring Competency Cadre for  
23 individuals who specialize in a full continuum of behavioral health services for  
24 adults. The Milwaukee County board of supervisors shall suggest to the governor  
25 4 psychiatrists and psychologists for this board membership position.



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

9           4. A medical director who is suggested by the Milwaukee County executive.  
10 The Milwaukee County executive shall solicit suggestions from organizations  
11 including the Wisconsin Hospital Association for individuals who specialize in a full  
12 continuum of behavioral health and medical services including emergency  
13 detention, inpatient, residential, transitional, partial hospitalization, intensive  
14 outpatient, and wraparound community-based services. The Milwaukee County  
15 executive shall suggest to the governor 4 medical directors for this board  
16 membership position.

17           5. An individual specializing in finance and administration who is suggested  
18 by the Milwaukee County executive. The Milwaukee County executive shall solicit  
19 suggestions from organizations including the Wisconsin Hospital Association, the  
20 Wisconsin County Human Services Association, and the Public Policy Forum for  
21 individuals with experience in analyzing healthcare operating expenses, revenues,  
22 and reimbursement and expertise in financial restructuring for sustainability. The  
23 Milwaukee County executive shall suggest to the governor 4 individuals specializing  
24 in finance and administration for this board membership position.

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1           6. A health care provider with experience in the delivery of substance abuse  
2 services who is suggested by the Milwaukee County executive. The Milwaukee  
3 County executive shall solicit suggestions from organizations including the  
4 Milwaukee Co-occurring Competency Cadre for health care providers specializing  
5 in providing substance abuse services. The Milwaukee County executive shall  
6 suggest to the governor 4 health care providers with experience in the delivery of  
7 substance abuse services for this board membership position.

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

14           8. A health care provider representing community-based mental health  
15 service providers. The governor shall solicit suggestions from organizations  
16 including the Milwaukee Health Care Partnership, the Milwaukee Mental Health  
17 Task Force, and the Milwaukee Co-occurring Competency Cadre for 4 health care  
18 providers specializing in community-based, recovery-oriented, mental health  
19 systems.

20           9. An individual who is a consumer or family member representing  
21 community-based mental health service providers. The governor shall solicit  
22 suggestions from organizations including the Milwaukee Health Care Partnership,  
23 the Milwaukee Mental Health Task Force, and the Milwaukee Co-occurring  
24 Competency Cadre for 4 consumers and family members representing  
25 community-based mental health service providers.

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1           10. An employee of the department of health services, as designated by the  
2           secretary of health services, who has direct knowledge of funding and systems,  
3           oversees the state mental health institutes, and is the official contact for the federal  
4           government on behavioral health issues or, if this individual is unavailable to serve  
5           on the board, the secretary of health services or his or her designee.

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

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

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

21           2. A health care provider who is on the academic staff at a higher education  
22           institution. The governor shall solicit suggestions from the University of  
23           Wisconsin—Madison for individuals specializing in community-based,  
24           recovery-oriented mental health systems, maximizing comprehensive  
25           community-based services, prioritizing access to community-based services and

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

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

9 2. When submitting suggestions for nominations of members under par. (b) the  
10 Milwaukee County executive and Milwaukee County board of supervisors shall  
11 attempt to ensure that individuals suggested are among the most-qualified and  
12 experienced in their field.

13 3. Members under par. (b) who are health care providers shall have experience  
14 in providing services to the population that is serviced by the Milwaukee County  
15 mental health system.

16 4. No member of the board may be an employee or contractor of Milwaukee  
17 County at the time of nomination.

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

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

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

10           17.07 (3r) (a) Notwithstanding sub. (3), a member of the Milwaukee County  
11 mental health board may be removed by any of the following:

12           1. The governor, for cause.

13           2. If the Milwaukee County executive suggested the member for nomination,  
14 the Milwaukee County executive, for neglect of duty, misconduct, malfeasance in  
15 office, failure to attend 4 board meetings in one year, or failure to attend 2 board  
16 meetings within one year without providing advance notice to the chairperson of the  
17 board.

