

1991 Assembly Bill 972

Date of enactment: **April 29, 1992**

Date of publication\*: **May 13, 1992**

# 1991 WISCONSIN ACT 274

AN ACT *to repeal* 46.21 (2) (g), 46.21 (2) (jm) and 46.21 (3) (c); *to renumber* 46.21 (1) (a); *to renumber and amend* 46.21 (3) (a), 46.21 (4m) and 51.42 (8) (c) 2; *to amend* 46.21 (title), 46.21 (1) (b) and (c), 46.21 (1m) (title), 46.21 (1m) (a), 46.21 (1m) (b), 46.21 (2) (a), 46.21 (2) (k), 46.21 (2) (o), 46.215 (1) (intro.), 46.22 (4) (a), 46.23 (3) (b) 2, 46.27 (3) (b) 4, 48.06 (1) (a) 1, 51.42 (6m) (intro.), 51.42 (8) (a), 51.42 (8) (b) 2, 51.437 (4g) (a), 51.437 (4g) (c), 51.437 (10m) (intro.), 51.437 (15) (c) 1, 51.437 (15) (c) 2. b., 51.437 (15) (c) 3. b., 59.031 (2) (bm) 1. b., 63.03 (2) (y) and 149.01 (1); *to repeal and recreate* 46.21 (4) and 46.21 (6); and *to create* 46.21 (1) (a), 46.21 (1) (d), 46.21 (1m) (am), 46.21 (2m), 46.21 (3g), 46.21 (3r), 46.21 (4m) (b), 46.23 (3) (b) 2. d., 51.42 (8) (c) 2. b. and 51.437 (15) (c) 3. c. of the statutes, **relating to:** establishing a county department of human services in a county with a population of 500,000 or more and creating administrative positions.

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

**SECTION 1.** 46.21 (title) of the statutes is amended to read:

**46.21** (title) **Institutions and department of human services in populous counties.**

**SECTION 2.** 46.21 (1) (a) of the statutes is renumbered 46.21 (1) (am).

**SECTION 3.** 46.21 (1) (a) of the statutes is created to read:

46.21 (1) (a) "Administrator" means the administrator of the county hospital who is appointed under sub. (1m) (am).

**SECTION 4.** 46.21 (1) (b) and (c) of the statutes are amended to read:

46.21 (1) (b) ~~Unless the context requires otherwise, "county "County department of human services"~~ means the county department that administers the health and of human service programs in a county with a population of 500,000 or more services that is created under sub. (2m) (a).

(c) "Director" means the director of a the county department of human services who is appointed under sub. (1m) (a).

**SECTION 5.** 46.21 (1) (d) of the statutes is created to read:

46.21 (1) (d) "Human services" means the total range of services to people, including mental illness treatment, developmental disabilities services, physical disabilities services, general relief, income maintenance, youth probation and parole services, alcohol and drug abuse services, services to children, youth and families, family counseling, exceptional educational services for children from birth to the age of 3 and manpower services.

**SECTION 6.** 46.21 (1m) (title) of the statutes is amended to read:

46.21 (1m) (title) DIRECTOR AND ADMINISTRATOR; APPOINTMENTS.

**SECTION 7.** 46.21 (1m) (a) of the statutes is amended to read:

46.21 (1m) (a) The county executive shall appoint under ss. 63.01 to 63.17 a director of the county department of human services. The appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of ~~public welfare~~ human services, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the duties of the office. The director shall file an official oath

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and bond in the amount determined by the county board of supervisors. The county board of supervisors may create ~~one or 2 positions~~ a position of deputy director of the county department of human services. The director shall be appointed by the county executive in the unclassified civil service and is subject to confirmation by the county board of supervisors under s. 59.031 (2) (bm).

**SECTION 8.** 46.21 (1m) (am) of the statutes is created to read:

46.21 **(1m)** (am) The county executive shall appoint under ss. 63.01 to 63.17 an administrator of the county hospital. The appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of delivery of medical care and treatment, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the duties of the office. The administrator shall file an official oath and bond in the amount determined by the county board of supervisors. The county board of supervisors may create positions to assist the administrator. The administrator shall be appointed by the county executive in the unclassified civil service and the appointment is subject to confirmation by the county board of supervisors under s. 59.031 (2) (bm).

