



State of Wisconsin
2013 – 2014 LEGISLATURE



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

March 19, 2014 – Offered by Representative KESSLER.

1 **AN ACT** *to renumber and amend* 5.02 (21); *to amend* 5.60 (1) (b), 7.10 (1) (a),
2 7.70 (3) (d), 11.26 (1) (d) (intro.), 11.26 (2) (e) (intro.), 13.94 (4) (a) 1., 16.70 (14),
3 19.42 (7w) (a), 25.50 (1) (d), 46.031 (2), 46.031 (2g) (a), 46.031 (2g) (b), 46.031
4 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3) (c), 46.034 (3), 46.175, 46.18 (1),
5 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18 (13), 46.18 (14), 46.18 (15), 46.19
6 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g), (3r), (4),
7 (4m) (a) and (b) and (6), 46.40 (1) (a), 46.56 (1) (a), 46.56 (2) (a), 46.56 (2) (b),
8 46.56 (3) (b) 11., 46.56 (4) (d), 46.56 (15) (b) (intro.), 51.08, 51.20 (18) (a), 51.42
9 (1) (b), 51.42 (3) (a), 51.42 (3) (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a)
10 2. (intro.), 51.42 (6m) (intro.), 51.42 (6m) (c), 51.42 (6m) (i), 51.42 (6m) (m) 3.,
11 51.423 (11), 51.44 (4), 51.61 (1) (e), 51.61 (1) (f), 55.001, 59.53 (7), 66.0301 (1) (a),
12 66.0621 (1) (a) and 66.0621 (1) (c); *to repeal and recreate* 25.50 (1) (d); and
13 *to create* 5.02 (21) (a) to (d), 5.58 (2n), 5.60 (4n), 8.10 (3) (hn), 11.26 (1) (e), 11.26

1 (2) (f), 13.94 (1) (mg), 46.011 (1s), 51.406, 51.407, 51.408, 51.409, 51.41, 51.412,
2 51.413 and 59.53 (25) of the statutes; **relating to:** Milwaukee County mental
3 health and creation of the Milwaukee County mental health district.

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

4 **SECTION 1.** 5.02 (21) of the statutes is renumbered 5.02 (21) (intro.) and
5 amended to read:

6 5.02 (21) (intro.) “Spring election” means the election held on the first Tuesday
7 in April to elect ~~judicial, educational and municipal officers, nonpartisan county~~
8 ~~officers and sewerage commissioners~~ all of the following and to express preferences
9 for the person to be the presidential candidate for each party in a year in which
10 electors for president and vice president are to be elected.;

11 **SECTION 2.** 5.02 (21) (a) to (d) of the statutes is created to read:

12 5.02 (21) (a) Judicial, educational, and municipal officers.

13 (b) Nonpartisan county officers.

14 (c) Sewerage commissioners.

15 (d) Milwaukee County mental health district board members.

16 **SECTION 3.** 5.58 (2n) of the statutes is created to read:

17 5.58 (2n) MENTAL HEALTH DISTRICT. Except as authorized in s. 5.655, there shall
18 be a separate ballot for Milwaukee County mental health district board members,
19 with candidates for different seats listed in separate columns or rows if more than
20 one seat is contested at any election. The government accountability board shall
21 determine the arrangement of the names on the ballot.

22 **SECTION 4.** 5.60 (1) (b) of the statutes is amended to read:

1 5.60 (1) (b) The board shall certify the candidates' names and designate the
2 official ballot arrangement for candidates for state superintendent, justice, court of
3 appeals judge, circuit judge, Milwaukee County mental health district board
4 member, and, if commissioners are elected under s. 200.09 (11) (am), the
5 metropolitan sewerage commission. The arrangement of names of all candidates on
6 the ballot whose nomination papers are filed with the board shall be determined by
7 the board by the drawing of lots not later than the 2nd Tuesday in January, or the
8 next day if the first Tuesday is a holiday. Whenever a primary is held for an office,
9 a 2nd drawing of all candidates for that office shall be held by or under the
10 supervision of the board not later than the 3rd day following the completion of the
11 primary canvass to determine the arrangement of candidates on the election ballot.

12 **SECTION 5.** 5.60 (4n) of the statutes is created to read:

13 5.60 (4n) MENTAL HEALTH DISTRICT. Except as authorized in s. 5.655, a separate
14 ballot shall list the names of all candidates for Milwaukee County mental health
15 district board member seats. The names for the different seats shall be placed in
16 separate columns or rows if more than one seat is contested at any election.

17 **SECTION 6.** 7.10 (1) (a) of the statutes is amended to read:

18 7.10 (1) (a) Each county clerk shall provide ballots for every election in the
19 county for all national, state and county offices, including metropolitan sewerage
20 commission elections under s. 200.09 (11) (am) and Milwaukee County mental health
21 district board elections under s. 51.408, for municipal judges elected under s. 755.01
22 (4), and for state and county referenda. The official and sample ballots shall be
23 prepared in substantially the same form as those prescribed by the board under s.
24 7.08 (1) (a).

25 **SECTION 7.** 7.70 (3) (d) of the statutes is amended to read:

1 7.70 (3) (d) When the certified statements and returns are received, the
2 chairperson of the board or the chairperson’s designee shall proceed to examine and
3 make a statement of the total number of votes cast at any election for the offices
4 involved in the election for president and vice president; a statement for each of the
5 offices of governor, lieutenant governor, if a primary, and a joint statement for the
6 offices of governor and lieutenant governor, if a general election; a statement for each
7 of the offices of secretary of state, state treasurer, attorney general, and state
8 superintendent; for U.S. senator; representative in congress for each congressional
9 district; the state legislature; justice; court of appeals judge; circuit judge; district
10 attorney; metropolitan sewerage commission, if the commissioners are elected under
11 s. 200.09 (11) (am); Milwaukee County mental health district board; and for any
12 referenda questions submitted by the legislature.

