

Senate Bill 281

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CHAPTER 176

AN ACT to create 20.410 (53), and (53m), 51.39 and 140.65 to 140.76 of the statutes, relating to construction of mental retardation facilities and mental health centers.

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

SECTION 1. 20.410 (53) and (53m) of the statutes are created to read:

20.410 (53) MENTAL RETARDATION FACILITIES CONSTRUCTION; FEDERAL AID. All moneys received from the federal government for a construction project approved by the secretary of health, education and welfare of the U. S. under ss. 140.65 to 140.76 shall be deposited within one week after receipt into the general fund and are appropriated therefrom to be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects for mental retardation facilities construction.

(53m) MENTAL HEALTH CENTER CONSTRUCTION; FEDERAL AID. All moneys received from the federal government for a construction project approved by the secretary of health, education and welfare of the U. S. under ss. 140.65 to 140.76 shall be deposited within one week after receipt into the general fund and are appropriated therefrom to be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects for mental health center construction.

SECTION 1m. 51.39 of the statutes is created to read:

51.39 A county or municipality or combination of counties or municipalities may establish and staff a mental retardation facility pursuant to ss. 20.410 (53) and (53m) and 140.65 to 140.76. County boards are authorized to appropriate county funds to establish and staff such center or facility.

SECTION 2. 140.65 to 140.76 of the statutes are created to read:

140.65 TITLE. Sections 140.65 to 140.76 may be cited as the "Wisconsin Mental Retardation Facilities and Community Mental Health Centers Construction Act".

140.66 DEFINITIONS. As used in ss. 140.65 to 140.76 unless the context requires otherwise:

(1) "Board" means the state board of health.

(1m) "Act" means ss. 140.65 to 140.76.

(2) "The federal act" means the mental retardation facilities and community mental health centers construction act of 1963 (P. L. 88-164), as now and hereafter amended.

(3) "The secretary" means the secretary of health, education and welfare of the U. S., or his delegate to administer the federal act.

(4) "Facility for the mentally retarded" means a facility specially designed for the diagnosis, treatment, education, training or custodial care of the mentally retarded; including facilities for training specialists and sheltered workshops for the mentally retarded, but only if such workshops are part of facilities which provide or will provide comprehensive services for the mentally retarded.

(5) "Community mental health center" means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community in or near which the facility is situated.

(6) "Nonprofit facility for the mentally retarded", and "nonprofit community mental health center" mean, respectively, a facility for the mentally retarded, and a community mental health center which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

140.67 ADMINISTRATION OF MENTAL RETARDATION FACILITIES CONSTRUCTION AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION. (1) The board shall establish or designate an appropriate division and appoint a division director to carry out this act under the supervision of the state health officer. The state health officer is empowered to act for the board on all matters pertaining to the administration of this act, excepting the approval of state plans for the construction of facilities for the mentally retarded and the state plans for the construction of community mental health centers and in the adoption of rules pertaining thereto.

(2) The board shall constitute the sole agency of the state for the purpose of:

(a) Making inventories of existing facilities, surveying the need for construction for facilities for the mentally retarded and community mental health centers, and developing programs of construction, and

(b) Developing and administering a state plan for the construction of public and other nonprofit facilities for the mentally retarded, and a state plan for the construction of public and other nonprofit community mental health centers.

(3) The board, in carrying out the purposes of this act, is authorized to:

(a) Require such reports, make such inspections and investigations and prescribe such rules as it deems necessary;

(b) Provide such methods of administration, appoint personnel, and take such other action as necessary to comply with the requirements of the federal act and regulations thereunder;

(c) Procure the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(d) The extent that it considers desirable to effectuate the purposes of this act, enter into agreements for the utilization of facilities and services of other departments, agencies and institutions, public or private;

(e) Accept on behalf of the state and deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and to expend the same for such purposes;

(f) Do all other things on behalf of the state necessary to obtain full benefits under the federal act as now and hereafter amended.

140.68 ADVISORY COUNCILS. (1) The board shall appoint an advisory council to consult in carrying out the state plan for construction of facilities for the mentally retarded and an advisory council to consult in carrying out the state plan for construction of community mental health centers.