**SECTION 9.** 46.21 (1m) (b) of the statutes is amended to read:

46.21 **(1m)** (b) Provisions shall be made in the organization of the office of the director and in the office of the administrator for the devolution of the director's or administrator's authority in the case of his or her temporary absence, illness or other disability to act.

**SECTION 10.** 46.21 (2) (a) of the statutes is amended to read:

46.21 **(2)** (a) Shall ~~determine policy~~ adopt policies for the management, operation, maintenance and improvement ~~by the director~~ of the county hospital; ~~the home for children~~; the detention center; the probation section of the children's court center; the provision and maintenance of the physical facilities for the children's court and its intake section under the supervision and operation of the judges assigned to exercise jurisdiction under ch. 48 and as provided in s. 48.06 (1); the mental health complex; the county department ~~under s. 46.215~~ of human services; the central service departments; and all buildings and land used in connection with any institution under this section. The powers and duties of the county board of supervisors are policy forming only, and not administrative or executive.

**SECTION 11.** 46.21 (2) (g) of the statutes is repealed.

**SECTION 12.** 46.21 (2) (jm) of the statutes is repealed.

**SECTION 13.** 46.21 (2) (k) of the statutes is amended to read:

46.21 **(2)** (k) Shall make sufficient appropriation annually for the support, maintenance, salaries, repairs and improvements to the county department of human

services and the institutions. The appropriations shall be used subject to the order of the director or administrator and as the ~~rules of~~ policies adopted by the county board of supervisors provide. The director or administrator may not incur any expense or contract for new buildings, additions to present buildings or the purchase of land until the county board of supervisors has appropriated or provided for the money to defray such expense.

**SECTION 14.** 46.21 (2) (o) of the statutes is amended to read:

46.21 **(2)** (o) To May establish and maintain in connection with or separate from the county hospital a unit or department for the treatment, subject to the rules adopted policies of the county board of supervisors, of persons in the county who may be afflicted with contagious diseases.

**SECTION 15.** 46.21 (2m) of the statutes is created to read:

46.21 **(2m)** COUNTY DEPARTMENT OF HUMAN SERVICES. (a) *Creation.* The management, operation, maintenance and improvement of human services in a county with a population of 500,000 or more is vested in a county department of human services under the jurisdiction, as to policy, of the county board of supervisors. The county department of human services shall consist of the director appointed under sub. (1m), any division administrator appointed under sub. (4) and necessary personnel appointed by the director or appointed by a division administrator and approved by the director.

(b) *Powers and duties.* 1. The county board of supervisors may transfer the powers and duties of any human services program under the control of the county and shall transfer all of the following to the county department of human services:

a. The powers and duties of the county departments under ss. 46.215, 51.42 and 51.437, including the administration of the long-term support community options program under s. 46.27, if the county department under s. 46.215 is designated as the administering agency under s. 46.27 (3) (b) 1.

b. The administration of the long-term support community options program under s. 46.27, if the director is designated as the administering agent under s. 46.27 (3) (b) 4.

c. The management, operation, maintenance and improvement of the county mental health complex under s. 51.08.

2. a. Any reference in any law to a county department under s. 46.215, 51.42 or 51.437 applies to the county department of human services under sub. (2m) in its administration of the powers and duties of the county department to which the reference is made.

b. Any reference in any law to a county director appointed under s. 51.42 (6m) (intro.) or 51.437 (10m) (intro.) applies to the director appointed under sub. (1m)

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(a) in his or her administration of the powers and duties of the county director to which the reference is made.

c. Any reference in any law to the county board appointed under s. 51.42 (4) (a) 2. or 51.437 (7) (a) 2. is limited, with respect to the county department of human services under this subsection, to the powers and duties of the county board to which the reference is made.

(c) *Exchange of information.* Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.53 (1m), 51.30, 51.45 (14) (a), 55.06 (17) (c), 143.07 (7), 146.80 (3) (c) and 146.82, any subunit of the county department of human services acting under this subsection may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of human services or with any person providing services to the client under a purchase of services contract with the county department of human services, if necessary to enable an employe or service provider to perform his or her duties, or to enable the county department of human services to coordinate the delivery of services to the client.

(d) *Limitation.* The powers and duties of the county department of human services under s. 46.23 do not apply to this section.