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

23           (b) Notwithstanding sub. (3), a member of the Milwaukee County mental  
24 health board shall be removed by the governor for engaging in an activity under s.  
25 15.195 (9) (d) that disqualifies an individual from board membership.

**SENATE BILL 565****SECTION 7**

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

2           20.435 (5) (kf) *Milwaukee County mental health board*. All moneys received  
3 under s. 51.41 (5) (b) for the general program operations of Milwaukee County  
4 mental health board.

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

6           46.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed  
7 budget to the county executive or county administrator or the county board or the  
8 Milwaukee County mental health board, the county departments listed in sub. (1)  
9 shall assess needs and inventory resources and services, using an open public  
10 participation process.

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

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

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1 a single-county department, the Milwaukee County mental health board in  
2 Milwaukee County, or the county boards of supervisors in counties with a  
3 multicounty department may designate an agent to approve addenda to any contract  
4 after the contract has been approved.

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

6 46.031 (2g) (b) The department may not approve contracts for amounts in  
7 excess of available revenues. The county board of supervisors in a county with a  
8 single-county department, the Milwaukee County mental health board in  
9 Milwaukee County for matters related to mental health, or the county boards of  
10 supervisors in counties with a multicounty department may appropriate funds not  
11 used to match state funds under ss. 46.495 (1) (d) and 51.423. Actual expenditure  
12 of county funds shall be reported in compliance with procedures developed by the  
13 department, and shall comply with standards guaranteeing quality of care  
14 comparable to similar facilities.

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

16 46.031 (2r) (b) If the department withholds a portion of the allocable  
17 appropriation under par. (a), the county department affected by the action of the  
18 department may submit to the county board of supervisors in a county with a  
19 single-county department or to its designated agent, to the Milwaukee County  
20 mental health board if related to mental health in Milwaukee County, or to the  
21 county boards of supervisors in counties with a multicounty department or their  
22 designated agents a plan to rectify the deficiency found by the department. The  
23 county board of supervisors or its designated agent in a county with a single-county  
24 department, the Milwaukee County mental health board if related to mental health,  
25 or the county boards of supervisors in counties with a multicounty department or

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1 their designated agents may approve or amend the plan and may submit for  
2 departmental approval the plan as adopted. If a multicounty department is  
3 administering a program, the plan may not be submitted unless each county board  
4 of supervisors which participated in the establishment of the multicounty  
5 department, or its designated agent, adopts it.

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

7 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the  
8 county board of supervisors of each county, the Milwaukee County mental health  
9 board, as applicable, or the county boards of supervisors of 2 or more counties jointly  
10 shall establish a citizen advisory committee to the county departments under ss.  
11 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise  
12 in the formulation of the budget under sub. (1). Membership on the committee shall  
13 be determined by the county board of supervisors in a county with a single-county  
14 committee, the Milwaukee County mental health board, as applicable, or by the  
15 county boards of supervisors in counties with a multicounty committee and shall  
16 include representatives of those persons receiving services, providers of service and  
17 citizens. A majority of the members of the committee shall be citizen and service  
18 consumers. The committee's membership may not consist of more than 25% county  
19 supervisors, nor of more than 20% service providers. The chairperson of the  
20 committee shall be appointed by the county board of supervisors establishing it or  
21 by the Milwaukee County mental health board, if it establishes the committee. In  
22 the case of a multicounty committee, the chairperson shall be nominated by the  
23 committee and approved by the county boards of supervisors establishing it. The  
24 county board of supervisors in a county with a single-county committee or the county  
25 boards of supervisors in counties with a multicounty committee may designate an



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1 agent to determine the membership of the committee and to appoint the committee  
2 chairperson or approve the nominee.

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

4 46.031 (3) (b) *Alternate process.* The county board of supervisors, the  
5 Milwaukee County mental health board, as applicable, or the boards of 2 or more  
6 counties acting jointly may submit a report to the department on the open public  
7 participation process used under sub. (2). The county board of supervisors or the  
8 Milwaukee County mental health board may designate an agent, or the boards of 2  
9 or more counties acting jointly may designate an agent, to submit the report. If the  
10 department approves the report, establishment of a citizen advisory committee  
11 under par. (a) is not required.

