

2003-04 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Health, Children,
Families, Aging and
Long Term Care
(SC-HCFALTC)

Sample:

Record of Comm. Proceedings ... RCP

- 03hrAC-EdR_RCP_pt01a
- 03hrAC-EdR_RCP_pt01b
- 03hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ 03hr_sb0287b

➤ Miscellaneous ... Misc

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE JEFF STONE
FROM: ^{renj} Richard Sweet, Senior Staff Attorney
RE: Authority for a Multiple Municipal Local Health Department in Milwaukee County
DATE: June 6, 2003

This memorandum responds to your question of whether several municipalities in Milwaukee County may consolidate operations and form a joint multiple municipal local health department. As described in this memorandum, the answer to that question is not totally clear.

The chapter of the statutes that relates to local health departments and officials is ch. 251, Stats. Section 251.001, Stats., states that "(t)he legislature finds that the provision of public health services in this state is a matter of statewide concern." Generally, cities and villages have home rule authority under the Wisconsin Constitution, subject to enactments of the Legislature "of statewide concern" that uniformly affect every city or village.

The statute governing establishment of local health departments in Milwaukee County is s. 251.02 (2), Stats., which states as follows:

251.02 (2) In a county with a population of 500,000 or more, the governing body of each city or village shall establish a local health department that meets the requirements of this chapter or shall contract with the local health department of another city or village in the county to have that local health department provide services in the city or village.

In addition, s. 251.09, Stats., allows local health departments to jointly provide health services as agreed upon under s. 66.0301, Stats., unless the agreement conflicts with a provision of ch. 251, Stats. The reference in that statute to s. 66.0301, Stats., is to the statute that provides for intergovernmental cooperation. The following are relevant provisions of s. 66.0301, Stats.:

66.0301 (2) In addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, *unless those statutes specifically exclude action under this section, any municipality may*

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contract with other municipalities and with federally recognized Indian tribes and bands in this state, *for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law*. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. *This section shall be interpreted liberally in favor of cooperative action between municipalities* and between municipalities and Indian tribes and bands in this state.

(3) Any contract under sub. (2) may provide a plan for administration of the function or project, which may include but is not limited to provisions as to proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, creation of a commission, selection and removal of commissioners, and formation and letting of contracts. (Emphasis added.)

As shown above in s. 66.0301 (2), Stats., municipalities may contract with other municipalities for the joint exercise of any power or duty required or authorized by law, unless statutes specifically exclude action under s. 66.0301, Stats. While s. 251.02 (2), Stats., requires the governing body of each city or village in Milwaukee County to establish a local health department or contract with another local health department for services, it does not specifically exclude intergovernmental cooperation under s. 66.0301, Stats. In addition, s. 66.0301, Stats., states that it is to be "liberally constructed" in favor of cooperative action.

Section 251.09, Stats., described above, allows local health departments to jointly provide health services, but that statute does not appear to be relevant to the question of whether local health departments in Milwaukee County may merge their operations, rather than merely jointly providing health services.

While s. 66.0301, Stats., seems to allow municipalities in Milwaukee County to form a commission for the joint provision of services of local health departments, the answer to the question that you asked is not totally clear because of certain provisions of ch. 251, Stats. Various provisions in that chapter provide for multi-jurisdictional health departments, including city-county health departments and multiple county health departments. In addition, several provisions in ch. 251, mention "multiple municipal local health departments." However, the statute authorizing multiple municipal local health departments, s. 251.02 (3r), Stats., is limited just to Racine County (described statutorily as a county with a population between 100,000 and 500,000 and which abolished a county health commission or committee by July 1, 1985). There are several provisions of ch. 251 that relate to governing bodies of multiple municipal local health departments, qualifications of local health officers in such departments, appointment of local health officers in such departments, and the financing of operations of such departments, but those provisions are limited just to multiple municipal local health departments in Racine County. [See ss. 251.02 (3m) and (3r), 251.03 (4r), 251.06 (2) (c), 251.12, 251.125, and 251.127, Stats.]