13 **SECTION 8.** 8.10 (3) (hn) of the statutes is created to read:

14 8.10 (3) (hn) For Milwaukee County mental health district board members, not
15 less than 400 nor more than 800 electors.

16 **SECTION 9.** 11.26 (1) (d) (intro.) of the statutes is amended to read:

17 11.26 (1) (d) (intro.) Candidates Except as provided in par. (e), candidates for
18 local offices, an amount equal to the greater of the following:

19 **SECTION 10.** 11.26 (1) (e) of the statutes is created to read:

20 11.26 (1) (e) Candidates for Milwaukee County mental health district board
21 member, \$1,000.

22 **SECTION 11.** 11.26 (2) (e) (intro.) of the statutes is amended to read:

23 11.26 (2) (e) (intro.) Candidates Except as provided in par. (f), candidates for
24 local offices, an amount equal to the greater of the following:

25 **SECTION 12.** 11.26 (2) (f) of the statutes is created to read:

1 11.26 (2) (f) Candidates for Milwaukee County mental health district board
2 member, \$1,000.

3 **SECTION 13.** 13.94 (1) (mg) of the statutes is created to read:

4 13.94 (1) (mg) No later than January 1, 2017, and biennially thereafter,
5 perform a financial and performance evaluation audit of the Milwaukee County
6 mental health district board and of mental health functions, programs, and services
7 in Milwaukee County including a review of the effectiveness of the Milwaukee
8 County mental health district board and new policies implemented under that board
9 in providing mental health services, a review of the expenditures of the Milwaukee
10 County mental health district board, a review of Milwaukee County’s expenditures
11 for mental health functions, programs, and services and the outcomes of those
12 programs and services in the period after the formation of the Milwaukee County
13 mental health district board. The legislative audit bureau shall file a copy of the
14 audit report under this paragraph with the distributees specified in par. (b) and the
15 Milwaukee County executive and the Milwaukee County board of supervisors.

16 **SECTION 14.** 13.94 (4) (a) 1. of the statutes is amended to read:

17 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
18 credentialing board, commission, independent agency, council or office in the
19 executive branch of state government; all bodies created by the legislature in the
20 legislative or judicial branch of state government; any public body corporate and
21 politic created by the legislature including specifically the Fox River Navigational
22 System Authority, the Lower Fox River Remediation Authority, the Wisconsin
23 Aerospace Authority, and the Wisconsin Economic Development Corporation, the
24 Milwaukee County mental health district, a professional baseball park district, a
25 local professional football stadium district, a local cultural arts district and a

1 long-term care district under s. 46.2895; every Wisconsin works agency under subch.
2 III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical
3 college district boards; every county department under s. 51.42 or 51.437; every
4 nonprofit corporation or cooperative or unincorporated cooperative association to
5 which moneys are specifically appropriated by state law; and every corporation,
6 institution, association or other organization which receives more than 50% of its
7 annual budget from appropriations made by state law, including subgrantee or
8 subcontractor recipients of such funds.

9 **SECTION 15.** 16.70 (14) of the statutes is amended to read:

10 16.70 (14) “State” does not include a district created under subch. II, III, IV, or
11 V of ch. 229 or the Milwaukee County mental health district created under s. 51.407.

12 **SECTION 16.** 19.42 (7w) (a) of the statutes is amended to read:

13 19.42 (7w) (a) An elective office of a local governmental unit, including an
14 elected office of the Milwaukee County mental health district.

15 **SECTION 17.** 25.50 (1) (d) of the statutes is amended to read:

16 25.50 (1) (d) “Local government” means any county, town, village, city, power
17 district, sewerage district, drainage district, town sanitary district, public inland
18 lake protection and rehabilitation district, local professional baseball park district
19 created under subch. III of ch. 229, long-term care district under s. 46.2895, local
20 professional football stadium district created under subch. IV of ch. 229, local
21 cultural arts district created under subch. V of ch. 229, Milwaukee County mental
22 health district created under s. 51.407, public library system, school district or
23 technical college district in this state, any commission, committee, board or officer
24 of any governmental subdivision of this state, any court of this state, other than the

1 court of appeals or the supreme court, or any authority created under s. 114.61,
2 149.41, 231.02, 233.02 or 234.02.

3 **SECTION 18.** 25.50 (1) (d) of the statutes, as affected by 2013 Wisconsin Acts 20
4 and (this act), is repealed and recreated to read:

5 25.50 (1) (d) “Local government” means any county, town, village, city, power
6 district, sewerage district, drainage district, town sanitary district, public inland
7 lake protection and rehabilitation district, local professional baseball park district
8 created under subch. III of ch. 229, long-term care district under s. 46.2895, local
9 professional football stadium district created under subch. IV of ch. 229, local
10 cultural arts district created under subch. V of ch. 229, Milwaukee County mental
11 health district created under s. 51.407, public library system, school district or
12 technical college district in this state, any commission, committee, board or officer
13 of any governmental subdivision of this state, any court of this state, other than the
14 court of appeals or the supreme court, or any authority created under s. 114.61,
15 231.02, 233.02, or 234.02.

16 **SECTION 19.** 46.011 (1s) of the statutes is created to read:

17 46.011 (1s) “Milwaukee County mental health district board” means the
18 Milwaukee County mental health district board created under s. 51.407.

19 **SECTION 20.** 46.031 (2) of the statutes is amended to read:

20 46.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
21 budget to the county executive or county administrator or the county board or the
22 Milwaukee County mental health district board, the county departments listed in
23 sub. (1) shall assess needs and inventory resources and services, using an open public
24 participation process.

