

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters: champra

Subject: Health - public health

Extra Copies: ISR

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN2737,

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**Topic:**

City-county health departments

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 06/16/2001	hhagen 06/16/2001		_____			
/1			pgreensl 06/17/2001	_____	lrb_docadmin 06/17/2001		

FE Sent For:

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1?	kenneda	1/16/01 6/16/01	9/16 pg	6/17 pgt/JFK			

FE Sent For:

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61043

CN 2737

Subject or Agency	Description	Source / connection	Fiscal effect / positions if known
Public Health	Merge city/county health department	AB 279	

DAK

**2001 ASSEMBLY BILL 377**

May 8, 2001 - Introduced by Representatives MILLER, BERCEAU, POCAN, BLACK, TRAVIS, HEBL, SKINDRUD, HAHN, KEDZIE, J. LEHMAN and SYKORA, cosponsored by Senators RISSER, ERPENBACH and BURKE. Referred to Committee on Public Health.

1     **AN ACT** *to repeal* 251.01 (2); *to renumber and amend* 251.01 (1); *to amend*  
2         46.56 (3) (b) 6., 66.0301 (1) (a), 111.70 (1) (j), 250.01 (4) (a) 2., 251.01 (3), 251.02  
3         (1), 251.02 (3), 251.04 (1), 251.08, 251.11 (1), 251.11 (2) and 251.15 (2); and *to*  
4         **create** 251.01 (1g) and 251.02 (1m) of the statutes; **relating to:** city-county  
5         health departments.

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

Under current law, in a county with a population of less than 500,000 (any county except Milwaukee County), a local health department may be in the form of a county health department, a multiple county health department, a city health department (if established by the common council of a city before January 1, 1994), a city-county health department, or, in Racine County only, a village, town, or multiple municipal health department. Although no explicit procedures are specified for formation of a city-county health department, a county health department is defined to include a city-county health department. The local board of health of a city-county health department must annually prepare a budget of proposed expenditures for the next fiscal year and determine the proportional cost to each participating city and county on the basis of equalized valuation. The appropriations to be made by each participating city and county must be determined by the governing body of the city and county; no part of the county's cost may be levied against any city property. A city that established a local health department before deciding to participate in a city-county health department may withdraw from the

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city-county health department if the city's common council gives written notice of the withdrawal to the county board.

This bill eliminates the definition of a county health department and, instead, in a county with a population of less than 500,000, authorizes the county board and the governing body of a city that has a city health department to establish jointly a city-county health department. A city-county health department that is established after the date that the bill becomes an act is subject to the control of the city and the county acting jointly under an agreement that specifies the health department's powers and duties, the powers and duties of the city-county board of health for that health department, and the relative powers and duties of the city and county concerning governance of the health department and the board of health. The city-county health department must meet the requirements of laws relating to public health, must serve all areas of the county that are not served by a city, town, village, or multiple municipal health department, and is governed by a city-county board of health. Further, the city-county board of health must determine the compensation for the employees of the city-county health department. The bill includes a city-county health department in the definition of "municipality" under the municipal laws, in order to permit the health department to enter into intergovernmental cooperation agreements. Lastly, the bill clarifies that any multiple county health department that is established by a county board in conjunction with the county board of another county must meet the requirements of laws relating to public health and serve all areas of the respective counties that are not served by a city, town, village, or multiple municipal health department.

Under current law, any employee of a city, county, village, town, metropolitan sewerage district, school district, family care district, or any other political subdivision of the state, other than, with certain exceptions, an employee who is a supervisor, manager, or executive employee, is eligible to participate in the collective bargaining process under the municipal employment relations act (MERA). Under MERA, employees may bargain with their employer over wages, hours, and conditions of employment. This bill clarifies that any such employee who is employed by an instrumentality of one or more political subdivisions of this state, such a city-county health department, is also eligible to participate in the collective bargaining process under MERA.

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

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

1           **SECTION 1.** 46.56 (3) (b) 6. of the statutes is amended to read:

**ASSEMBLY BILL 377**

1           46.56 (3) (b) 6. Representatives of the county health department, ~~as defined in~~  
2 ~~s. 251.01 (2)~~ established under s. 251.02 (1) or city-county health department  
3 established under s. 251.02 (1m).

4           **SECTION 2.** 66.0301 (1) (a) of the statutes is amended to read:

5           66.0301 (1) (a) In this section "municipality" means the state or any  
6 department or agency thereof, or any city, village, town, county, school district, public  
7 library system, public inland lake protection and rehabilitation district, sanitary  
8 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
9 solid waste management system created under s. 59.70 (2), local exposition district  
10 created under subch. II of ch. 229, local professional baseball park district created  
11 under subch. III of ch. 229, local professional football stadium district created under  
12 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,  
13 family care district under s. 46.2895, water utility district, mosquito control district,  
14 municipal electric company, county or city transit commission, commission created  
15 by contract under this section, taxation district ~~or~~, regional planning commission, or  
16 city-county health department.

17           **SECTION 3.** 111.70 (1) (j) of the statutes is amended to read:

18           111.70 (1) (j) "Municipal employer" means any city, county, village, town,  
19 metropolitan sewerage district, school district, family care district, or any other  
20 political subdivision of the state, or instrumentality of one or more political  
21 subdivisions of the state. that engages the services of an employee and includes any  
22 person acting on behalf of a municipal employer within the scope of the person's  
23 authority, express or implied, but specifically does not include a local cultural arts  
24 district created under subch. V of ch. 229.

25           **SECTION 4.** 250.01 (4) (a) 2. of the statutes is amended to read:

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## SECTION 4

1           250.01 (4) (a) 2. A city-county health department established under s. 251.02  
2 ~~(4) (1m).~~

3           SECTION 5. 251.01 (1) of the statutes is renumbered 251.01 (1r) and amended  
4 to read:

5           251.01 (1r) "County board of health" means a board of health for a single county  
6 health department or for a multiple county health department.

7           SECTION 6. 251.01 (1g) of the statutes is created to read:

8           251.01 (1g) "City-county board of health" means a board of health for a  
9 city-county health department.

10          SECTION 7. 251.01 (2) of the statutes is repealed.

11          SECTION 8. 251.01 (3) of the statutes is amended to read:

12          251.01 (3) "County health officer" means the position of a local health officer  
13 in a single county health department or in a multiple county health department.