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In summary, while s. 66.0301, Stats., appears to allow for the consolidation of municipal health departments in Milwaukee County, provisions of ch. 251 that affect multiple municipal local health departments apply only to such departments in Racine County. Those ch. 251 provisions relate to governance, qualifications of local health officers, appointment of local health officers, and financing. Because of the uncertainty, it may be advisable for the municipalities considering the merger to consult with their city and village attorneys.

In order to be entirely certain that local health departments in Milwaukee County may merge their operations, s. 251.02 (2), Stats., could be amended to specifically allow for this and those provisions in ch. 251 that refer to multiple municipal local health departments in Racine County could be amended to refer also to multiple municipal local health departments in Milwaukee County.

Feel free to contact me if I can be of further assistance.

RNS:ksm;tlu



Intergovernmental Cooperation Council of Milwaukee County

RESOLUTION IN SUPPORT of SB 287 and AB 563

- Bayside
- Brown Deer
- Cudahy
- Fox Point
- Franklin
- Glendale
- Greendale
- Greenfield
- Hales Corners
- Milwaukee
- Milwaukee County
- Oak Creek
- River Hills
- St. Francis
- Shorewood
- South Milwaukee
- Wauwatosa
- West Allis
- West Milwaukee
- Whitefish Bay

Whereas, The Intergovernmental Cooperation Council of Milwaukee County (ICC) is comprised of the Mayors and Village Presidents of the municipalities within Milwaukee County, and the Milwaukee County Executive, and

Whereas, The nineteen members of the ICC meet regularly to share information and discuss cooperative municipal service proposals that would provide mutual benefits to the residents of their communities, and

Whereas, Municipalities have aggressively pursued opportunities for reorganization, service consolidation and shared services in order to continue to provide high quality services at the lowest possible cost to our taxpayers, and

Whereas, Bioterrorism, SARS, and West Nile Virus are examples of the burden placed on local health departments, and

Whereas, Dealing with these issues may require the expertise and resources that smaller health departments do not have available or that they simply cannot afford, and

Whereas, Wisconsin State Statutes preclude Municipalities in Milwaukee County from forming consolidated health departments, and

Whereas, Senate Bill 287 and Assembly Bill 563 provides for permissive language to allow municipalities to form consolidated, joint health departments; now, therefore, be it

Resolved, that the Intergovernmental Cooperation Council of Milwaukee County supports SB 287 and AB 563 and urges the Wisconsin State Legislature to adopt the provisions of the bill in order to improve efficiency and enhance public health services for municipal residents.

Adopted: November 21, 2003

Timothy T. Seider, Chairman



Mary Lazich

State Senator

**Senate Committee on Health, Children, Families, Aging and
Long Term Care
Testimony for Senate Bill 287
November 24, 2003**

Good Morning Chair Roessler and Committee members. Thank you for providing the hearing for Senate Bill (SB) 287. The language of SB 287 is permissive allowing, but not mandating, consolidation of local health departments in Milwaukee County.

Currently, under state law, the consolidation of local health departments is prohibited within Milwaukee County. This bill allows municipalities in Milwaukee County to consolidate health departments and allows communities to create a joint board of health. As you may know, Racine County and more recently Dane County have consolidated their local health departments. The language of this bill is similar to the Racine model of consolidation.

Last year cities and villages in Senate District 28, including the Cities of Greenfield and Franklin, and the Villages of Greendale and Hales Corners began discussions about the possibility of consolidating local health department services. As you know, the state budget deficit and shared revenue reductions further encourage municipalities to become more innovative and efficient. Municipalities have been seeking new methods to provide taxpayers with quality services at lower cost.

Chapter 251 of current State Statutes allows local communities to subcontract for public health services. However, if a local village, such as Greenfield, subcontracts with a surrounding community, such as Hales Corners, for public health services, the Hales Corners Board of Health would govern both communities. Greenfield would be paying for public health services, but would not have input or representation on the Board of Health. Senate Bill 287 allows the communities involved in a consolidation to be represented on the joint communities Board of Health.