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

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

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

20 46.031 (2g) (b) The department may not approve contracts for amounts in
21 excess of available revenues. The county board of supervisors in a county with a
22 single–county department, the Milwaukee County mental health district board in
23 Milwaukee County for matters related to mental health, or the county boards of
24 supervisors in counties with a multicounty department may appropriate funds not
25 used to match state funds under ss. 46.495 (1) (d) and 51.423. Actual expenditure

1 of county funds shall be reported in compliance with procedures developed by the
2 department, and shall comply with standards guaranteeing quality of care
3 comparable to similar facilities.

4 **SECTION 23.** 46.031 (2r) (b) of the statutes is amended to read:

5 46.031 (2r) (b) If the department withholds a portion of the allocable
6 appropriation under par. (a), the county department affected by the action of the
7 department may submit to the county board of supervisors in a county with a
8 single-county department or to its designated agent, to the Milwaukee County
9 mental health district board if related to mental health in Milwaukee County, or to
10 the county boards of supervisors in counties with a multicounty department or their
11 designated agents a plan to rectify the deficiency found by the department. The
12 county board of supervisors or its designated agent in a county with a single-county
13 department, the Milwaukee County mental health district board if related to mental
14 health, or the county boards of supervisors in counties with a multicounty
15 department or their designated agents may approve or amend the plan and may
16 submit for departmental approval the plan as adopted. If a multicounty department
17 is administering a program, the plan may not be submitted unless each county board
18 of supervisors which participated in the establishment of the multicounty
19 department, or its designated agent, adopts it.

20 **SECTION 24.** 46.031 (3) (a) of the statutes is amended to read:

21 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
22 county board of supervisors of each county, the Milwaukee County mental health
23 district board, as applicable, or the county boards of supervisors of 2 or more counties
24 jointly shall establish a citizen advisory committee to the county departments under
25 ss. 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall

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

17 **SECTION 25.** 46.031 (3) (b) of the statutes is amended to read:

18 46.031 (3) (b) *Alternate process.* The county board of supervisors, the
19 Milwaukee County mental health district board, as applicable, or the boards of 2 or
20 more counties acting jointly may submit a report to the department on the open
21 public participation process used under sub. (2). The county board of supervisors or
22 the Milwaukee County mental health district board may designate an agent, or the
23 boards of 2 or more counties acting jointly may designate an agent, to submit the
24 report. If the department approves the report, establishment of a citizen advisory
25 committee under par. (a) is not required.

1 **SECTION 26.** 46.031 (3) (c) of the statutes is amended to read:

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

8 **SECTION 27.** 46.034 (3) of the statutes is amended to read:

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

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

10 **SECTION 28.** 46.175 of the statutes is amended to read:

11 **46.175 County institutions: minimum standards.** Notwithstanding any
12 other provision of law, any county currently operating an institution established
13 under s. 49.70, 49.71, 49.72, 51.08, or 51.09 may, by resolution of the county board
14 or, in Milwaukee County for institutions providing mental health treatment, the
15 Milwaukee County mental health district board, designate such institution or
16 distinct part of such institution as a facility to be operated under s. 50.02, 50.03 or
17 50.33. Any county institution or part thereof, where so designated, shall be required
18 to meet those licensure standards established by the department for the type of
19 facility designated by the county. Any designation under this section may be made
20 only if such designation will not result in any additional cost to the state.

21 **SECTION 29.** 46.18 (1) of the statutes is amended to read:

22 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, or similar
23 institution, shall, subject to regulations approved by the county board except in
24 Milwaukee County for county homes, infirmaries, hospitals, or institutions
25 providing mental health treatment, be managed by a board of trustees, electors of the

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

16 **SECTION 30.** 46.18 (3) of the statutes is amended to read:

17 46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for
18 misconduct or neglect, by a two–thirds vote of the county board or of the Milwaukee
19 County mental health district board, as applicable, on due notice in writing and
20 hearing of the charges against the trustee.

21 **SECTION 31.** 46.18 (4) of the statutes is amended to read:

22 46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file
23 the official oath and execute and file an official bond to the county, in the amount
24 determined by the county board, or the Milwaukee County mental health district
25 board, as applicable, and the sufficiency of the sureties shall be approved by the

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

5 **SECTION 32.** 46.18 (11) of the statutes is amended to read:

6 46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,
7 the Milwaukee County mental health district board, as applicable, shall annually
8 appropriate for operation and maintenance of each such institution not less than the
9 amount of state aid estimated by the trustees to accrue to said institution; or such
10 lesser sum as may be estimated by the trustees to be necessary for operation and
11 maintenance.

12 **SECTION 33.** 46.18 (12) of the statutes is amended to read:

13 46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County
14 mental health district board, as applicable, may provide that the trustees and
15 superintendent of any institution shall be the trustees and superintendent of any
16 other institution.

17 **SECTION 34.** 46.18 (13) of the statutes is amended to read:

18 46.18 (13) BUILDING RESERVE FUND. The Except in Milwaukee County, the
19 county board shall maintain as a segregated cash reserve an annual charge of 2% of
20 the original cost of new construction or purchase or of the appraised value of existing
21 infirmary structures and equipment. In Milwaukee County, the Milwaukee County
22 mental health district board, for mental health infirmary structures and equipment,
23 shall ensure the maintenance, as a segregated cash reserve, of an annual charge of
24 2 percent of the original cost of new construction or purchase or of the appraised
25 value of existing mental health infirmary structures and equipment. If the infirmary

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

11 **SECTION 35.** 46.18 (14) of the statutes is amended to read:

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

21 **SECTION 36.** 46.18 (15) of the statutes is amended to read:

22 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of
23 supervisors, or the Milwaukee County mental health district board, as applicable,
24 so authorizes, the trustees of the county hospital may, together with a private or
25 public organization or affiliation, organize, establish and participate in the

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

6 **SECTION 37.** 46.19 (4) of the statutes is amended to read:

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

13 **SECTION 38.** 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),
14 (3r), (4), (4m) (a) and (b) and (6) of the statutes are amended to read:

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

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

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

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

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

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

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

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

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

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

1 mental health district board may place under the jurisdiction of the director are
2 vested in the director, subject to the policies and in accordance with the principles
3 adopted by the county board of supervisors or, in matters of mental health, the
4 Milwaukee County mental health district board.