14          SECTION 9. 251.02 (1) of the statutes is amended to read:

15          251.02 (1) In counties with a population of less than 500,000, unless a county  
16 board establishes a city-county health department under sub. (1m) jointly with the  
17 governing body of a city or establishes a multiple county health department under  
18 sub. (3) in conjunction with another county, the county board shall establish a single  
19 county health department that meets, which shall meet the requirements of this  
20 chapter. The county health department shall serve all areas of the county that are  
21 not served by a city health department that was established prior to  
22 January 1, 1994, by a town or village health department established under sub.  
23 (3m), or by a multiple municipal local health department established under sub. (3r).  
24 No governing body of a city may establish a city health department may be

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1 ~~established after January 1, 1994, but a city-county health department may be~~  
2 ~~established after that date.~~

3 **SECTION 10.** 251.02 (1m) of the statutes is created to read:

4 **251.02 (1m)** In counties with a population of less than 500,000, the county  
5 board and the governing body of a city that has a city health department may jointly  
6 establish a city-county health department, which shall meet the requirements of  
7 this chapter. A city-county health department shall serve all areas of the county that  
8 are not served by a city health department that was established prior to January 1,  
9 1994, by a town or village health department established under sub. (3m), or by a  
10 multiple municipal local health department established under sub. (3r). A  
11 city-county health department established under this subsection after the effective  
12 date of this subsection .... [revisor inserts date], is subject to the control of the city  
13 and county acting jointly under an agreement entered into under s. 66.0301 that  
14 specifies, in conformity with this chapter, all of the following:

15 (a) The powers and duties of the city-county health department.

16 (b) The powers and duties of the city-county board of health for the city-county  
17 health department.

18 (c) The relative powers and duties of the city and county with respect to  
19 governance of the city-county health department and the city-county board of  
20 health.

21 **SECTION 11.** 251.02 (3) of the statutes is amended to read:

22 **251.02 (3)** A county board may, in conjunction with the county board of another  
23 county, establish a multiple county health department ~~in conjunction with the~~  
24 ~~county board of another county, which shall meet the requirements of this chapter.~~  
25 A multiple county health department shall serve all areas of the respective counties

## ASSEMBLY BILL 377

1 that are not served by a city health department that was established prior to January  
2 1, 1994, by a town or village health department established under sub. (3m), or by  
3 a multiple municipal local health department established under sub. (3r).

4 SECTION 12. 251.04 (1) of the statutes is amended to read:

5 251.04 (1) ~~A city or county board of health shall govern each local health~~  
6 ~~department other than a local health department~~ Except as authorized in s. 251.02  
7 (3m) and (3r) and a city board of health shall govern a city health department, a  
8 county board of health shall govern a county health department or multiple county  
9 health department, and a city-county board of health shall govern a city-county  
10 health department. A city or board of health, a county board of health, a city-county  
11 board of health, or a board of health for a local health department as authorized in  
12 s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes  
13 and public health rules of the department as prescribed for a Level I local health  
14 department. A local board of health may contract or subcontract with a public or  
15 private entity to provide public health services. The contractor's staff shall meet the  
16 appropriate qualifications for positions in a Level I local health department.

17 SECTION 13. 251.08 of the statutes is amended to read:

18 **251.08 Jurisdiction of local health department.** The jurisdiction of the  
19 local health department shall extend to the entire area represented by the governing  
20 body of the county, city, village or town that established the local health department,  
21 except that the jurisdiction of a single or multiple county health department or of a  
22 city-county health department does not extend to cities, villages and towns that  
23 have local health departments. Cities, towns and villages having local health  
24 departments may by vote of their local boards of health determine to come under the  
25 jurisdiction of the county health department. No part of any expense incurred under

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1 this section by a county health department may be levied against any property  
2 within any city, village or town that has a local health department and that has not  
3 determined to come under the jurisdiction of the county health department.

4 SECTION 14. 251.11 (1) of the statutes is amended to read:

5 251.11 (1) The local board of health of every multiple county health department  
6 established under s. 251.02 (3) and of every city-county health department  
7 established under s. 251.02 (1) (1m) shall annually prepare a budget of its proposed  
8 expenditures for the ensuing fiscal year and determine the proportionate cost to each  
9 participating county and city on the basis of equalized valuation. A certified copy of  
10 the budget, which shall include a statement of the amount required from each county  
11 and city, shall be delivered to the county board of each participating county and to  
12 the mayor or city manager of each participating city. The appropriation to be made  
13 by each participating county and city shall be determined by the governing body of  
14 the county and city. No part of the cost apportioned to the county shall be levied  
15 against any property within the city.

16 SECTION 15. 251.11 (2) of the statutes is amended to read:

17 251.11 (2) The local board of health of every a multiple county health  
18 department established under s. 251.02 (3) and of every city-county health  
19 department established under s. 251.02 (1) shall, under this section, determine the  
20 compensation for the employees of the multiple county health departments and  
21 city-county health departments. The local board of health of a city-county health  
22 department established under s. 251.02 (1m) shall, under this section, determine the  
23 compensation for the employees of the city-county health department.

24 SECTION 16. 251.15 (2) of the statutes is amended to read:



**Kennedy, Debora**

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**From:** Miller, Mark  
**Sent:** Wednesday, May 30, 2001 2:31 PM  
**To:** Kennedy, Debora  
**Cc:** Kuhn, Jamie  
**Subject:** FW: AB 377

Oops, I forgot the attachment. MM

-----Original Message-----

**From:** Miller, Mark  
**Sent:** Wednesday, May 30, 2001 2:29 PM  
**To:** Kennedy, Debora  
**Cc:** Sweet, Richard; Kuhn, Jamie  
**Subject:** AB 377

Deborah,

The Assembly Committee on Public Health held a public hearing on AB 377 this morning. Service Employees International Union (SEIU) presented a draft of an amendment (attached) to specify the process by which representation of employees in a newly created city-county health department would be determined. Their draft is attached. Will you review this draft? I basically am Ok with the concept of establishing a procedure, but I have some questions, particularly the language marked on page 3. I'll be meeting with SIEU to get a better understanding of their proposal.

The Chair of the committee, Rep. Urban, does not like the language in the analysis that deletes the definition of a county public health agency. Although the responsibility for counties to create a public health agency for its citizens remained intact, he was very leery of the statement in the analysis. He was concerned that it had deeper ramifications. Dick Sweery, counsel to the committee suggested an alternative approach. Dick proposed a Friday meeting with the three of us to arrive at an optimal response to the chair's concerns. Unless the chair is satisfied on his concerns, I doubt that this bill will get an executive session.