(2) The council for construction of facilities for the mentally retarded shall consist of the state health officer or his designated represen-

tative who shall serve as secretary, and 12 members, residents of the state, and shall include representatives of nongovernment organizations or groups, and of state agencies and the local public, concerned with the planning, operation or utilization of facilities for the mentally retarded, and of nongovernment organizations or groups concerned with education, employment, rehabilitation, welfare and health and including representatives of consumers of the services provided by such facilities.

(3) The council for construction of community mental health centers shall consist of the state health officer or his designated representative who shall serve as secretary and 12 members, residents of the state, and shall include representatives of nongovernment organizations or groups, and of state agencies and the local public, concerned with planning, operation or utilization of community mental health centers or other mental health facilities, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services.

(4) Each council member other than the state health officer or his representative shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, 3 at the end of the 1st year, 3 at the end of the 2nd, 3 at the end of the 3rd year and 3 at the end of the 4th year, after the date of appointment. Council members, while serving on business of the council, shall receive compensation at the rate of \$10 per day and shall also be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The councils shall meet as frequently as the state health officer deems necessary but not less than once each year. Upon request by 5 or more members of a council it is the duty of the state health officer to call a meeting of such council.

140.69 CONSTRUCTION PROGRAMS. The board is directed to develop construction programs for facilities for the mentally retarded and community mental health centers for the mentally ill, which shall be based respectively on state-wide inventories of existing facilities for the mentally retarded and the mentally ill and surveys of need, and which shall provide in accordance with regulations prescribed under the federal act, for facilities which will provide adequate services for the mentally retarded and adequate community mental health services for the people residing in this state and for furnishing needed services to persons unable to pay therefor.

140.70 STATE PLANS. The board shall prepare and submit to the secretary, state plans which shall include the programs for construction of facilities developed under this act and which shall provide for the establishment, administration and operation of such construction activities in accordance with the requirements of the federal act and regulations thereunder. The board shall from time to time, but not less often than annually, review the state plans and submit to the secretary any modifications thereof which it considers necessary and may submit to the secretary such modifications of the state plan not inconsistent with the requirements of the federal act, as it deems advisable.

140.71 STANDARDS FOR MAINTENANCE AND OPERATION. The board shall by regulation prescribe, and shall be authorized to enforce, standards for the maintenance and operation of facilities for the mentally retarded, and community mental health centers which receive federal aid for construction under the state plans.

140.72 PRIORITY OF PROJECTS. The state plans shall set forth the relative need and feasibility for the several projects included in the construction programs determined in accordance with the regulations prescribed pursuant to the federal act, and shall provide for the construction in so far as financial resources are available therefor in the order of such relative need and feasibility.

140.73 APPLICATIONS. Applications for mental retardation facility or community mental health center construction projects for which federal funds are requested shall be submitted to the board by the state, a political subdivision thereof or by a public or other nonprofit agency. Each application for a construction project shall conform to federal and state requirements.

140.74 HEARING; FORWARDING OF APPLICATIONS. The board shall afford to every applicant for a construction project an opportunity for a fair hearing. If the board, after affording reasonable opportunity for development and submission of applications, finds that a project application complies with the requirements of this act and is otherwise in conformity with the state plan, it shall approve such application and shall recommend and forward it to the secretary.

140.75 INSPECTION OF PROJECTS. From time to time the board or its duly authorized agents, shall inspect each construction project approved by the secretary, and if the inspection so warrants, the board shall certify to the secretary that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an instalment of federal funds is due to the applicant.

140.76 MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION FUNDS. The board is authorized to receive federal funds in behalf of, and transmit them to, such applicants. In the general fund there is hereby established, separate and apart from all public moneys of this state, a mental retardation facilities construction fund and a community mental health centers construction fund. Money received from the federal government for a construction project under this act approved by the secretary shall be deposited to the credit of the appropriate fund and shall be used solely for payments to applicants for work performed, or purchases made, in carrying out approved project.

SECTION 3. This bill is declared to be an emergency appropriation bill, recommended by the joint committee on finance, in accordance with the requirements of section 16.47 (2) of the statutes.

Approved August 3, 1965.