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

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

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

1 **(4m)** (a) The county hospitals and county sanatoriums of a county with a
2 population of ~~500,000~~ 750,000 or more shall be devoted to hospital service and the
3 treatment of patients upon such terms and conditions as the county board of
4 supervisors or, in matters of mental health, the Milwaukee County mental health
5 district board establishes. The hospitals and sanatoriums may be utilized for
6 instruction of medical students, physicians and nurses and for scientific and clinical
7 research that will promote the welfare of the patients and assist the application of
8 science to the alleviation of human suffering.

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

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

25 **SECTION 39.** 46.40 (1) (a) of the statutes is amended to read:

1 46.40 (1) (a) Within the limits of available federal funds and of the
2 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds
3 for community social, mental health, developmental disabilities, and alcohol and
4 other drug abuse services and for services under ss. 46.87, 46.985, and 51.421, except
5 for mental health functions, programs, and services in Milwaukee County, to county
6 departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 and to county aging
7 units, as provided in subs. (2), (2m), and (7) to (9). The department shall distribute
8 the amount determined by the Milwaukee County board of supervisors under s.
9 51.41 (4) (b) for mental health functions, programs, and services to the Milwaukee
10 County mental health district.

11 **SECTION 40.** 46.56 (1) (a) of the statutes is amended to read:

12 46.56 (1) (a) “Administering agency” means a department designated by a
13 county board of supervisors, by the Milwaukee County mental health district board
14 in Milwaukee County, or by a tribe to administer an initiative.

15 **SECTION 41.** 46.56 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
16 is amended to read:

17 46.56 (2) (a) Except as provided in par. (b), if a county board of supervisors or
18 the Milwaukee County mental health district board establishes an initiative under
19 s. 59.53 (7) or if a tribe establishes an initiative, the county board, Milwaukee County
20 mental health district board, or tribe shall appoint a coordinating committee and
21 designate an administering agency. The initiative may be funded by the county or
22 tribe or the county board of supervisors, Milwaukee County mental health district
23 board, or tribe may apply for funding by the state in accordance with sub. (15).

24 **SECTION 42.** 46.56 (2) (b) of the statutes, as created by 2013 Wisconsin Act 20,
25 is amended to read:

1 46.56 (2) (b) A county may enter into an agreement with one or more other
2 counties or tribes to establish an initiative and a tribe may enter into an agreement
3 with one or more counties or tribes to establish an initiative. The parties to the
4 agreement shall designate in the agreement a single lead administrative county or
5 lead administrative tribe. The county board of the lead administrative county, the
6 Milwaukee County mental health district board, if Milwaukee County is the lead
7 administrative county, or the lead administrative tribe shall appoint a coordinating
8 committee and designate an administering agency. The initiative may be funded by
9 the participating entities, or the county board of supervisors of the lead
10 administrative county, the Milwaukee County mental health district board, if
11 Milwaukee County is the lead administrative county, or the lead administrative tribe
12 may apply for funding by the state in accordance with sub. (15).

13 **SECTION 43.** 46.56 (3) (b) 11. of the statutes is amended to read:

14 46.56 (3) (b) 11. Representatives of the county board or, in Milwaukee County,
15 the Milwaukee County mental health district board or, for an initiative established
16 by a tribe, representatives of the elected governing body of the tribe.

17 **SECTION 44.** 46.56 (4) (d) of the statutes, as affected by 2013 Wisconsin Act 20,
18 is amended to read:

19 46.56 (4) (d) If the county board of supervisors, Milwaukee County mental
20 health district board, or tribe or a multi–entity initiative decides to seek state
21 funding under sub. (15), develop the application in cooperation with the coordinating
22 committee.

23 **SECTION 45.** 46.56 (15) (b) (intro.) of the statutes, as affected by 2013 Wisconsin
24 Act 20, is amended to read:

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

6 **SECTION 46.** 51.08 of the statutes is amended to read:

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

18 **SECTION 47.** 51.20 (18) (a) of the statutes is amended to read:

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

24 **SECTION 48.** 51.406 of the statutes is created to read:

1 **51.406 Milwaukee County mental health district; definitions.** In ss.
2 51.407 to 51.413:

3 (1) “District” means the Milwaukee County mental health district created
4 under s. 51.407.

5 (2) “District board” means the governing board of the Milwaukee County
6 mental health district.

7 (3) “Supermajority” means not less than 60 percent of the members of the
8 district board.

9 **SECTION 49.** 51.407 of the statutes is created to read:

10 **51.407 Milwaukee County mental health district; creation;**
11 **organization; dissolution.** (1) There is created a special district that is a local
12 governmental unit, that is a body corporate and politic, that is separate and distinct
13 from, and independent of, the state, that has the powers under ss. 51.407 to 51.413
14 and the name of which is “Milwaukee County mental health district”.

15 (2) The district is governed by its district board. The district board may adopt
16 bylaws to govern the district’s activities, subject to this chapter. The district board
17 shall consist of the members described under s. 51.408.

18 (3) The district board shall elect from its membership a chairperson, a vice
19 chairperson, a secretary, and a treasurer. A majority of the current membership of
20 the district board constitutes a quorum to do business. The district may take action
21 based on the affirmative vote of a majority of those directors who are present at a
22 meeting of the district board.

23 (4) The members of the district board shall be reimbursed for their actual and
24 necessary expenses incurred in the performance of their duties. The members of the

1 district board shall earn an annual salary of \$1,000. The district board may vote to
2 change the salaries of its members.