Mark

***Mark Miller***

48th Assembly District

Capitol Room 112 North

P.O. 8953, Madison, WI 53708

608-266-5342, 608-282-3648 Fax

Rep.Miller@legis.state.wi.us

5/30/2001

If a city and county (or other municipalities) decide to combine their public health departments, there will, in all likelihood, be a situation arise as to the representation for collective bargaining purposes of the combined workforce of the new entity. In nearly every instance where a city and/or county has a public health department, the employees of those departments are represented presently for collective bargaining by one or more bargaining representatives – unions. This draft legislation offers a means for determining how the representation for the combined work force would be determined:

Upon the creation of a joint city–county health department as defined herein, the municipal employer thus created, as defined in s. 111.70(1)(j), shall recognize for purposes of collective bargaining the bargaining representative of the new bargaining unit of employees of the new instrumentality so created, whose members will share a community of interest as employees of the new instrumentality. The bargaining representative of the new bargaining unit of employees of the new instrumentality so created, whose members will share a community of interest as employees of the new instrumentality, shall be determined as follows:

- (1) If all of the employees of the new bargaining unit previously were represented by the same bargaining representative in each of the constituent municipal agencies which will comprise the new instrumentality, that bargaining representative shall be recognized as the bargaining representatives of all employees of the new instrumentality who share a community of interest, and the Wisconsin Employment Relations Commission shall issue an order to that effect without the need for further proceedings;

(2) If the employees of the new bargaining unit (a) previously were represented by different bargaining representatives in two or more of the constituent municipal agencies that comprise the new instrumentality, or (b) previously were unrepresented for purposes of collective bargaining, or (c) any combination of (a) and (b), then the bargaining representatives, if any, which previously represented the larger or largest bargaining unit in any one of the constituent municipal agencies shall be deemed by the Wisconsin Employment Relations Commission to be the bargaining representatives for all employees of the new instrumentality who share a community of interest; provided, however, that if the number of employees of any other bargaining unit or units which would otherwise be represented by that bargaining representatives would be equal to 31% or more of the total number of employees of the new instrumentality who share a community of interest, then the Wisconsin Employment Relations Commission shall conduct an election to determine which bargaining representatives shall be recognized as representing all of the employees of the new instrumentality who share a community of interest. The ballot for such an election shall contain the names of all of the bargaining representatives which previously represented a unit of members equal to 31% or more of the number of employees of the new instrumentality who share a community of interest and in no instance shall the ballot contain an option of "No Representation." If no bargaining representatives previously represented more than 31% of the employees of the new instrumentality who share a community of interest, then the names

of all bargaining representatives which represented any employees in the constituent municipalities shall be placed on the ballot for representation of those employees and in no instance shall the ballot contain an option of "No Representation." If no bargaining representative receives a majority of votes on the first ballot cast, then the Wisconsin Employment Relations Commission shall conduct a run-off election between the two bargaining representatives which received the highest and second highest numbers of votes. In determining whether the employees of the new instrumentality share a community of interest, the Wisconsin Employment Relations Commission shall apply traditional means of making such determinations; provided, however, that those means shall be liberally construed to recognize the common purpose of the new instrumentality and to result in the largest possible bargaining unit of employees of the new instrumentality.

- (3) The means by which the wages, hours and conditions of employment as are enjoyed by employees of the constituent municipal agencies are to be harmonized with the wages, hours and conditions of employment of those employees as employees of the new instrumentality shall be a mandatory subject for collective bargaining between the bargaining representatives of the employees of the constituent municipal agencies and those municipal agencies prior to the creation of the new instrumentality. This provision expressly authorizes so much joint negotiations among and between the bargaining representatives of the constituent municipal agencies' employees

} ?

and the constituent municipal agencies as may be necessary to bring closure on all mandatory subject of bargaining, and further authorizes the board of the new instrumentality to participate in such negotiations. This provision also authorizes the Wisconsin Employment Relations Commission to utilize its resources to bring closure on all mandatory subject of bargaining, including the use of interest arbitration pursuant to s. 111.70 (4)(cm).

- (4) The foregoing provisions shall apply only to the initial creation of any instrumentality as defined in s. 111.70 (1)(j).

## Champagne, Rick

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**From:** Champagne, Rick  
**Sent:** Friday, June 01, 2001 4:01 PM  
**To:** Miller, Mark  
**Cc:** Kennedy, Debora; Kuhn, Jamie

Representative Miller:

Debora Kennedy gave me a copy of the draft language prepared by the Services Employees International Union for review. I have had the chance to review the language and I have several observations that you may wish to consider before I prepare the language as an amendment to 2001 Assembly Bill 377.

1. As an initial matter, I should point out that the proposed language assumes that a city-county health department (CCHD) will employ the employees of the city and county who formerly were employed in city and county health departments. Please note that there is nothing in the bill that requires this. Thus, before you can deal with the issue of who will represent the CCHD employees, you may wish to require that a CCHD must offer employment to all city and county employees who previously were employed at the city and county health departments. If this is not a requirement, then everything in the proposed language will have to be conditional on the CCHD actually offering employment to these former city and county employees. As an alternative, you could require that any agreement creating a CCHD must require the CCHD to employ these employees.

2. The language in sections (1) and (2) of the proposed draft provides a procedure for determining who will be the representative of the employees of a CCHD in the various collective bargaining units at the CCHD. Current law regarding the selection of representatives under the Municipal Employment Relations Act (MERA) may be found in s. 111.70 (4) (d). The intent of section (1) of the proposed draft is to provide that if all of the employees of the CCHD who are in a particular collective bargaining unit were represented by the organization when these employees were city or county employees, then that organization is the representative of the employees in the collective bargaining unit at the CCHD.

A potential problem I see with section (1) is the requirement that *all* employees in the collective bargaining unit at the CCHD must have been represented by the same bargaining representative when the employees were employed by the city or county. Because we do not know how the WERC will determine the collective bargaining units at the CCHD, it is possible that the composition of the units at the CCHD will not be identical to those at the city or county. As a result, a collective bargaining unit at the CCHD could consist of employees who were in several different collective bargaining units at the city and of some employees who were in several different collective bargaining units at the county. This could make it less likely that one bargaining representative was the representative for all of the former city and county employees in the new unit at the CCHD. In addition, there may be former city and county employees who were in supervisory positions while at the city and county -- and hence were not in a collective bargaining unit -- but who at the CCHD are assigned to positions that are in a collective bargaining unit; these individuals would not have been represented by any organization while employed by the city or county. Finally, the CCHD may initially offer employment to individuals who were not previously employed by either the city or the county and these individuals may be assigned to positions in the collective bargaining unit. In these cases, the condition under section (1) could not be fulfilled.

Perhaps section (1) could be revised to state that if in any CCHD collective bargaining unit all of the former city and county employees who held positions in collective bargaining units were represented by the same organization while these individuals were employed by the city and county, then that organization is the representative. You may also wish to specifically include a provision specifying after a date certain that any member of the unit could file a petition as to a question of representation. This is a right provided under MERA to all municipal employees under s. 111.70 (4) (d) 5. I assume that the intent of the draft is not to forever lock in place a certain organization as the representative of employees in a CCHD collective bargaining unit. This should probably be clarified.

