



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2878/1
MLJ&TJD:all

2021 ASSEMBLY BILL 240

April 2, 2021 - Introduced by Representatives JAMES, LOUDENBECK, ARMSTRONG, BORN, CABRAL-GUEVARA, CALLAHAN, DUCHOW, EDMING, GUNDRUM, KNODL, KRUG, MOSES, MURSAU, OLDENBURG, PETRYK, PLUMER, ROZAR, SNYDER, SWEARINGEN, TRANEL, VORPAGEL, WITTKE and ZIMMERMAN, cosponsored by Senators BERNIER and FELZKOWSKI. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 323.29 (3) (a); and *to create* 323.29 (3) (a) 2.
2 and 323.29 (3) (b) 3. of the statutes; **relating to:** allocation of federal American
3 Rescue Plan Act of 2021 funds for a statewide public safety interoperable
4 communication system, emergency services IP network contracts, a geographic
5 information systems database, and psychiatric treatment beds.

Analysis by the Legislative Reference Bureau

Statewide public safety interoperable communication system

Under current law, the Department of Military Affairs provides staff support for the Interoperability Council and is charged with overseeing the development and operation of a statewide public safety interoperable communication system, which is a system that allows various public safety entities, public works and transportation agencies, hospitals, and volunteer emergency services agencies to communicate via radio or other communication technology in an emergency.

The bill provides that DMA must also administer any current or future statewide public safety interoperable communication system, and allows DMA to enter into agreements for maintenance and support of, upgrades to, and enhancements for the statewide public safety interoperable communication system. The bill also provides that of the money the governor accepts from the federal government under the federal American Rescue Plan Act of 2021, the governor shall allocate \$33,000,000 for the development of an updated statewide public safety interoperable communication system.

ASSEMBLY BILL 240***Emergency services IP network contracts***

Under current law, DMA must contract for the creation, operation, and maintenance of an emergency services IP network to provide all public safety answering points with the necessary infrastructure to implement Next Generation 911.

The bill provides that of the money the governor accepts from the federal government under the federal American Rescue Plan Act of 2021, the governor shall allocate \$18,500,000 for emergency services IP network contracts.

Geographic information systems database

The bill provides that of the money the governor accepts from the federal government under the federal American Rescue Plan Act of 2021, the governor shall allocate \$1,700,000 to develop a statewide geographic information systems database.

Grant for psychiatric beds

This bill allows the Building Commission to award a grant to a hospital in Eau Claire County, as specified in the bill, in the amount of \$15,000,000 for the purpose of expanding capacity by 22 psychiatric beds between the hospital in Eau Claire County and a hospital in Chippewa County. The bill requires the governor to allocate \$15,000,000 of the funds accepted under the federal American Rescue Plan Act of 2021 for purposes of the grant. If the grant awarded under this bill is not used for the purpose of expanding psychiatric bed capacity, the state retains an ownership interest in the hospital's expansion equal to the amount of the state's grant.

Emergency detention is a current law procedure for temporary involuntary commitment of individuals who are believed to be mentally ill, drug dependent, or developmentally disabled and who demonstrate a substantial probability of causing harm to themselves or others or an inability to satisfy certain basic needs due to a mental illness. The hospital that is awarded the grant under the bill must do all of the following: 1) give preference in admissions for the beds added under the bill to individuals who meet the criteria for emergency detention and who are from one of the counties specified in the bill; 2) identify measures it believes will serve the needs of residents with mental health needs, especially in reducing the burden on the Winnebago Mental Health Institute; 3) report annually to the legislature on the services provided with grant moneys; and 4) recognize that it is liable to repay the grant to the state if the hospital fails to maintain continued expanded services and expanded numbers of psychiatric beds. The bill specifies that the determination of whether the hospital is meeting its requirement to provide expanded services must be based on findings that at least half of the expanded psychiatric beds are available for individuals admitted for emergency detention and that the hospital enters into agreements containing terms specified in the bill with at least two-thirds of the specified counties.

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

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1 **SECTION 1.** 323.29 (3) (a) of the statutes is renumbered 323.29 (3) (a) (intro.)
2 and amended to read:

3 323.29 **(3)** (a) (intro.) The department shall ~~provide~~ do all of the following:

4 1. Provide staff support for the council ~~and oversight of.~~

5 3. Oversee the development and operation of ~~a~~ any current or future statewide
6 public safety interoperable communication system.

7 **SECTION 2.** 323.29 (3) (a) 2. of the statutes is created to read:

8 323.29 **(3)** (a) 2. Administer any current or future statewide public safety
9 interoperable communication system.

10 **SECTION 3.** 323.29 (3) (b) 3. of the statutes is created to read:

11 323.29 **(3)** (b) 3. Enter into agreements for maintenance and support of,
12 upgrades to, and enhancements for the statewide public safety interoperable
13 communication system under this section.

14 **SECTION 9104. Nonstatutory provisions; Building Commission.**

15 (1) GRANT FOR PSYCHIATRIC BEDS.