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

13 46.031 (3) (c) *Yearly report.* The county board of supervisors or its designated  
14 agent, the Milwaukee County mental health board, as applicable, or the boards of 2  
15 or more counties acting jointly or their designated agent, shall submit to the  
16 department a list of members of the citizen advisory committee under par. (a) or a  
17 report on the open public participation process under par. (b) on or before July 1 of  
18 each year.

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

20 46.034 (3) With the agreement of the affected county board of supervisors in  
21 a county with a single-county department, the Milwaukee County mental health  
22 board, as applicable, or boards of supervisors in counties with a multicounty  
23 department, effective for the contract period beginning January 1, 1980, the  
24 department may approve a county with a single-county department or counties  
25 participating in a multicounty department to administer a single consolidated aid

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

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

21 **46.175 County institutions: minimum standards.** Notwithstanding any  
22 other provision of law, any county currently operating an institution established  
23 under s. 49.70, 49.71, 49.72, 51.08, or 51.09 may, by resolution of the county board  
24 or, in Milwaukee County for institutions providing mental health treatment, the  
25 Milwaukee County mental health board, designate such institution or distinct part

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1 of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any  
2 county institution or part thereof, where so designated, shall be required to meet  
3 those licensure standards established by the department for the type of facility  
4 designated by the county. Any designation under this section may be made only if  
5 such designation will not result in any additional cost to the state.

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

7 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, or similar  
8 institution, shall, subject to regulations approved by the county board except in  
9 Milwaukee County for county homes, infirmaries, hospitals, or institutions  
10 providing mental health treatment, be managed by a board of trustees, electors of the  
11 county, chosen by ballot by the county board. In Milwaukee County, every county  
12 home, infirmary, hospital, or similar institution that provides mental health  
13 treatment shall, subject to standards and procedures adopted by the Milwaukee  
14 County mental health board, be managed by a board of trustees, electors of the  
15 county, chosen by ballot by the Milwaukee County mental health board. At its  
16 annual meeting, the county board or the Milwaukee County mental health board, if  
17 applicable, shall appoint an uneven number of trustees, from 3 to 9 at the option of  
18 the board, for staggered 3-year terms ending the first Monday in January. Any  
19 vacancy shall be filled for the unexpired term by the county board or the Milwaukee  
20 County mental health board, as applicable; but the chairperson of the county board  
21 may appoint a trustee to fill the vacancy until the county board acts except for boards  
22 of trustees appointed by the Milwaukee County mental health board for which the  
23 chairperson of the Milwaukee County mental health board may appoint a trustee to  
24 fill the vacancy until the entire Milwaukee County mental health board acts.

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

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1           46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for  
2 misconduct or neglect, by a two-thirds vote of the county board or of the Milwaukee  
3 County mental health board, as applicable, on due notice in writing and hearing of  
4 the charges against the trustee.

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

6           46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file  
7 the official oath and execute and file an official bond to the county, in the amount  
8 determined by the county board, or the Milwaukee County mental health board, as  
9 applicable, and the sufficiency of the sureties shall be approved by the chairperson  
10 of the board. Each trustee shall be reimbursed for traveling expenses necessarily  
11 incurred in the discharge of the duties, and shall receive the compensation fixed by  
12 the county board or the Milwaukee County mental health board, as applicable,  
13 unless otherwise provided by law.

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

15           46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,  
16 the Milwaukee County mental health board, as applicable, shall annually  
17 appropriate for operation and maintenance of each such institution not less than the  
18 amount of state aid estimated by the trustees to accrue to said institution; or such  
19 lesser sum as may be estimated by the trustees to be necessary for operation and  
20 maintenance.

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

22           46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County  
23 mental health board, as applicable, may provide that the trustees and  
24 superintendent of any institution shall be the trustees and superintendent of any  
25 other institution.