3. Section (2) presents a procedure for determining representation when all of the employees in a collective bargaining unit at a CCHD were not represented by the same organization when these employees were city and county employees. This section is very difficult to read, and I do not completely follow the proposed language, but I believe that this is what is intended:

If a collective bargaining unit at a CCHD consists of employees who were not represented by the same organization when these employees were city or county employees, then the organization that represented the largest unit out of all the units at the city or county from which the collective bargaining unit at the CCHD is comprised is the representative of the employees in the collective bargaining unit at the CCHD unless either of the following apply:

A. If at least 31% of the employees in the collective bargaining unit at the CCHD were not represented by the organization that represented the largest unit out of all the units at the city or county from which the collective bargaining unit at the CCHD is comprised, but were represented by another organization, then WERC must conduct an election between the largest organization and all other organizations that formerly represented at least 31% of the employees in the unit at the CCHD.

B. If no organization formerly represented at least 31% of the employees in the unit at the CCHD when the employees were employed by the city or county, then WERC must conduct an election among all of the organizations that represented the employees when they were city or county employees.

A couple of brief observations: First, the proposed language provides that the ballot that is to be used in the election may not "contain an option of "No Representation". This is in contrast to current law in an election regarding representation which, in s. 111.70 (4) (d) 3., provides: "The ballot shall be so designed as to permit a vote against representation by any candidate named on the ballot." Hence, no employee in a unit at the CCHD will be able to vote against representation by the candidates on the ballot. Second, the proposed language contains text specifying how WERC should determine the new units at the CCHD. This language is not necessary since the units will be determined by WERC under s. 111.70 (4) (d) 2.a., which requires WERC to avoid fragmentation of the work force in the creation of units.

4. Section (3) of the proposed language prohibits the creation of a CCHD until the city and county have bargained "(t)he means by which the wages, hours and conditions of employment as are enjoyed by employees of the constituent municipal agencies are to be harmonized with the wages, hours and conditions of employment of those employees as employees of the (CCHD)..." and provides that this subject shall be a mandatory subject of collective bargaining. The section also provides for joint negotiations -- which I assume means negotiations among the city, county, and all organizations representing the employees in units that will be affected by the creation of a CCHD -- and authorizes the participation of the city-county board of health in the negotiations. Finally, the section requires binding arbitration on the issue of the means by which the wages, hours and conditions of employment as are enjoyed by employees of the constituent municipal agencies are to be harmonized with the wages, hours and conditions of employment of those employees as employees of the CCHD.

There are a couple of confusing parts with the language in this section. First, I am not exactly sure what it means to bargain "(t)he means by which the wages, hours and conditions of employment as are enjoyed by employees of the constituent municipal agencies are to be harmonized with the wages, hours and conditions of employment of those employees as employees of the (CCHD)..." As I understand sections (1) and (2), the employees at the CCHD will have representation and hence will have their wages, hours, and conditions of employment determined through the collective bargaining process. The collective bargaining process involving the CCHD will be the means for determining wages, hours, and conditions of employment for employees in units that have representation at the CCHD. I do not understand what the parties will be bargaining about before the employees become CCHD employees. Please advise.

Second, if the proposed language actually requires the parties to bargain about what the wages, hours, and conditions of employment the city and county employees will enjoy when they become CCHD employees, then there are problems. For one thing, the CCHD at the time of its creation may not be legally able to provide the wages, hours, and conditions of employment that have been bargained. After all, the CCHD will have to apply for coverage under the Wisconsin retirement system and there is a time frame for this application process under current law. In addition, the CCHD will have to apply for coverage for its employees under the health insurance plan that may have been bargained. Again, there is a time frame for this application process. But most importantly, the CCHD (or its board) is not a party to any such agreement. In that case, how can the CCHD be required to adhere to the terms of a collective bargaining agreement that was negotiated by the city and its employees and the county and its employees? Any such requirement to honor these agreements would have to be included in the duties of the newly created CCHD and even then it would be uncertain if the CCHD, at the time of its creation, would have the legal authority to fulfill the terms of the agreement relating to participation in certain fringe benefit programs.

Third, the proposed language authorizes the city-county board of health for the CCHD to participate in the negotiations, but also requires that an agreement on the new mandatory subject of bargaining have been reached before the CCHD may be created. My question is how can there be a city-county board of health unless there has already been an agreement between the city and the county to create a CCHD? The bill does not provide for a sequential creation of the board and then the creation of a CCHD.

Fourth, the proposed language requires binding arbitration on "(t)he means by which the wages, hours and conditions of employment as are enjoyed by employees of the constituent municipal agencies are to be harmonized with the wages, hours and conditions of employment of those employees as employees of the (CCHD)..." This provision raises a host of questions: What if the arbitration award is different for the city and its employees and for the county and its employees? What if either the city or county is unhappy with the arbitrator's decision and decides not to enter into an agreement to create a CCHD? (Even after the creation of a CCHD, s. 251.15 (2) specifically authorizes a city to withdraw from a CCHD if the common council of the city gives written notice to the county board of the participating county.) In other words, what

use will binding arbitration be if the city or county can simply refuse to enter into an agreement to create a CCHD? Again, as mentioned above, to what extent would a CCHD be legally required to follow the arbitrator's decision involving employers other than the CCHD?

Fifth, the proposed language assumes that the employees in the city and county who will staff the CCHD are currently organized in collective bargaining units with representation for collective bargaining purposes. While this is probably the most likely factual case involving a creation of a CCHD, there could be a situation in which either the city employees or the county employees, or both, are not so represented. What will then occur? If only the city employees were so organized, would the representative of the city employees be the only employee representative able to bargain over "(t)he means by which the wages, hours and conditions of employment as are enjoyed by employees of the constituent municipal agencies are to be harmonized with the wages, hours and conditions of employment of those employees as employees of the (CCHD)...?" What would be the role of the county and county employees in this process?

I hope these observations are helpful and I await your instructions on how to proceed with the amendment.

Rick Champagne  
Senior Staff Counsel  
Legal Section  
Wisconsin Legislative Reference Bureau  
100 N. Hamilton St.  
P.O. Box 2037  
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SEIU/DISTRICT 1199 UP

1. Make amendment apply to only those instances in which employees are represented by the same union.
2. Clarify that the employees must be offered employment with the CCHQ.
3. Provide that WRS coverage continues.
4. Salaries/benefits continue until new collective bargaining agreement in place.
5. Ensure CCHD is covered by 111.70 et seq.

*in the same unit*

*- those functions  
requested*

*New instructions  
per Rep. Miller  
6/13/01*

*who performed the functions  
transferred to the CCHQ & who  
were requested must be  
offered employment*

## Champagne, Rick

---

**From:** Burnett, Douglas  
**Sent:** Thursday, June 14, 2001 2:27 PM  
**To:** Champagne, Rick  
**Subject:** FW: Reviewed draft

Thanks Rick. That's good enough for me. Include it in the draft.