16 (a) The legislature finds and determines that expanding psychiatric bed
17 capacity as described in par. (b) would greatly benefit state residents by expanding
18 access to timely inpatient mental health treatment and services and allowing public
19 financial resources to be better distributed to more effectively improve delivery of
20 mental health services. It is therefore in the public interest, and it is the public policy
21 of this state, to assist the hospital described under par. (b) in expanding psychiatric
22 bed capacity.

23 (b) In fiscal year 2021-22, the building commission may award a grant in the
24 amount of \$15,000,000 for the purpose of expanding capacity for psychiatric beds to

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1 a hospital that applies to the building commission and meets all of the following
2 criteria:

3 1. The hospital is located in Eau Claire County, south of the Chippewa River,
4 and northeast of the intersection of STH 37 and USH 12 and is part of a health system
5 that has a hospital in Chippewa County.

6 2. The hospital agrees to expand psychiatric bed capacity by 22 beds between
7 the Eau Claire County hospital and the Chippewa County hospital. The hospitals
8 shall give preference in admissions to fill beds added under this subdivision to
9 individuals who meet the criteria for emergency detention under s. 51.15 and who
10 are from Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas,
11 Dunn, Eau Claire, Iron, Jackson, La Crosse, Lincoln, Marathon, Monroe, Oneida,
12 Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas,
13 Washburn, or Wood Counties.

14 3. The hospital identifies measures that it believes will serve the needs of area
15 residents with mental health needs, especially, as a critical component of the
16 measures, in reducing the burden on the Winnebago Mental Health Institute.

17 4. The hospital agrees to annually report to the legislature, in the manner
18 described under s. 13.172 (2), the services provided with the resources funded by the
19 grant awarded under this subsection, including the number of individuals diverted
20 from the Winnebago Mental Health Institute.

21 5. The hospital recognizes that it is liable to repay the grant funds to the state
22 if the hospital fails to continue to maintain the expanded services and number of
23 expanded psychiatric beds available. The amount the hospital is liable for
24 repayment is reduced proportionately each year for 10 years of continuing expanded
25 services as described under par. (c).

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1 (c) A determination of continued services shall be based on findings that the
2 hospital does all of the following:

3 1. Maintains an agreed upon number of beds for acceptance of admissions for
4 emergency detention under s. 51.15. A hospital is considered to be in compliance
5 with this subdivision if at least half of the expanded psychiatric beds under par. (b)

6 2. are available for individuals who are initially admitted under an emergency
7 detention under s. 51.15.

8 2. Enters into a contract with, at minimum, two-thirds of the counties specified
9 in par. (b) 2. in which the hospital agrees to do all of the following:

10 a. Be the primary receiver for individuals under an emergency detention under
11 s. 51.15 for the county.

12 b. Accept for admission under an emergency detention individuals regardless
13 of payment source.

14 c. Accept any individual subject to an emergency detention from the county
15 unless all psychiatric beds added under par. (b) 2. are filled. The hospital may set
16 its payment rate based on the acuity of the individual being detained.

17 d. Ensure the county department is the secondary payer after any other
18 coverage the individual has is exhausted.

19 (d) Notwithstanding s. 150.93, any hospital that expands psychiatric bed
20 capacity under this subsection may increase its approved bed capacity.

21 (e) If, for any reason, the grant awarded under par. (b) is not used for the
22 purpose of expanding psychiatric bed capacity, the state shall retain an ownership
23 interest in the hospital's expansion equal to the amount of the state's grant.

24 (f) Of the moneys the governor accepts from the federal government under s.
25 16.54 pursuant to section 602 of the federal Social Security Act as amended by the

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1 federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate
2 \$15,000,000 for the grant under par. (b).

3 **SECTION 9131. Nonstatutory provisions; Military Affairs.**

4 (1) STATEWIDE INTEROPERABLE RADIO NETWORK. Of the moneys the governor
5 accepts from the federal government under s. 16.54 pursuant to section 602 of the
6 federal Social Security Act as amended by the federal American Rescue Plan Act of
7 2021, P.L. 117-2, the governor shall allocate \$33,000,000 for the development of an
8 updated statewide public safety interoperable communication system as provided
9 under s. 323.29 (3) (a) 3.

10 (2) EMERGENCY SERVICES IP NETWORK CONTRACTS. Of the moneys the governor
11 accepts from the federal government under s. 16.54 pursuant to section 602 of the
12 federal Social Security Act as amended by the federal American Rescue Plan Act of
13 2021, P.L. 117-2, the governor shall allocate \$18,500,000 for the development of the
14 emergency services IP network under s. 256.35 (3s) (b).

15 (3) GEOGRAPHIC INFORMATION SYSTEMS DATABASE. Of the moneys the governor
16 accepts from the federal government under s. 16.54 pursuant to section 602 of the
17 federal Social Security Act as amended by the federal American Rescue Plan Act of
18 2021, P.L. 117-2, the governor shall allocate \$1,700,000 to develop a statewide
19 geographic information systems database.

20 (END)