3 (5) Upon the election and qualification of a majority of the members of a district
4 board, the district board may exercise the powers and duties of a district board under
5 this chapter.

6 (6) Subject to providing for the performance of its contractual obligations, the
7 district may be dissolved by the action of the district board. If the district is dissolved,
8 the property of the district shall be transferred to Milwaukee County in the
9 jurisdiction.

10 **SECTION 50.** 51.408 of the statutes is created to read:

11 **51.408 Milwaukee County mental health district board members;**
12 **election.** (1) The district board shall consist of the following members who are
13 elected by the electors of Milwaukee County at a spring election, as defined in s. 5.02
14 (21), beginning in 2016:

15 (a) Four individuals, at least 2 of whom have a masters or doctorate degree in
16 a mental health discipline, who reside in the city of Milwaukee and in aldermanic
17 districts 1, 2, 3, 4, 5, 6, 7, 9, 10, or 15.

18 (b) Two individuals, at least one of whom has a masters or doctorate degree in
19 a mental health discipline, who reside in the city of Milwaukee and in aldermanic
20 districts 8, 11, 12, 13, or 14.

21 (c) Four individuals who reside in Milwaukee County, but not in the city of
22 Milwaukee.

23 (d) One individual who has a masters or doctorate degree in a mental health
24 discipline.

1 (2) Each board member shall hold office for a 4–year term and until a successor
2 is elected and qualified. Any board member elected for a regular or unexpired term
3 shall take office after filing the official oath on the 4th Monday in April.

4 **SECTION 51.** 51.409 of the statutes is created to read:

5 **51.409 Milwaukee County mental health district; jurisdiction; powers.**

6 (1) JURISDICTION. The district’s jurisdiction is Milwaukee County.

7 (2) POWERS. The district has all of the powers necessary or convenient to carry
8 out the purposes and provisions of ss. 51.407 to 51.413 and other assigned duties.
9 In addition to all other powers granted by the statutes, a district may do all of the
10 following:

11 (a) Adopt and alter an official seal.

12 (b) Sue and be sued in its own name, plead and be impleaded.

13 (c) Maintain an office.

14 (d) Employ personnel, and fix and regulate their compensation; and provide,
15 either directly or subject to an agreement under s. 66.0301 as a participant in a
16 benefit plan of another governmental entity, any employee benefits, including an
17 employee pension plan.

18 (e) Purchase insurance, establish and administer a plan of self–insurance or,
19 subject to an agreement with another governmental entity under s. 66.0301,
20 participate in a governmental plan of insurance or self–insurance.

21 (f) Mortgage, pledge or otherwise encumber the district’s property or funds.

22 (g) Maintain funds and invest the funds in any investment that the district
23 board considers appropriate.

24 (h) Promote, advertise, and publicize its mental health functions, services, and
25 programs and related activities.

1 (i) Establish and collect fees, and establish shared revenue arrangements or
2 other charges for the use services rendered by the district.

3 (j) Enter into partnerships, joint ventures, common ownership, or other
4 arrangements with other persons to further the district's purposes.

5 (k) By vote of a supermajority, annually levy the taxes imposed under ch. 70
6 on the full value of the taxable property located in Milwaukee County for the
7 purposes described under s. 51.413 (1). If the district board levies the tax under this
8 paragraph, it shall notify the taxation district of the amount of the levy by October
9 31, or 10 days after receiving the equalized valuations from the department of
10 revenue, whichever is later.

11 (L) Accept gifts, loans and other aid.

12 (m) Administer the receipt of revenues by the district.

13 **SECTION 52.** 51.41 of the statutes is created to read:

14 **51.41 Milwaukee County mental health; Milwaukee County mental**
15 **health district board. (1) DUTIES OF THE BOARD.** The Milwaukee County mental
16 health district board shall do all of the following:

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

19 (b) Allocate moneys for mental health functions, programs, and services in
20 Milwaukee County within the district's budget.

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

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

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

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

3 2. Maximizing comprehensive community-based services.

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

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

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

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

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

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

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

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

1 **(4) MILWAUKEE COUNTY MENTAL HEALTH BUDGET.** (a) In this subsection, “mental
2 health budget” means the part of the budget for Milwaukee County for a fiscal year
3 that covers mental health functions, programs, and services in Milwaukee County.

4 (b) The county board of supervisors shall determine an amount to allocate to
5 mental health functions, programs, and services an amount from the county’s
6 community aids allocation received under s. 46.40 that maintains or increases the
7 expenditures for mental health functions, programs, and services paid from the
8 county’s community aids allocation in the previous fiscal year to the extent of the
9 availability of community aids funds from the state. The county board of supervisors
10 shall report the amount determined to the department for distribution under s. 46.40
11 to the district.

12 (c) The Milwaukee County board of supervisors and the Milwaukee County
13 executive may not in a fiscal year include in the Milwaukee County budget an
14 amount for the mental health budget.

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

24 (b) The Milwaukee County mental health district board may transfer
25 jurisdiction over a Milwaukee County function, service, or program to itself that

1 pertains to mental health or is highly integrated with mental health services and
2 that is not under its jurisdiction by statute or by agreement with the Milwaukee
3 County board of supervisors, by an affirmative vote of 8 of the voting Milwaukee
4 County mental health district board members if the Milwaukee County executive
5 approves the transfer.

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

10 (b) A county department under s. 46.21 or 51.42 in Milwaukee County shall
11 respond to any requests for information from the Milwaukee County mental health
12 district board.

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

21 (b) The Milwaukee County mental health district board shall arrange for a
22 study to be conducted on alternate funding sources for mental health services and
23 programs including fee-for-service models, managed care models that integrate
24 mental health services into the contracts with an increased offset through basic
25 county allocation reduction, and other funding models. By March 1, 2016, the

1 Milwaukee County mental health district board shall submit to the Milwaukee
2 County board of supervisors, the Milwaukee County executive, and the department
3 a report of the results of the study.