-----Original Message-----

**From:** Curt Pawlisch [<mailto:pawlisch@cwpb.com>] <<mailto:pawlisch@cwpb.com>>  
**Sent:** Thursday, June 14, 2001 1:24 PM  
**To:** [Mark.Miller@legis.state.wi.us](mailto:Mark.Miller@legis.state.wi.us); [Rick.Champagne@legis.state.wi.us](mailto:Rick.Champagne@legis.state.wi.us)  
**Cc:** [Douglas.Burnett@legis.state.wi.us](mailto:Douglas.Burnett@legis.state.wi.us)  
**Subject:** Re: Reviewed draft

Rep. Miller,

The revised draft (amendment to AB 377, relating to city-county health departments) is acceptable to SEIU/District 1199 UP for inclusion in the Senate version of the budget bill.

Thank you for working with us in this matter.

- Curt

Curt F. Pawlisch  
Cullen Weston Pines & Bach LLP  
122 West Washington Ave., Suite 900  
Madison, WI 53703  
E-Mail- [pawlisch@cwpb.com](mailto:pawlisch@cwpb.com)  
Office- (608) 251-0101  
Fax- (608) 251-2883  
[www.cwpb.com](http://www.cwpb.com)

"This is a transmission from the law firm of Cullen Weston Pines & Bach LLP and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (608) 251-0101."

>>> "Champagne, Rick" <[Rick.Champagne@legis.state.wi.us](mailto:Rick.Champagne@legis.state.wi.us) <<mailto:Rick.Champagne@legis.state.wi.us>>> 06/14/01  
12:41PM >>>  
<<01a0608/1>>

Here is the reviewed copy of the draft with the change suggested by Curt.

2001

Date (time) needed

SOON - Inedit 6/16

LRB b 1043 / 1

AMDT TO BUDGET SUB AMDT

DAK : hmh :

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT TO ~~SENATE AMENDMENT~~ TO SENATE SUBSTITUTE AMENDMENT 1, TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment ~~amendment~~ as follows:

#. Page 53.4, line 23: after that line insert:

INSERT A

#. Page 57.4, line 4: after that line insert:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

**2001 ASSEMBLY BILL 377**

May 8, 2001 - Introduced by Representatives MILLER, BERCEAU, POCAN, BLACK, TRAVIS, HERB, SKINDRUD, HAHN, KEDZIE, J. LEHMAN and SYKORA, cosponsored by Senators RISSER, ERPENBACH and BURKE. Referred to Committee on Public Health.

1 **AN ACT to repeal 251.01 (2); to renumber and amend 251.01 (1); to amend**  
 2 **46.56 (3) (b) 6., 66.0301 (1) (a), 111.70 (1) (j), 250.01 (4) (a) 2., 251.01 (3), 251.02**  
 3 **(1), 251.02 (3), 251.04 (1), 251.08, 251.11 (1), 251.11 (2) and 251.15 (2); and to**  
 4 **create 251.01 (1g) and 251.02 (1m) of the statutes; relating to: city-county**  
 5 **health departments.**

---

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

Under current law, in a county with a population of less than 500,000 (any county except Milwaukee County), a local health department may be in the form of a county health department, a multiple county health department, a city health department (if established by the common council of a city before January 1, 1994), a city-county health department, or, in Racine County only, a village, town, or multiple municipal health department. Although no explicit procedures are specified for formation of a city-county health department, a county health department is defined to include a city-county health department. The local board of health of a city-county health department must annually prepare a budget of proposed expenditures for the next fiscal year and determine the proportional cost to each participating city and county on the basis of equalized valuation. The appropriations to be made by each participating city and county must be determined by the governing body of the city and county; no part of the county's cost may be levied against any city property. A city that established a local health department before deciding to participate in a city-county health department may withdraw from the

**ASSEMBLY BILL 377**

city-county health department if the city's common council gives written notice of the withdrawal to the county board.

This bill eliminates the definition of a county health department and, instead, in a county with a population of less than 500,000, authorizes the county board and the governing body of a city that has a city health department to establish jointly a city-county health department. A city-county health department that is established after the date that the bill becomes an act is subject to the control of the city and the county acting jointly under an agreement that specifies the health department's powers and duties, the powers and duties of the city-county board of health for that health department, and the relative powers and duties of the city and county concerning governance of the health department and the board of health. The city-county health department must meet the requirements of laws relating to public health, must serve all areas of the county that are not served by a city, town, village, or multiple municipal health department, and is governed by a city-county board of health. Further, the city-county board of health must determine the compensation for the employees of the city-county health department. The bill includes a city-county health department in the definition of "municipality" under the municipal laws, in order to permit the health department to enter into intergovernmental cooperation agreements. Lastly, the bill clarifies that any multiple county health department that is established by a county board in conjunction with the county board of another county must meet the requirements of laws relating to public health and serve all areas of the respective counties that are not served by a city, town, village, or multiple municipal health department.

Under current law, any employee of a city, county, village, town, metropolitan sewerage district, school district, family care district, or any other political subdivision of the state, other than, with certain exceptions, an employee who is a supervisor, manager, or executive employee, is eligible to participate in the collective bargaining process under the municipal employment relations act (MERA). Under MERA, employees may bargain with their employer over wages, hours, and conditions of employment. This bill clarifies that any such employee who is employed by an instrumentality of one or more political subdivisions of this state, such a city-county health department, is also eligible to participate in the collective bargaining process under MERA.

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

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

①

" SECTION 4. 46.56 (3) (b) 6. of the statutes is amended to read:

1563d

ASSEMBLY BILL 377

1 46.56 (3) (b) 6. Representatives of the county health department, ~~as defined in~~  
2 ~~s. 251.01 (2) established under s. 251.02 (1) or city-county health department~~  
3 established under s. 251.02 (1m). "

#, Page 680, line 5: after that line insert:

4 " SECTION 2. 66.0301 (1) (a) of the statutes is amended to read:

5 66.0301 (1) (a) In this section "municipality" means the state or any  
6 department or agency thereof, or any city, village, town, county, school district, public  
7 library system, public inland lake protection and rehabilitation district, sanitary  
8 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
9 solid waste management system created under s. 59.70 (2), local exposition district  
10 created under subch. II of ch. 229, local professional baseball park district created  
11 under subch. III of ch. 229, local professional football stadium district created under  
12 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,  
13 family care district under s. 46.2895, water utility district, mosquito control district,  
14 municipal electric company, county or city transit commission, commission created  
15 by contract under this section, taxation district ~~or~~, regional planning commission, or  
16 city-county health department. "