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

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

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

21           46.18 (14) INCENTIVE PAYMENTS TO PATIENTS IN MENTAL HOSPITALS. The county  
22 board or, in Milwaukee County, the Milwaukee County mental health board may  
23 authorize the board of trustees of any county mental hospital to establish a program  
24 of incentive payments so as to provide incentive and encouragement to patients by  
25 the disbursement of small weekly payments but not restricted to work allowances.

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1 Incentive payments paid to inmates shall not be included as costs in arriving at the  
2 per capita rate for state aids or charges to other counties and the state for care of  
3 inmates. ~~In counties having a population of 500,000 or more the county board of~~  
4 ~~supervisors may establish a similar program.~~

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

6 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of  
7 supervisors, or the Milwaukee County mental health board, as applicable, so  
8 authorizes, the trustees of the county hospital may, together with a private or public  
9 organization or affiliation, organize, establish and participate in the governance and  
10 operation of an entity to operate, wholly or in part, any health-related service, may  
11 participate in the financing of the entity and may provide administrative and  
12 financial services or resources for its operation on terms prescribed by the county  
13 board of supervisors or the Milwaukee County mental health board, as applicable.

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

15 46.19 (4) The salaries of the superintendent, visiting physician and all  
16 necessary additional officers and employees shall be fixed by the county board. In  
17 Milwaukee County, the salaries of any superintendent of a mental health institution  
18 and the salaries of any visiting physician and necessary additional officers and  
19 employees whose duties are related to mental health shall be fixed by the county  
20 executive.

21 **SECTION 26.** 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),  
22 (3r), (4), (4m) (a) and (b) and (6) of the statutes are amended to read:

23 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance  
24 and improvement of the county hospital; the detention center; the probation section  
25 of the children's court center; the provision and maintenance of the physical facilities

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1 for the children’s court and its intake section under the supervision and operation  
2 of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided  
3 in s. 938.06 (1); ~~the mental health complex~~; the county department of human  
4 services; the central service departments; and all buildings and land used in  
5 connection with any institution under this section except a mental health  
6 institution. The powers and duties of the county board of supervisors are policy  
7 forming only, and not administrative or executive. The county board of supervisors  
8 may not form policies regarding mental health or mental health institutions,  
9 programs, or services. The Milwaukee County mental health board shall adopt the  
10 policies under this paragraph regarding mental health and mental health  
11 institutions, programs, and services.

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

24 (k) Shall make sufficient appropriation annually for the support, maintenance,  
25 salaries, repairs and improvements to the county department of human services and

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1 the institutions, except for mental health institutions. The appropriations shall be  
2 used subject to the order of the director or administrator and as the policies adopted  
3 by the county board of supervisors provide. The director or administrator may not  
4 incur any expense or contract for new buildings, additions to present buildings or the  
5 purchase of land until the county board of supervisors, or the Milwaukee County  
6 mental health board, as applicable, has appropriated or provided for the money to  
7 defray such expense.

8 (m) May establish and maintain in connection with such county hospital, an  
9 emergency unit or department for the treatment, subject to such rules as may be  
10 prescribed by the county board of supervisors, of persons in the county who may meet  
11 with accidents or be suddenly afflicted with illness not contagious; provided that  
12 medical care and treatment shall only be furnished in such unit or department until  
13 such time as the patient may be safely removed to another hospital or to his or her  
14 place of abode, or regularly admitted to the county hospital. The county board of  
15 supervisors may also contract with any private hospital or nonprofit hospital within  
16 the county for the use of its facilities and for medical service to be furnished by a  
17 licensed physician or physicians to patients who require emergency medical  
18 treatment or first aid as a result of any accident, injury or sudden affliction of illness  
19 occurring within the county, except that reasonable compensation may only be  
20 authorized until the patient is regularly admitted as an inpatient or safely removed  
21 to another hospital or to his place of abode. In this paragraph, “hospital” includes,  
22 without limitation due to enumeration, public health centers, medical facilities and  
23 general, tuberculosis, ~~mental~~, chronic disease and other types of hospitals and  
24 related facilities, such as laboratories, outpatient departments, nurses’ home and  
25 training facilities, and central service facilities operated in connection with



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1 hospitals. In this paragraph, “hospital” does not include any hospital furnishing  
2 primarily domiciliary care. In this paragraph “nonprofit hospital” means any  
3 hospital owned and operated by a corporation or association, no part of the net  
4 earnings of which inures, or may lawfully inure, to the benefit of any private  
5 shareholder or individual.