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

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

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

20 2. The Milwaukee County executive may recommend removal of the
21 administrator under this subsection to the Milwaukee County mental health district
22 board. If the county executive recommends removal under this subdivision, the
23 Milwaukee County mental health district board may remove the administrator upon
24 a vote of 6 members of that board.

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

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

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

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

20 2. The Milwaukee County executive may remove the transition liaison
21 assigned or hired under par. (a). If the Milwaukee County executive removes the
22 transition liaison assigned or hired under par. (a) before the 12 months following the
23 date of the assignment or hiring of the initial transition liaison have expired, the
24 Milwaukee County executive shall nominate another transition liaison to serve for

1 at least the remainder of the 12 months following the date of the assignment or hiring
2 of the initial transition liaison.

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

6 **SECTION 53.** 51.412 of the statutes is created to read:

7 **51.412 Powers granted to a city or a county in the Milwaukee County**
8 **mental health district.** In addition to any powers that it may otherwise have, a
9 city or a county within the Milwaukee County mental health district's jurisdiction
10 may do any of the following:

11 (1) Make grants or loans to a district upon terms that the city or county
12 considers appropriate.

13 (2) Expend public funds to subsidize a district.

14 (3) Borrow money under ss. 67.04 and 67.12 (12) to fund grants, loans or
15 subsidies to a district.

16 **SECTION 54.** 51.413 of the statutes is created to read:

17 **51.413 Milwaukee County mental health district; generally.** (1) SPECIAL
18 FUND. The district board shall maintain a special fund into which it deposits only the
19 revenue derived from the taxes imposed under s. 51.409 (2) (k). If the district board
20 determines that the revenues in the special fund under this subsection exceed
21 current operating expenses for mental health functions, services, and programs in
22 Milwaukee County, the district board shall apply the excess to maintenance costs
23 and capital improvements.

24 (2) DEBT. The Milwaukee County mental health district may not create a debt
25 of the state or a county in the district's jurisdiction.

1 **(3) STATE PLEDGE.** The state pledges to and agrees with persons that enter into
2 contracts with the Milwaukee County mental health district that the state will not
3 limit or alter the rights and powers vested in a district before the district has fully
4 performed its contracts, unless adequate provision is made by law for the protection
5 of those entering into contracts with a district.

6 **(4) TRUST FUNDS.** All moneys received under ss. 51.407 to 51.413 are trust funds
7 to be held and applied solely as provided in ss. 51.407 to 51.413. Any officer with
8 whom, or any bank or trust company with which, those moneys are deposited shall
9 act as trustee of those moneys and shall hold and apply the moneys for the purposes
10 of and in accordance with ss. 51.407 to 51.413.

11 **(5) BUDGETS; RATES AND CHARGES; AUDIT.** A district shall adopt a calendar year
12 as its fiscal year for accounting purposes. The district board shall annually prepare
13 a budget for the district. Rates and other charges received by the district shall be
14 used for the general expenses and capital expenditures of the district and to pay
15 interest, amortization, and retirement charges on bonds. A district shall maintain
16 an accounting system in accordance with generally accepted accounting principles
17 and shall have its financial statements and debt covenants audited annually by an
18 independent certified public accountant.

19 **SECTION 55.** 51.42 (1) (b) of the statutes is amended to read:

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

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

1 the department of health services for the actual cost of all care and services from the
2 appropriation under s. 20.435 (7) (da), as provided in s. 51.22 (3).

3 **SECTION 56.** 51.42 (3) (a) of the statutes is amended to read:

4 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county
5 board of supervisors of any county except Milwaukee County, the Milwaukee County
6 mental health district board, or the county boards of supervisors of 2 or more
7 counties, shall establish a county department of community programs on a
8 single–county or multicounty basis to administer a community mental health,
9 developmental disabilities, alcoholism and drug abuse program, make
10 appropriations to operate the program and authorize the county department of
11 community programs to apply for grants–in–aid under s. 51.423. The county
12 department of community programs shall consist of a county community programs
13 board, a county community programs director and necessary personnel.

14 **SECTION 57.** 51.42 (3) (ar) 8. of the statutes is amended to read:

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

25 **SECTION 58.** 51.42 (3) (ar) 14. of the statutes is amended to read:

1 51.42 (3) (ar) 14. If the county board of supervisors or, as applicable, the
2 Milwaukee County mental health district board establishes an initiative to provide
3 coordinated services under s. 59.53 (7), participate in and may administer the
4 initiative, including entering into any written interagency agreements or contracts.

5 **SECTION 59.** 51.42 (3) (b) of the statutes is amended to read:

6 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any
7 county with a single–county department of community programs, the Milwaukee
8 County mental health district board, and the county boards of supervisors of counties
9 with a multicounty department of community programs may designate the county
10 department of community programs as the administrator of any other county health
11 care program or institution, but the operation of such program or institution is not
12 reimbursable under s. 51.423.