#, Page 912, line 20: after that line insert:

17 " SECTION 3. 111.70 (1) (j) of the statutes is amended to read:

18 111.70 (1) (j) "Municipal employer" means any city, county, village, town,  
19 metropolitan sewerage district, school district, family care district, or any other  
20 political subdivision of the state, or instrumentality of one or more political  
21 subdivisions of the state, that engages the services of an employee and includes any  
22 person acting on behalf of a municipal employer within the scope of the person's  
23 authority, express or implied, but specifically does not include a local cultural arts  
24 district created under subch. V of ch. 229. "

#, Page 1031, line 17: after that line insert:

25 " SECTION 4. 250.01 (4) (a) 2. of the statutes is amended to read:

3128 pd

ASSEMBLY BILL 377

SECTION 4

1 250.01 (4) (a) 2. A city-county health department established under s. 251.02  
2 ~~(1) (1m).~~

3 SECTION ~~5~~. 251.01 (1) of the statutes is renumbered 251.01 (1r) and amended  
4 to read:

5 251.01 (1r) "County board of health" means a board of health for a single county  
6 health department or for a multiple county health department.

7 SECTION ~~6~~. 251.01 (1g) of the statutes is created to read:

8 251.01 (1g) "City-county board of health" means a board of health for a  
9 city-county health department.

10 SECTION ~~7~~. 251.01 (2) of the statutes is repealed.

11 SECTION ~~8~~. 251.01 (3) of the statutes is amended to read:

12 251.01 (3) "County health officer" means the position of a local health officer  
13 in a single county health department or in a multiple county health department.

INSERT B

14 SECTION ~~9~~. 251.02 (1) of the statutes is amended to read:

15 251.02 (1) In counties with a population of less than 500,000, unless a county  
16 board establishes a city-county health department under sub. (1m) jointly with the  
17 governing body of a city or establishes a multiple county health department under  
18 sub. (3) in conjunction with another county, the county board shall establish a single  
19 county health department that meets, which shall meet the requirements of this  
20 chapter. The county health department shall serve all areas of the county that are  
21 not served by a city health department that was established prior to  
22 January 1, 1994, by a town or village health department established under sub.  
23 (3m), or by a multiple municipal local health department established under sub. (3r).  
24 No governing body of a city may establish a city health department may be

ASSEMBLY BILL 377

1 established after January 1, 1994, but a city-county health department may be  
2 established after that date. 3128 pk

3 SECTION 10. 251.02 (1m) of the statutes is created to read:

4 251.02 (1m) Subject to sub. (1r), in counties with a population of less than 500,000, the county  
5 board and the governing body of a city that has a city health department may jointly  
6 establish a city-county health department, which shall meet the requirements of  
7 this chapter. A city-county health department shall serve all areas of the county that  
8 are not served by a city health department that was established prior to January 1,  
9 1994, by a town or village health department established under sub. (3m), or by a  
10 multiple municipal local health department established under sub. (3r). A  
11 city-county health department established under this subsection after the effective  
12 date of this subsection .... [revisor inserts date], is subject to the control of the city  
13 and county acting jointly under an agreement entered into under s. 66.0301 that  
14 specifies, in conformity with this chapter, all of the following:

15 (a) The powers and duties of the city-county health department.

16 (b) The powers and duties of the city-county board of health for the city-county  
17 health department.

18 (c) The relative powers and duties of the city and county with respect to  
19 governance of the city-county health department and the city-county board of  
20 health.

INSERT  
C

21 SECTION 11. 251.02 (3) of the statutes is amended to read:

22 251.02 (3) A county board may, in conjunction with the county board of another  
23 county, establish a multiple county health department in conjunction with the  
24 county board of another county, which shall meet the requirements of this chapter.  
25 A multiple county health department shall serve all areas of the respective counties

## ASSEMBLY BILL 377

1 that are not served by a city health department that was established prior to January  
2 1, 1994, by a town or village health department established under sub. (3m), or by  
3 a multiple municipal local health department established under sub. (3r).

4 SECTION 12. 251.04 (1) of the statutes is amended to read: 3128pn

5 251.04 (1) ~~A city or county board of health shall govern each local health~~  
6 ~~department other than a local health department~~ Except as authorized in s. 251.02  
7 (3m) and (3r) ~~and a, a city board of health shall govern a city health department, a~~  
8 ~~county board of health shall govern a county health department or multiple county~~  
9 ~~health department, and a city-county board of health shall govern a city-county~~  
10 ~~health department. A city or board of health, a county board of health, a city-county~~  
11 ~~board of health, or a board of health for a local health department as authorized in~~  
12 s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes  
13 and public health rules of the department as prescribed for a Level I local health  
14 department. A local board of health may contract or subcontract with a public or  
15 private entity to provide public health services. The contractor's staff shall meet the  
16 appropriate qualifications for positions in a Level I local health department.

17 SECTION 13. 251.08 of the statutes is amended to read: 3128pp

18 **251.08 Jurisdiction of local health department.** The jurisdiction of the  
19 local health department shall extend to the entire area represented by the governing  
20 body of the county, city, village or town that established the local health department,  
21 except that the jurisdiction of a single or multiple county health department or of a  
22 city-county health department does not extend to cities, villages and towns that  
23 have local health departments. Cities, towns and villages having local health  
24 departments may by vote of their local boards of health determine to come under the  
25 jurisdiction of the county health department. No part of any expense incurred under

## ASSEMBLY BILL 377

1 this section by a county health department may be levied against any property  
2 within any city, village or town that has a local health department and that has not  
3 determined to come under the jurisdiction of the county health department.

4 SECTION 14. 251.11 (1) of the statutes is amended to read: 3128 pg

5 251.11 (1) The local board of health of every multiple county health department  
6 established under s. 251.02 (3) and of every city-county health department  
7 established under s. 251.02 (1) (1m) shall annually prepare a budget of its proposed  
8 expenditures for the ensuing fiscal year and determine the proportionate cost to each  
9 participating county and city on the basis of equalized valuation. A certified copy of  
10 the budget, which shall include a statement of the amount required from each county  
11 and city, shall be delivered to the county board of each participating county and to  
12 the mayor or city manager of each participating city. The appropriation to be made  
13 by each participating county and city shall be determined by the governing body of  
14 the county and city. No part of the cost apportioned to the county shall be levied  
15 against any property within the city.

16 SECTION 15. 251.11 (2) of the statutes is amended to read: 3128 pr

17 251.11 (2) The local board of health of every a multiple county health  
18 department established under s. 251.02 (3) and of every city-county health  
19 department established under s. 251.02 (1) shall, under this section, determine the  
20 compensation for the employees of the multiple county health departments and  
21 city-county health departments. The local board of health of a city-county health  
22 department established under s. 251.02 (1m) shall, under this section, determine the  
23 compensation for the employees of the city-county health department.