**SECTION 16.** 46.21 (3) (a) of the statutes is renumbered 46.21 (3) and amended to read:

46.21 (3) POWERS AND DUTIES OF THE DIRECTOR. All of the administrative and executive powers and duties of managing, operating, maintaining and improving the ~~several institutions and departments, specified in sub. (2) (a) county department of human services and such other institutions and departments as may be placed by that~~ the county board of supervisors may place under the jurisdiction of the director; ~~shall be~~ are vested in ~~such the~~ director, ~~to be administered by the director under the rules promulgated,~~ subject to the policies and in accordance with the principles ~~established~~ adopted by the county board of supervisors.

**SECTION 17.** 46.21 (3g) of the statutes is created to read:

46.21 (3g) POWERS AND DUTIES OF THE ADMINISTRATOR. All of the administrative and executive powers and duties of managing, operating, maintaining and improving the county hospital and other institutions and departments that the county board of supervisors may place under the jurisdiction of the administrator are vested in the administrator, subject to the policies and in accordance with the principles adopted by the county board of supervisors.

**SECTION 18.** 46.21 (3r) of the statutes is created to read:

46.21 (3r) OTHER POWERS AND DUTIES. The county board of supervisors may place under the jurisdiction of county entities not specified under this section the administrative and executive powers and duties of managing, operating, maintaining and improving institutions and

departments or other responsibilities that are specified in sub. (2), including functions related to the central service departments and buildings and land used in connection with any institution under sub. (2).

**SECTION 19.** 46.21 (3) (c) of the statutes is repealed.

**SECTION 20.** 46.21 (4) of the statutes is repealed and recreated to read:

46.21 (4) MANAGEMENT PERSONNEL. The director may appoint personnel to manage the county department of human services and the administrator may appoint personnel to manage the county hospital, in accordance with ordinances of the county board of supervisors.

**SECTION 21.** 46.21 (4m) of the statutes is renumbered 46.21 (4m) (a) and amended to read:

46.21 (4m) (a) The county hospitals and county sanatoriums of a county with a population of 500,000 or more shall be devoted to hospital service and the treatment of any person who would otherwise be unable to secure that service and treatment, but other persons may be admitted to the county hospitals upon ~~such the~~ terms and conditions as the county board of supervisors establishes. ~~Such~~ The hospitals and sanatoriums may be utilized for instruction of medical students, physicians and nurses and for scientific and clinical research as ~~that~~ that will promote the welfare of the patients and assist the application of science to the alleviation of human suffering.

**SECTION 22.** 46.21 (4m) (b) of the statutes is created to read:

46.21 (4m) (b) Professional staff responsible for the care of patients under this subsection may submit bills for professional services under policies adopted by the county board of supervisors.

**SECTION 23.** 46.21 (6) of the statutes is repealed and recreated to read:

46.21 (6) REPORTS; EXPENDITURES. The director and the administrator shall submit annually to the county board of supervisors reports, including itemized statements of receipts and disbursements, at the times and in the manner that the county board of supervisors specifies and as are required to comply with applicable federal statutes and regulations and state statutes and rules. Disbursements shall be made in the manner that the county board of supervisors adopts, consistent with sound accounting and auditing procedure and with applicable federal statutes and regulations, state statutes and rules and requirements of the county auditor and county department of administration.

**SECTION 24.** 46.215 (1) (intro.) of the statutes is amended to read:

46.215 (1) (title) CREATION; POWERS AND DUTIES. (intro.) In ~~counties having a county with~~ a population of 500,000 or more the administration of welfare services ~~shall be is~~ vested in a county department of social services. ~~Each county department of social services may be placed~~ under the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. and in confor-

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mity with s. 49.50. Any reference in any law to a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. The county department of social services shall have the following functions, duties and powers, and such other welfare functions as may be delegated to it:

**SECTION 25.** 46.22 (4) (a) of the statutes is amended to read:

46.22 (4) (a) Any reference in any law to a county department of social services under this section applies to a county department under s. 46.23 in its administration of the powers and duties of the county department of social services under s. 46.23 (3) (b).