13 **SECTION 60.** 51.42 (4) (a) 2. (intro.) of the statutes is amended to read:

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

24 **SECTION 61.** 51.42 (6m) (intro.) of the statutes is amended to read:

1 51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A
2 COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county
3 executive or county administrator in which the county board of supervisors or the
4 Milwaukee County mental health district board has established a single-county
5 department of community programs, the county executive or county administrator
6 shall appoint and supervise the county community programs director. In any county
7 with a population of ~~500,000~~ 750,000 or more, the county executive or county
8 administrator shall appoint the director of the county department of human services
9 under s. 46.21 as the county community programs director. The appointment of a
10 county community programs director under this subsection shall be on the basis of
11 recognized and demonstrated interest in and knowledge of the problems of mental
12 health, intellectual disability, alcoholism and drug addiction, with due regard to
13 training, experience, executive and administrative ability, and general qualification
14 and fitness for the performance of the duties of the director. The appointment of a
15 county community programs director under this subsection is subject to
16 confirmation by the county board of supervisors, except in Milwaukee County, unless
17 the county board of supervisors, by ordinance, elects to waive confirmation or unless
18 the appointment is made under a civil service system competitive examination
19 procedure established under s. 59.52 (8) or ch. 63. The county community programs
20 director, subject only to the supervision of the county executive or county
21 administrator, shall:

22 **SECTION 62.** 51.42 (6m) (c) of the statutes is amended to read:

23 51.42 (6m) (c) Determine, subject to the approval of the county board of
24 supervisors or the Milwaukee County mental health district board, as applicable,
25 and with the advice of the county community programs board, whether services are

1 to be provided directly by the county department of community programs or
2 contracted for with other providers and make such contracts. The county board of
3 supervisors, except in Milwaukee County, or the Milwaukee County mental health
4 district board in Milwaukee County may elect to require the approval of any such
5 contract by the county board of supervisors or the Milwaukee County mental health
6 district board.

7 **SECTION 63.** 51.42 (6m) (i) of the statutes is amended to read:

8 51.42 **(6m)** (i) Establish salaries and personnel policies of the programs of the
9 county department of community programs subject to approval of the county
10 executive or county administrator and county board of supervisors, except in
11 Milwaukee County, or the Milwaukee County mental health district board in
12 Milwaukee County unless the county board of supervisors or the Milwaukee County
13 mental health district board elects not to review the salaries and personnel policies.

14 **SECTION 64.** 51.42 (6m) (m) 3. of the statutes is amended to read:

15 51.42 **(6m)** (m) 3. Such other reports as are required by the secretary and the
16 county board of supervisors or, as applicable, the Milwaukee County mental health
17 district board.

18 **SECTION 65.** 51.423 (11) of the statutes is amended to read:

19 51.423 **(11)** Each county department under s. 51.42 or 51.437, or both, shall
20 apply all funds it receives under subs. (1) to (7) to provide the services required under
21 ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and
22 accessibility of the persons in its jurisdiction, except that the county department may
23 pay for inpatient treatment only with funds designated by the department for
24 inpatient treatment. The county department may expand programs and services
25 with county funds not used to match state funds under this section subject to the

1 approval of the county board of supervisors in a county with a single–county
2 department, except in Milwaukee County, the Milwaukee County mental health
3 district board in Milwaukee County, or the county boards of supervisors in counties
4 with multicounty departments and with other local or private funds subject to the
5 approval of the department and the county board of supervisors in a county with a
6 single–county department under s. 51.42 or 51.437, the Milwaukee County mental
7 health district board with a department under s. 51.42, or the county boards of
8 supervisors in counties with a multicounty department under s. 51.42 or 51.437. The
9 county board of supervisors in a county with a single–county department under s.
10 51.42 or 51.437, the Milwaukee County mental health district board with a
11 department under s. 51.42, or the county boards of supervisors in counties with a
12 multicounty department under s. 51.42 or 51.437 may delegate the authority to
13 expand programs and services to the county department under s. 51.42 or 51.437.
14 The county department under s. 51.42 or 51.437 shall report to the department all
15 county funds allocated to the county department under s. 51.42 or 51.437 and the use
16 of such funds. Moneys collected under s. 46.10 shall be applied to cover the costs of
17 primary services, exceptional and specialized services or to reimburse supplemental
18 appropriations funded by counties. County departments under ss. 51.42 and 51.437
19 shall include collections made on and after October 1, 1978, by the department that
20 are subject to s. 46.10 (8m) (a) 3. and 4. and are distributed to county departments
21 under ss. 51.42 and 51.437 from the appropriation account under s. 20.435 (5) (gg),
22 as revenues on their grant–in–aid expenditure reports to the department.

23 **SECTION 66.** 51.44 (4) of the statutes is amended to read:

24 51.44 (4) Each county board of supervisors, except in Milwaukee County, and
25 the Milwaukee County mental health district board in Milwaukee County shall

1 designate the appropriate county department under s. 46.21, 46.23 or 51.437, the
2 local health department of the county or another entity as the local lead agency to
3 provide early intervention services under the funding specified in sub. (3).

4 **SECTION 67.** 51.61 (1) (e) of the statutes is amended to read:

5 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under
6 s. 51.35 (3) or 51.37 or under ch. 971 or 975, have the right to the least restrictive
7 conditions necessary to achieve the purposes of admission, commitment or protective
8 placement, under programs, services and resources that the county board of
9 supervisors or the Milwaukee County mental health district board, as applicable, is
10 reasonably able to provide within the limits of available state and federal funds and
11 of county funds required to be appropriated to match state funds.

12 **SECTION 68.** 51.61 (1) (f) of the statutes is amended to read:

13 51.61 (1) (f) Have a right to receive prompt and adequate treatment,
14 rehabilitation and educational services appropriate for his or her condition, under
15 programs, services and resources that the county board of supervisors or the
16 Milwaukee County mental health district board, as applicable, is reasonably able to
17 provide within the limits of available state and federal funds and of county funds
18 required to be appropriated to match state funds.

19 **SECTION 69.** 55.001 of the statutes is amended to read:

20 **55.001 Declaration of policy.** The legislature recognizes that many citizens
21 of the state, because of serious and persistent mental illness, degenerative brain
22 disorder, developmental disabilities, or other like incapacities, are in need of
23 protective services or protective placement. Except as provided in s. 49.45 (30m) (a),
24 the protective services or protective placement should, to the maximum degree of
25 feasibility under programs, services and resources that the county board of

1 supervisors or the Milwaukee County mental health district board, as applicable, is
2 reasonably able to provide within the limits of available state and federal funds and
3 of county funds required to be appropriated to match state funds, allow the
4 individual the same rights as other citizens, and at the same time protect the
5 individual from financial exploitation, abuse, neglect, and self–neglect. This chapter
6 is designed to establish those protective services and protective placements, to
7 assure their availability to all individuals when in need of them, and to place the
8 least possible restriction on personal liberty and exercise of constitutional rights
9 consistent with due process and protection from abuse, financial exploitation,
10 neglect, and self–neglect.