24 SECTION 16. 251.15 (2) of the statutes is amended to read: 3128 ps



INSERTS



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0608/1  
RAC:.....

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 377

1 At the locations indicated, amend the bill as follows:

2 ~~1. Page 2, line 1, before that line insert~~

(1398 mn)

3 "SECTION ~~1a~~ 40.21 (3m) of the statutes is created to read:

4 40.21 (3m) A city-county health department that is established under s.  
5 251.02 (1m), that is subject to s. 251.02 (1r), and that is not otherwise a participating  
6 employer, is a participating employer with respect to its employees who are included  
7 in a collective bargaining unit for which a representative is recognized or certified  
8 under subch. IV of ch. 111 and is not required to adopt a resolution electing to  
9 participate in the Wisconsin retirement system ~~nor~~ provide notice of such election to  
10 the department under sub. (1)."

INSERT  
A

11 ~~2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1a"~~

12 ~~3. Page 4, line 13: after that line insert~~

3128 pi

13 #SECTION 8m. 251.01 (7m) of the statutes is created to read:

INSERT  
B



INSERT B  
(cont.)

1 251.01 (7m) "Represented employee" means an employee in a collective  
2 bargaining unit for which a representative is recognized or certified under subch. IV  
3 of ch. 111.

~~4 Page 6, line 4: delete "In" and substitute "Subject to sub. (1r), 1m"~~

~~5 Page 6, line 20: after that line insert:~~

SECTION 3128 PL. CR; 251.02 (1r)

6 (251.02) (1r) If a city that assigns represented employees to its city health department  
7 and if a county that assigns represented employees to its county health department  
8 jointly establish a city-county health department, all of the following shall apply, but  
9 only if the represented employees at the city health department and at the county  
10 health department who perform similar functions are included in collective  
11 bargaining units that are represented by the same representative:

*under an agreement specified under sub. (1m)*

12 (a) ~~X~~ The city-county health department shall offer employment to all city and  
13 county employees who are represented employees and who perform functions for the  
14 city and county that are transferred to the city-county health department in the  
15 agreement under sub. (1m).

16 (b) ~~2~~ Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that  
17 is initially created at the city-county health department, all of the former city and  
18 county employees were represented by the same representative when they were  
19 employed by the city or county, that representative shall become the initial  
20 representative of the employees in the collective bargaining unit without the  
21 necessity of filing a petition or conducting an election.

22 (c) ~~X~~ Unless otherwise prohibited by law, with respect to city-county health  
23 department employees who were formerly represented employees at the city or  
24 county, the city-county health department shall adhere to the terms of the collective

INSERT  
C

66  
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INSEPT  
C  
(cont.)

bargaining agreements that covered these employees while they were employed by the city or county until such time that the city-county health department and the representative of the employees have entered into a collective bargaining agreement. #

(END)

SDC:.....Keckhaver – CN2737, City–county health departments

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1           At the locations indicated, amend the substitute amendment as follows:

2           **1.** Page 534, line 23: after that line insert:

3           “**SECTION 1398mn.** 40.21 (3m) of the statutes is created to read:

4           40.21 (3m) A city–county health department that is established under s.  
5           251.02 (1m), that is subject to s. 251.02 (1r), and that is not otherwise a participating  
6           employer, is a participating employer with respect to its employees who are included  
7           in a collective bargaining unit for which a representative is recognized or certified  
8           under subch. IV of ch. 111 and is not required to adopt a resolution electing to  
9           participate in the Wisconsin retirement system or provide notice of such election to  
10          the department under sub. (1).”

1           **2.** Page 574, line 4: after that line insert:

2           “**SECTION 1563d.** 46.56 (3) (b) 6. of the statutes is amended to read:

3           46.56 (3) (b) 6. Representatives of the county health department, as defined in  
4           ~~s. 251.01 (2)~~ established under s. 251.02 (1) or city–county health department  
5           established under s. 251.02 (1m).”

6           **3.** Page 680, line 5: after that line insert:

7           “**SECTION 2020n.** 66.0301 (1) (a) of the statutes is amended to read:

8           66.0301 (1) (a) In this section “municipality” means the state or any  
9           department or agency thereof, or any city, village, town, county, school district, public  
10          library system, public inland lake protection and rehabilitation district, sanitary  
11          district, farm drainage district, metropolitan sewerage district, sewer utility district,  
12          solid waste management system created under s. 59.70 (2), local exposition district  
13          created under subch. II of ch. 229, local professional baseball park district created  
14          under subch. III of ch. 229, local professional football stadium district created under  
15          subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,  
16          family care district under s. 46.2895, water utility district, mosquito control district,  
17          municipal electric company, county or city transit commission, commission created  
18          by contract under this section, taxation district ~~or~~, regional planning commission, or  
19          city–county health department.”

20          **4.** Page 912, line 20: after that line insert:

21          “**SECTION 2609j.** 111.70 (1) (j) of the statutes is amended to read:

22          111.70 (1) (j) “Municipal employer” means any city, county, village, town,  
23          metropolitan sewerage district, school district, family care district, or any other  
24          political subdivision of the state, or instrumentality of one or more political

1 subdivisions of the state, that engages the services of an employee and includes any  
2 person acting on behalf of a municipal employer within the scope of the person’s  
3 authority, express or implied, but specifically does not include a local cultural arts  
4 district created under subch. V of ch. 229.”.

5 **5.** Page 1031, line 17: after that line insert:

6 **“SECTION 3128pd.** 250.01 (4) (a) 2. of the statutes is amended to read:

7 250.01 (4) (a) 2. A city–county health department established under s. 251.02  
8 ~~(1)~~ (1m).

9 **SECTION 3128pe.** 251.01 (1) of the statutes is renumbered 251.01 (1r) and  
10 amended to read:

11 251.01 (1r) “County board of health” means a board of health for a single county  
12 health department ~~or for a multiple county health department~~.

13 **SECTION 3128pf.** 251.01 (1g) of the statutes is created to read:

14 251.01 (1g) “City–county board of health” means a board of health for a  
15 city–county health department.

16 **SECTION 3128pg.** 251.01 (2) of the statutes is repealed.

17 **SECTION 3128ph.** 251.01 (3) of the statutes is amended to read:

18 251.01 (3) “County health officer” means the position of a local health officer  
19 in a single county health department ~~or in a multiple county health department~~.

20 **SECTION 3128pi.** 251.01 (7m) of the statutes is created to read:

21 251.01 (7m) “Represented employee” means an employee in a collective  
22 bargaining unit for which a representative is recognized or certified under subch. IV  
23 of ch. 111.