6 (q) May, together with a private or public organization or affiliation, organize,  
7 establish and participate in the governance and operation of an entity to operate,  
8 wholly or in part, any health-related service except a mental health-related service,  
9 may participate in the financing of the entity and may provide administrative and  
10 financial services or resources for its operation on terms prescribed by the county  
11 board of supervisors. The Milwaukee County mental health board may, together  
12 with a private or public organization or affiliation, organize, establish, and  
13 participate in the governance and operation of an entity to operate, wholly or in part,  
14 any mental health-related service, may participate in the financing of the entity, and  
15 may provide administrative and financial services or resources for its operation.

16 (2m) (a) *Creation.* The management, operation, maintenance and  
17 improvement of human services in a county with a population of 500,000 750,000 or  
18 more is vested in a county department of human services under the jurisdiction, as  
19 to policy, of the county board of supervisors or, as to mental health policy, the  
20 Milwaukee County mental health board. The county department of human services  
21 shall consist of the director appointed under sub. (1m), any division administrator  
22 appointed under sub. (4) or s. 51.41 (8), and necessary personnel appointed by the  
23 director or appointed by a division administrator and approved by the director.

24 (b) 1. (intro.) The county board of supervisors or, in matters related to mental  
25 health, the Milwaukee County mental health board may transfer the powers and

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1 duties of any human services program under the control of the county and shall  
2 transfer all of the following to the county department of human services:

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

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

19 (3r) OTHER POWERS AND DUTIES. The county board of supervisors or, in matters  
20 of mental health, the Milwaukee County mental health board may place under the  
21 jurisdiction of county entities not specified under this section the administrative and  
22 executive powers and duties of managing, operating, maintaining and improving  
23 institutions and departments or other responsibilities that are specified in sub. (2),  
24 including functions related to the central service departments and buildings and  
25 land used in connection with any institution under sub. (2).

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1           (4) MANAGEMENT PERSONNEL. ~~The~~ Except as provided in s. 51.41 (8), the director  
2           may appoint personnel to manage the county department of human services and the  
3           administrator may appoint personnel to manage the county hospital, in accordance  
4           with ordinances of the county board of supervisors.

5           (4m) (a) The county hospitals and county sanatoriums of a county with a  
6           population of ~~500,000~~ 750,000 or more shall be devoted to hospital service and the  
7           treatment of patients upon such terms and conditions as the county board of  
8           supervisors or, in matters of mental health, the Milwaukee County mental health  
9           board establishes. The hospitals and sanatoriums may be utilized for instruction of  
10          medical students, physicians and nurses and for scientific and clinical research that  
11          will promote the welfare of the patients and assist the application of science to the  
12          alleviation of human suffering.

13          (b) Professional staff responsible for the care of patients under this subsection  
14          may submit bills for professional services under policies adopted by the county board  
15          of supervisors or under mental health policies adopted by the Milwaukee County  
16          mental health board.

17          (6) REPORTS; EXPENDITURES. The director and the administrator shall submit  
18          annually to the county board of supervisors, or to the Milwaukee County mental  
19          health board in matters of mental health, reports, including itemized statements of  
20          receipts and disbursements, at the times and in the manner that the county board  
21          of supervisors or Milwaukee County mental health board specifies and as are  
22          required to comply with applicable federal statutes and regulations and state  
23          statutes and rules. Disbursements shall be made in the manner that the county  
24          board of supervisors or Milwaukee County mental health board, as applicable,  
25          adopts, consistent with sound accounting and auditing procedure and with

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1 applicable federal statutes and regulations, state statutes and rules and  
2 requirements of the county auditor and county department of administration.