11 **SECTION 70.** 59.53 (7) of the statutes is amended to read:

12 59.53 (7) INITIATIVE TO PROVIDE COORDINATED SERVICES. The Except in
13 Milwaukee County, the board may establish an initiative to provide coordinated
14 services under s. 46.56.

15 **SECTION 71.** 59.53 (25) of the statutes is created to read:

16 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board
17 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) and
18 (31), 66.0301, and 66.0607 (2), related to mental health functions, programs, and
19 services.

20 **SECTION 72.** 66.0301 (1) (a) of the statutes is amended to read:

21 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
22 “municipality” means the state or any department or agency thereof, or any city,
23 village, town, county, school district, public library system, public inland lake
24 protection and rehabilitation district, sanitary district, farm drainage district,
25 metropolitan sewerage district, sewer utility district, solid waste management

1 system created under s. 59.70 (2), local exposition district created under subch. II of
2 ch. 229, local professional baseball park district created under subch. III of ch. 229,
3 local professional football stadium district created under subch. IV of ch. 229, local
4 cultural arts district created under subch. V of ch. 229, long-term care district under
5 s. 46.2895, the Milwaukee County mental health district created under s. 51.407,
6 water utility district, mosquito control district, municipal electric company, county
7 or city transit commission, commission created by contract under this section,
8 taxation district, regional planning commission, housing authority created under s.
9 66.1201, redevelopment authority created under s. 66.1333, community
10 development authority created under s. 66.1335, or city-county health department.

11 **SECTION 73.** 66.0621 (1) (a) of the statutes is amended to read:

12 66.0621 (1) (a) “Municipality” means a city, village, town, county, commission
13 created by contract under s. 66.0301, public inland lake protection and rehabilitation
14 district established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district
15 created under ss. 200.01 to 200.15 and 200.21 to 200.65, town sanitary district under
16 subch. IX of ch. 60, a local professional baseball park district created under subch.
17 III of ch. 229, a local professional football stadium district created under subch. IV
18 of ch. 229, a local cultural arts district created under subch. V of ch. 229, the
19 Milwaukee County mental health district, or a municipal water district or power
20 district under ch. 198 and any other public or quasi-public corporation, officer, board
21 or other public body empowered to borrow money and issue obligations to repay the
22 money and obligations out of revenues. “Municipality” does not include the state or
23 a local exposition district created under subch. II of ch. 229.

24 **SECTION 74.** 66.0621 (1) (c) of the statutes is amended to read:

1 66.0621 (1) (c) “Revenue” means all moneys received from any source by a
2 public utility and all rentals and fees and, in the case of a local professional baseball
3 park district created under subch. III of ch. 229 includes tax revenues deposited into
4 a special fund under s. 229.685 and payments made into a special debt service
5 reserve fund under s. 229.74, in the case of the Milwaukee County mental health
6 district created under s. 51.407 includes tax revenues deposited into a special fund
7 under s. 51.413, and, in the case of a local professional football stadium district
8 created under subch. IV of ch. 229 includes tax revenues deposited into a special fund
9 under s. 229.825 and payments made into a special debt service reserve fund under
10 s. 229.830.

11 **SECTION 75. Nonstatutory provisions.**

12 (1) STAGGERED TERMS. Notwithstanding section 51.408 (2) of the statutes, as
13 created by this act, the initial term of one individual elected under section 51.408 (1)
14 (a) of the statutes, as created by this act, one individual elected under section 51.408
15 (1) (b) of the statutes, as created by this act, and one individual elected under section
16 51.408 (1) (c) of the statutes, as created by this act, is 2 years and the initial term of
17 one individual elected under section 51.408 (1) (a) of the statutes, as created by this
18 act, one individual elected under section 51.408 (1) (c) of the statutes, as created by
19 this act, and the individual elected under section 51.408 (1) (d) of the statutes, as
20 created by this act, is 3 years.

21 (2) JURISDICTION OF THE MILWAUKEE COUNTY MENTAL HEALTH DISTRICT BOARD. The
22 mental health functions, programs, and services over which the Milwaukee County
23 mental health district board has jurisdiction are those functions, programs, and
24 services that Milwaukee County included in its 2014 budget under the behavioral

1 health division unit 6300 and under the behavioral health community services
2 branch of unit 8700.

3 (3) AUDIT AND REPORT BY DEPARTMENT OF HEALTH SERVICES.

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

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

23 2. Maximizing comprehensive community-based services.

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

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

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

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

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

9 (b) The department of health services may enter into a contract for the
10 performance of the audit. By December 1, 2014, the department of health services
11 or the person with whom the department of health services has entered into a
12 contract for the audit under paragraph (a) shall submit a report of the findings of the
13 audit under paragraph (a), including recommendations for inpatient mental health
14 treatment in Milwaukee County, to the secretary of health services. The secretary
15 of health services shall submit a copy of the report to the Milwaukee County mental
16 health district board, the Milwaukee County board of supervisors, the Milwaukee
17 County executive, and the legislature under section 13.172 (2) of the statutes.

18 (c) The Milwaukee County mental health district board, the behavioral health
19 division and the community services branch of the Milwaukee County department
20 of health and human services, and any other Milwaukee County governmental unit
21 that has information necessary for the performance of the audit under paragraph (a)
22 shall cooperate with the department of health services or the contractor of the
23 department of health services for the performance of the audit.

24 **SECTION 76. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