24 **SECTION 3128pj.** 251.02 (1) of the statutes is amended to read:

1           251.02 (1) In counties with a population of less than 500,000, unless a county  
2 board establishes a city–county health department under sub. (1m) jointly with the  
3 governing body of a city or establishes a multiple county health department under  
4 sub. (3) in conjunction with another county, the county board shall establish a single  
5 county health department ~~that meets, which shall meet~~ the requirements of this  
6 chapter. The county health department shall serve all areas of the county that are  
7 not served by a city health department that was established prior to  
8 January 1, 1994, by a town or village health department established under sub.  
9 (3m), or by a multiple municipal local health department established under sub. (3r).  
10 No governing body of a city may establish a city health department ~~may be~~  
11 ~~established after January 1, 1994, but a city–county health department may be~~  
12 ~~established after that date.~~

13           **SECTION 3128pk.** 251.02 (1m) of the statutes is created to read:

14           251.02 (1m) Subject to sub. (1r), in counties with a population of less than  
15 500,000, the county board and the governing body of a city that has a city health  
16 department may jointly establish a city–county health department, which shall meet  
17 the requirements of this chapter. A city–county health department shall serve all  
18 areas of the county that are not served by a city health department that was  
19 established prior to January 1, 1994, by a town or village health department  
20 established under sub. (3m), or by a multiple municipal local health department  
21 established under sub. (3r). A city–county health department established under this  
22 subsection after the effective date of this subsection .... [revisor inserts date], is  
23 subject to the control of the city and county acting jointly under an agreement  
24 entered into under s. 66.0301 that specifies, in conformity with this chapter, all of the  
25 following:

1 (a) The powers and duties of the city–county health department.

2 (b) The powers and duties of the city–county board of health for the city–county  
3 health department.

4 (c) The relative powers and duties of the city and county with respect to  
5 governance of the city–county health department and the city–county board of  
6 health.

7 **SECTION 3128pL.** 251.02 (1r) of the statutes is created to read:

8 251.02 (1r) If a city that assigns represented employees to its city health  
9 department and if a county that assigns represented employees to its county health  
10 department jointly establish a city–county health department under an agreement  
11 specified under sub. (1m), all of the following shall apply, but only if the represented  
12 employees at the city health department and at the county health department who  
13 perform similar functions are included in collective bargaining units that are  
14 represented by the same representative:

15 (a) The city–county health department shall offer employment to all city and  
16 county employees who are represented employees and who perform functions for the  
17 city and county that are transferred to the city–county health department in the  
18 agreement under sub. (1m).

19 (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that  
20 is initially created at the city–county health department, all of the former city and  
21 county employees were represented by the same representative when they were  
22 employed by the city or county, that representative shall become the initial  
23 representative of the employees in the collective bargaining unit without the  
24 necessity of filing a petition or conducting an election.

1 (c) Unless otherwise prohibited by law, with respect to city–county health  
2 department employees who were formerly represented employees at the city or  
3 county, the city–county health department shall adhere to the terms of the collective  
4 bargaining agreements that covered these employees while they were employed by  
5 the city or county until such time that the city–county health department and the  
6 representative of the employees have entered into a collective bargaining agreement.

7 **SECTION 3128pm.** 251.02 (3) of the statutes is amended to read:

8 251.02 (3) A county board may, in conjunction with the county board of another  
9 county, establish a multiple county health department in conjunction with the  
10 county board of another county, which shall meet the requirements of this chapter.  
11 A multiple county health department shall serve all areas of the respective counties  
12 that are not served by a city health department that was established prior to January  
13 1, 1994, by a town or village health department established under sub. (3m), or by  
14 a multiple municipal local health department established under sub. (3r).

15 **SECTION 3128pn.** 251.04 (1) of the statutes is amended to read:

16 251.04 (1) ~~A city or county board of health shall govern each local health~~  
17 ~~department other than a local health department~~ Except as authorized in s. 251.02  
18 (3m) and (3r) and a, a city board of health shall govern a city health department, a  
19 county board of health shall govern a county health department or multiple county  
20 health department, and a city–county board of health shall govern a city–county  
21 health department. A city or board of health, a county board of health, a city–county  
22 board of health, or a board of health for a local health department as authorized in  
23 s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes  
24 and public health rules of the department as prescribed for a Level I local health  
25 department. A local board of health may contract or subcontract with a public or

1 private entity to provide public health services. The contractor's staff shall meet the  
2 appropriate qualifications for positions in a Level I local health department.

3 **SECTION 3128pp.** 251.08 of the statutes is amended to read:

4 **251.08 Jurisdiction of local health department.** The jurisdiction of the  
5 local health department shall extend to the entire area represented by the governing  
6 body of the county, city, village or town that established the local health department,  
7 except that the jurisdiction of a single or multiple county health department or of a  
8 city-county health department does not extend to cities, villages and towns that  
9 have local health departments. Cities, towns and villages having local health  
10 departments may by vote of their local boards of health determine to come under the  
11 jurisdiction of the county health department. No part of any expense incurred under  
12 this section by a county health department may be levied against any property  
13 within any city, village or town that has a local health department and that has not  
14 determined to come under the jurisdiction of the county health department.

15 **SECTION 3128pq.** 251.11 (1) of the statutes is amended to read:

16 251.11 (1) The local board of health of every multiple county health department  
17 established under s. 251.02 (3) and of every city-county health department  
18 established under s. 251.02 (~~1~~) (1m) shall annually prepare a budget of its proposed  
19 expenditures for the ensuing fiscal year and determine the proportionate cost to each  
20 participating county and city on the basis of equalized valuation. A certified copy of  
21 the budget, which shall include a statement of the amount required from each county  
22 and city, shall be delivered to the county board of each participating county and to  
23 the mayor or city manager of each participating city. The appropriation to be made  
24 by each participating county and city shall be determined by the governing body of

1 the county and city. No part of the cost apportioned to the county shall be levied  
2 against any property within the city.

3 **SECTION 3128pr.** 251.11 (2) of the statutes is amended to read:

4 251.11 (2) The local board of health of every a multiple county health  
5 department established under s. 251.02 (3) and of every city-county health  
6 department established under s. 251.02 (1) shall, under this section, determine the  
7 compensation for the employees of the multiple county health departments and  
8 city-county health departments. The local board of health of a city-county health  
9 department established under s. 251.02 (1m) shall, under this section, determine the  
10 compensation for the employees of the city-county health department.

11 **SECTION 3128ps.** 251.15 (2) of the statutes is amended to read:

12 251.15 (2) A city that had established a local health department prior to  
13 deciding to participate in a city-county health department established under s.  
14 251.02 (1) (1m) may withdraw from the city-county health department if the  
15 common council of the city gives written notice to the county board of the  
16 participating county.”.

17 (END)