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

4 46.56 (1) (a) “Administering agency” means a department designated by a  
5 county board of supervisors, by the Milwaukee County mental health board in  
6 Milwaukee County, or by a tribe to administer an initiative.

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

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

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

18 46.56 (2) (b) A county may enter into an agreement with one or more other  
19 counties or tribes to establish an initiative and a tribe may enter into an agreement  
20 with one or more counties or tribes to establish an initiative. The parties to the  
21 agreement shall designate in the agreement a single lead administrative county or  
22 lead administrative tribe. The county board of the lead administrative county, the  
23 Milwaukee County mental health board, if Milwaukee County is the lead  
24 administrative county, or the lead administrative tribe shall appoint a coordinating  
25 committee and designate an administering agency. The initiative may be funded by

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1 the participating entities, or the county board of supervisors of the lead  
2 administrative county, the Milwaukee County mental health board, if Milwaukee  
3 County is the lead administrative county, or the lead administrative tribe may apply  
4 for funding by the state in accordance with sub. (15).

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

6 46.56 (3) (b) 11. Representatives of the county board or, in Milwaukee County,  
7 the Milwaukee County mental health board or, for an initiative established by a  
8 tribe, representatives of the elected governing body of the tribe.

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

11 46.56 (4) (d) If the county board of supervisors, Milwaukee County mental  
12 health board, or tribe or a multi–entity initiative decides to seek state funding under  
13 sub. (15), develop the application in cooperation with the coordinating committee.

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

16 46.56 (15) (b) (intro.) In order to apply for funds under this subsection, the  
17 county board of supervisors, Milwaukee County mental health board, or tribe or, for  
18 a multi–entity initiative, the county board of the lead administrative county, the  
19 Milwaukee County mental health board, if Milwaukee County is the lead  
20 administrative county, or the lead administrative tribe shall do all of the following:

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

22 **51.08 Milwaukee County Mental Health Complex.** Any county having a  
23 population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a  
24 county mental health complex. The county mental health complex shall be a hospital  
25 devoted to the detention and care of drug addicts, alcoholics, chronic patients and

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1 mentally ill persons whose mental illness is acute. Such hospital shall be governed  
2 pursuant to s. 46.21. Treatment of alcoholics at the county mental health complex  
3 is subject to approval by the department under s. 51.45 (8). The county mental health  
4 complex established pursuant to this section is subject to rules promulgated by the  
5 department concerning hospital standards. The county board may not sell the  
6 county mental health complex under this section without approval of the Milwaukee  
7 County mental health board.

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

9 51.20 (18) (a) Unless previously fixed by the county board of supervisors or the  
10 Milwaukee County mental health board in the county in which the examination is  
11 held, the examiners shall receive a fee as fixed by the court for participation in  
12 commitment proceedings, and reasonable reimbursement for travel expenses.

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

14 **51.41 Milwaukee County mental health; Milwaukee County mental**  
15 **health board.**

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

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

20 (b) Allocate moneys for mental health functions, programs, and services in  
21 Milwaukee County within the budget amount set in sub. (3) (a).

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

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

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

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

5 2. Maximizing comprehensive community-based services.

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

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

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

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

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

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

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

23 **(3) MILWAUKEE COUNTY MENTAL HEALTH BUDGET.** (a) 1. The Milwaukee County  
24 board of supervisors shall incorporate into the budget for Milwaukee County for a  
25 fiscal year a total amount of funding for mental health functions, services, and

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1 programs that is equal to the sum of any amount held in the mental health reserve  
2 fund as described under par. (c) for the fiscal year previous to the fiscal year for which  
3 the budget is being determined and the base budget amount of \$177,425,000,  
4 adjusted as provided in subds. 2. to 4.