**SECTION 26.** 46.23 (3) (b) 2. of the statutes is amended to read:

46.23 (3) (b) 2. a. Any Except as provided in s. 46.21 (2m) (b) 2. a., any reference in any law to a county department under s. 46.22, 51.42 or 51.437 applies to the county department of human services under this section in its administration of the powers and duties of the county department to which the reference is made.

b. Any reference in any law to a county director appointed under s. 46.22 (2) (b), 51.42 (5) (d) or 51.437 (9) (a) applies to the county human services director appointed under sub. (5) (f) in his or her administration of the powers and duties of the county director to which the reference is made. Any Except as provided in s. 46.21 (2m) (b) 2. b., any reference in any law to a county director appointed under s. 46.22 (3m) (a), 51.42 (6m) (intro.) or 51.437 (10m) (intro.) applies to the county human services director appointed under sub. (6m) (intro.) in his or her administration of the powers and duties of the county director to which the reference is made.

c. Any reference to a county board appointed under s. 46.22 (1m) (b) 1., 51.42 (4) (a) 1 or 51.437 (7) (a) 1. applies to the county human services board appointed under sub. (4) (b) 1. in its administration of the powers and duties of the county board to which the reference is made. Any Except as provided in s. 46.21 (2m) (b) 2. c., any reference in any law to the county board appointed under s. 46.22 (1m) (b) 2., 51.42 (4) (a) 2. or 51.437 (7) (a) 2. applies to the county human services board appointed under sub. (4) (b) 2. in its administration of the powers and duties of the county board to which the reference is made.

**SECTION 27.** 46.23 (3) (b) 2. d. of the statutes is created to read:

46.23 (3) (b) 2. d. The powers and duties of the county department of human services under s. 46.21 (2m) do not apply to this section.

**SECTION 28.** 46.27 (3) (b) 4. of the statutes is amended to read:

46.27 (3) (b) 4. The director of the county department that ~~administers the health and~~ of human services programs who is appointed under s. 46.21 (1m).

**SECTION 29.** 48.06 (1) (a) 1. of the statutes is amended to read:

48.06 (1) (a) 1. In counties having with a population of 500,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases by operating a children's court center under the supervision of a director who ~~shall be is~~ appointed as provided in s. 46.21 ~~(4)(a)~~ (1m) (a). The director is the chief administrative officer of the center and of the intake and probation sections and secure detention facilities of the center except as otherwise provided in this subsection. The director is charged with administration of the personnel and services of the sections and of the secure detention facilities, and is responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of the center. The center shall include investigative services for all children alleged to be in need of protection or services to be provided by the county department, and the services of an assistant district attorney or assistant corporation counsel or both, who shall be assigned to the center to provide investigative as well as legal work in the cases.

**SECTION 31.** 51.42 (6m) (intro.) of the statutes is amended to read:

51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or county administrator in which the county board of supervisors has established a single-county department of community programs, the county executive or county administrator shall appoint and supervise the county community programs director. In any county with a population of 500,000 or more, the county executive or county administrator shall appoint ~~either the director of the department that administers the health and~~ county department of human services programs ~~or a department head~~ under s. 46.21 as the county community programs director. The appointment of a county community programs director under this subsection shall be on the basis of recognized and demonstrated interest in and knowledge of the problems of mental health, mental retardation, alcoholism and drug addiction, with due regard to training, experience, executive and administrative ability, and general qualification and fitness for the performance of the duties of the director. The appointment of a county community programs director under this subsection is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service

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system competitive examination procedure established under s. 59.07 (20) or ch. 63. The county community programs director, subject only to the supervision of the county executive or county administrator, shall:

**SECTION 32.** 51.42 (8) (a) of the statutes is amended to read:

51.42 (8) (a) Any reference in any law to a county department of community programs applies to a county department under s. 46.23 in its administration of the powers and duties of the county department of community programs under s. 46.23 (3) (b) or applies to a county department under s. 46.21 (2m) in its administration of the powers and duties of the county department of community programs under s. 46.21 (2m) (b) 1. a.

**SECTION 33.** 51.42 (8) (b) 2. of the statutes is amended to read:

51.42 (8) (b) 2. Any reference in any law to a county community programs director appointed under sub. (6m) (intro.) applies to the director of a county department appointed under s. 46.23 (6m) (intro.) or appointed under s. 46.21 (1m) (a) in his or her administration of the powers and duties of that county community programs director.

**SECTION 34.** 51.42 (8) (c) 2. of the statutes is renumbered 51.42 (8) (c) 2. a. and amended to read:

51.42 (8) (c) 2. a. Any Except as provided in subd. 2. b., reference in any law to a county community programs board appointed under sub. (4) (a) 2. applies to the board of a county department appointed under s. 46.23 (4) (b) 2. in its administration of the powers and duties of that county community programs board.

**SECTION 35.** 51.42 (8) (c) 2. b. of the statutes is created to read:

51.42 (8) (c) 2. b. Any reference in any law to a county community programs board appointed under sub. (4) (a) 2. is limited, with respect to the county department of human services under s. 46.21 (2m), to the powers and duties of the county community programs board as specified in sub. (5a).