5 2. The base budget amount under subd. 1. shall be decreased by an amount  
6 equal to any amount held in the mental health reserve fund as described under par.  
7 (c) for the fiscal year previous to the fiscal year for which the budget is being  
8 determined.

9 3. If there are no moneys in the mental health reserve fund, the Milwaukee  
10 County mental health board makes a request to the Milwaukee County executive for  
11 a mental health budget increase, and the Milwaukee County executive approves the  
12 mental health budget increase, the base budget amount under subd. 1., together with  
13 any increase under subd. 4., shall be increased to reflect one of the following:

14 a. Unless subd. 3. b. applies, the percentage change in the consumer price index  
15 for all urban consumers, U.S. city average, as determined by the U.S. department of  
16 labor, during the calendar year preceding the fiscal year for which the budget is being  
17 determined.

18 b. If the percentage change described in subd. 3. a. is positive and if there was  
19 a smaller positive percentage change in the property tax levy for Milwaukee County  
20 between the 2 calendar years preceding the fiscal year for which the budget is being  
21 determined, that smaller positive percentage change.

22 4. If the Milwaukee County mental health board transfers to itself jurisdiction  
23 of a function, service, or program under sub. (4) (b) that it did not have jurisdiction  
24 over on the effective date of this subdivision .... [LRB inserts date], the base budget  
25 amount under subd. 1. shall be increased by an amount equal to the amount



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1 expended by Milwaukee County on that function, service, or program in the fiscal  
2 year before the fiscal year in which the function, program, or service is transferred.  
3 An increase under this subdivision applies for every fiscal year the Milwaukee  
4 County mental health board has jurisdiction over that function, service, or program.

5 (b) The Milwaukee County board of supervisors may not in any fiscal year  
6 provide funding for and the Milwaukee County executive may not in any fiscal year  
7 approve funding for mental health functions, services, and programs that is less than  
8 or more than the total amount specified under par. (a) for that fiscal year.

9 (c) The treasurer of Milwaukee County shall hold any unexpended moneys in  
10 a fiscal year that had been appropriated for use for mental health functions,  
11 programs, and services in a mental health reserve fund. The moneys in the mental  
12 health reserve fund may be expended in any fiscal year only for mental health  
13 functions, programs, and services in Milwaukee County.

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

23 (b) The Milwaukee County mental health board may transfer jurisdiction over  
24 a Milwaukee County function, service, or program to itself that pertains to mental  
25 health or is highly integrated with mental health services and that is not under its

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1 jurisdiction by statute or by agreement with the Milwaukee County board of  
2 supervisors, by an affirmative vote of 8 of the voting Milwaukee County mental  
3 health board members if the secretary of health services approves the transfer.

4 (5) PAYMENT OF BOARD EXPENDITURES. (a) The Milwaukee County board of  
5 supervisors and the department shall enter an agreement for the payment of  
6 expenses of the Milwaukee County mental health board.

7 (b) The Milwaukee County board of supervisors shall arrange for the payment  
8 of expenses from the total budget amount under sub. (3) (a) according to the  
9 agreement under par. (a). All payments shall be credited to the appropriation  
10 account under s. 20.435 (5) (kf).

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

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

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

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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           **(8) ADMINISTRATOR.** (a) The Milwaukee County executive shall nominate an  
10          individual to be the administrator of any division of the department under s. 46.21  
11          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.

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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           **(9) 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 does not vote to reject the contract  
12 within 14 days after the contract is signed or countersigned by the county executive.

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

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

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

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

22 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county  
23 board of supervisors of any county except Milwaukee County, the Milwaukee County  
24 mental health board, or the county boards of supervisors of 2 or more counties, shall  
25 establish a county department of community programs on a single-county or

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1 multicounty basis to administer a community mental health, developmental  
2 disabilities, alcoholism and drug abuse program, make appropriations to operate the  
3 program and authorize the county department of community programs to apply for  
4 grants-in-aid under s. 51.423. The county department of community programs shall  
5 consist of a county community programs board, a county community programs  
6 director and necessary personnel.