**SECTION 36.** 51.437 (4g) (a) of the statutes is amended to read:

51.437 (4g) (a) Except as provided under par. (b) and s. 46.21 (2m) (b) and 46.23 (3) (b), every county board of supervisors shall establish a county department of developmental disabilities services on a single-county or multicounty basis to furnish services within its county. Adjacent counties, lacking the financial resources and professional personnel needed to provide or secure such services on a single-county basis, may and shall be encouraged to combine their energies and financial resources to provide these joint services and facilities with the approval of the department of health and social services. The county department of developmental disabilities services shall consist of a county developmental disabilities services board, a county developmental disabilities services director and necessary personnel.

**SECTION 37.** 51.437 (4g) (c) of the statutes is amended to read:

51.437 (4g) (c) ~~In counties having a county with a population of 500,000 or more, the county board of supervisors shall integrate day care programs for mentally retarded persons and those programs for persons with other developmental disabilities into the county developmental disabilities program and shall appoint a director to administer the overall services program.~~

**SECTION 38.** 51.437 (10m) (intro.) of the statutes is amended to read:

51.437 (10m) COUNTY DEVELOPMENTAL DISABILITIES SERVICES DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or a county administrator in which the county board of supervisors has established a single-county department of developmental disabilities services, the county executive or county administrator shall appoint and supervise the county developmental disabilities services director. In any county with a population of 500,000 or more, the county executive or county administrator shall appoint the director of the county department of human services under s. 46.21 as the county developmental disabilities services director. The appointment is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63. The county developmental disabilities services director, subject only to the supervision of the county executive or county administrator, shall:

**SECTION 39.** 51.437 (15) (c) 1. of the statutes is amended to read:

51.437 (15) (c) 1. Any reference in any law to a county department of developmental disabilities services applies to the county department under s. 46.23 in its administration of the powers and duties of the county department of developmental disabilities services under s. 46.23 (3) (b) or applies to a county department under s. 46.21 (2m) in its administration of the powers and duties of the county department of developmental disabilities services under s. 46.21 (2m) (b) 1. a.

**SECTION 40.** 51.437 (15) (c) 2. b. of the statutes is amended to read:

51.437 (15) (c) 2. b. Any reference in any law to a county developmental disabilities services director appointed under sub. (10m) (intro.) applies to the director of a county department appointed under s. 46.23 (6m) (intro.) or appointed under s. 46.21 (1m) (a) in his or her administration of the powers and duties of that county developmental disabilities services director.

**SECTION 41.** 51.437 (15) (c) 3. b. of the statutes is amended to read:

51.437 (15) (c) 3. b. Any Except as provided in subd. 3. c., any reference in any law to a county developmental

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disabilities services board appointed under sub. (7) (a) 2. applies to the board of a county department appointed under s. 46.23 (4) (b) 2. in its administration of the powers and duties of that county developmental disabilities services board.

**SECTION 42.** 51.437 (15) (c) 3. c. of the statutes is created to read:

51.437 (15) (c) 3. c. Any reference in any law to a county developmental disabilities services board appointed under sub. (7) (a) 2. is limited, with respect to the county department of human services under s. 46.21 (2m), to the powers and duties of the county developmental services board as specified in sub. (9b).

**SECTION 43.** 59.031 (2) (bm) 1. b. of the statutes is amended to read:

59.031 (2) (bm) 1. b. The director of the county department ~~that administers the health and of~~ human ser-

vices programs under s. 46.21 (1m) (a).

**SECTION 44.** 63.03 (2) (y) of the statutes is amended to read:

63.03 (2) (y) Any position of ~~department head~~ general manager under s. 27.03 (2), director under 46.21 (1m) (a), department director under s. 59.035, director of personnel under s. 63.02 (2) or county highway commissioner under s. 83.01 (1).

**SECTION 45.** 149.01 (1) of the statutes is amended to read:

149.01 (1) ESTABLISHMENT, GOVERNMENT. Every county may, under this section, establish a county tuberculosis sanatorium. In counties ~~having~~ with a population of ~~250,000~~ 500,000 or more ~~such~~ the institution shall be governed under s. 46.21. In all other counties it shall be governed under ss. 46.18, 46.19 and 46.20, except as otherwise provided in this section.