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

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

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

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

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

24 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any  
25 county with a single-county department of community programs, the Milwaukee

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1 County mental health board, and the county boards of supervisors of counties with  
2 a multicounty department of community programs may designate the county  
3 department of community programs as the administrator of any other county health  
4 care program or institution, but the operation of such program or institution is not  
5 reimbursable under s. 51.423.

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

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

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

17 51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A  
18 COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county  
19 executive or county administrator in which the county board of supervisors or the  
20 Milwaukee County mental health board has established a single–county department  
21 of community programs, the county executive or county administrator shall appoint  
22 and supervise the county community programs director. In any county with a  
23 population of ~~500,000~~ 750,000 or more, the county executive or county administrator  
24 shall appoint the director of the county department of human services under s. 46.21  
25 as the county community programs director. The appointment of a county

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1 community programs director under this subsection shall be on the basis of  
2 recognized and demonstrated interest in and knowledge of the problems of mental  
3 health, intellectual disability, alcoholism and drug addiction, with due regard to  
4 training, experience, executive and administrative ability, and general qualification  
5 and fitness for the performance of the duties of the director. The appointment of a  
6 county community programs director under this subsection is subject to  
7 confirmation by the county board of supervisors, except in Milwaukee County, unless  
8 the county board of supervisors, by ordinance, elects to waive confirmation or unless  
9 the appointment is made under a civil service system competitive examination  
10 procedure established under s. 59.52 (8) or ch. 63. The county community programs  
11 director, subject only to the supervision of the county executive or county  
12 administrator, shall:

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

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

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

23 51.42 (6m) (i) Establish salaries and personnel policies of the programs of the  
24 county department of community programs subject to approval of the county  
25 executive or county administrator and county board of supervisors, except in



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1 Milwaukee County, or the Milwaukee County mental health board in Milwaukee  
2 County unless the county board of supervisors or the Milwaukee County mental  
3 health board elects not to review the salaries and personnel policies.

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

5 51.42 **(6m)** (m) 3. Such other reports as are required by the secretary and the  
6 county board of supervisors or, as applicable, the Milwaukee County mental health  
7 board.

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

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

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

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

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

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

20 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under  
21 s. 51.35 (3) or 51.37 or under ch. 971 or 975, have the right to the least restrictive  
22 conditions necessary to achieve the purposes of admission, commitment or protective  
23 placement, under programs, services and resources that the county board of  
24 supervisors or the Milwaukee County mental health board, as applicable, is

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1 reasonably able to provide within the limits of available state and federal funds and  
2 of county funds required to be appropriated to match state funds.

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

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

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

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

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1 consistent with due process and protection from abuse, financial exploitation,  
2 neglect, and self-neglect.

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

4 59.53 (7) INITIATIVE TO PROVIDE COORDINATED SERVICES. The Except in  
5 Milwaukee County, the board may establish an initiative to provide coordinated  
6 services under s. 46.56.

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

8 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board  
9 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) and  
10 (31), 66.0301, and 66.0607 (2), related to mental health functions, programs, and  
11 services.

12 **SECTION 53. Nonstatutory provisions.**

13 (1) INITIAL TERMS OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.  
14 Notwithstanding the length of terms for the members of the Milwaukee County  
15 mental health board specified in sections 15.07 (1) (cm) and 15.195 (9) of the statutes  
16 the initial members, other than the members approved under section 15.195 (9) (b)  
17 10. and 11. of the statutes, as created by this act, shall be appointed for the following  
18 terms:

19 (a) 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 2016.

22 (b) 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 2017.

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1 (c) Three members, as designated by the governor, specified under section  
2 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,  
3 2018.

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

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

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

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

23 (3) JURISDICTION OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD. The mental  
24 health functions, programs, and services over which the Milwaukee County mental  
25 health board has jurisdiction upon appointment of the Milwaukee County mental

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1 health board are those functions, programs, and services that Milwaukee County  
2 included in its 2014 budget under the behavioral health division unit 6300 and under  
3 the behavioral health community services strategic program area of unit 8000.

4 (END)