Local health departments are forced to consider ever increasing public health concerns linked to terrorism. Merged public health departments may provide more resources and expertise, and be better able to address a public health disaster.

It behooves the legislature to continue to provide local communities with processes to provide quality services in a cost effective manner. Again, thank you for your time and consideration of Senate Bill 287.

With me are Mayor Timothy Seider from Greenfield and Joseph Murray, Village Manager of Greendale to testify in support of SB 287. We will answer questions after their testimony.



CITY OF Greenfield

Pledged to Progress

Office of the Mayor
Timothy T. Seider

*always subcontract
allows ...
increasing*

November 25, 2003

Senator Carol Roessler, Chair, Committee on Health, Children, Families, Aging and Long Term Care
 Senator Ted Kanavas
 Senator Ron Brown
 Senator Robert Welch
 Senator Dale Schultz
 Senator Judith Robson
 Senator Chuck Chvala
 Senator Robert Jauch
 Senator Tim Carpenter

*Racine Co
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already
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Re: SB 287

Dear Senator Roessler and Members of the Committee on Health, Children, Families, Aging and Long Term Care:

In this time of fiscal crisis throughout the State of Wisconsin, municipalities need the tools to support the continued financial stability of our communities and at the same time be responsive to the needs of our citizens. Creating a workable, responsive local government budget is now even more challenging than ever.

This is particularly true with public health services. Bioterrorism, SARS, and West Nile Virus are all recent examples of the burden placed on local health departments. Dealing with these issues may require the expertise and resources that smaller health departments do not have available or that they simply cannot afford. Consolidation or sharing of services may be an answer.

Municipalities have aggressively pursued opportunities for reorganization, service consolidation and shared services in order to continue to provide high quality services at the lowest possible cost to our taxpayers. Throughout Milwaukee County, various municipal service consolidations have occurred in one form or another, most notably the North Shore Fire Department and the Milwaukee Area Domestic Animal Control Commission.

In September 2002, the City of Greenfield, the City of Franklin, the Village of Greendale and the Village of Hales Corners began investigating the possibility of providing Public Health services in some form of a consolidated or shared service basis. One alternative that was explored is to utilize s. 66.030, Wis. Stats., to create an independent public health agency for all of our communities.

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In October 2002, The State of Wisconsin's Department of Health and Family Services Office of Legal Counsel, Attorney Jean Gilpin, verbally opined that s. 251.02(2) Wis. Stats., prohibited such an independent organization. The basis for her opinion was that state statutes permit local communities to subcontract for public health services from another community, but ultimately one public health department must be part of a local municipality.

On June 6, 2003 the Wisconsin Legislative Council (see attached copy), issued a memorandum indicating that State Statutes may preclude Milwaukee County municipalities from forming a consolidated Health Department and that Section 251.02 of the State Statutes be amended to allow for consolidations as provided for Racine County.

Senate Bill 287 provides the permissive language to allow municipalities in Milwaukee County to form a consolidated, joint health department. As we look toward providing high quality public health services, this bill provides an option to municipalities to respond to the ever-changing public health issues and address the fiscal constraints of our communities. I appreciate your support of this bill.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Timothy T. Seider". The signature is written in a cursive style with a horizontal line above the first name.

Timothy T. Seider
Mayor

Senate Bill 287...relating to: multiple municipal local health departments in Milwaukee County.

BILL SPONSORS

Introduced by Senators **Lazich, Darling, Kanavas, Reynolds and Welch.**

Cosponsored by Representatives Stone, Gundrum, Krusick, Jensen, Kerkman, Seratti, Jeskewitz, Gunderson, Musser, McCormick, LeMahieu, Hines, Hundertmark, Hahn, Ladwig, Gielow, Albers, Petrowski, Bies, Staskunas, Gottlieb, Nass, Krawczyk, Vrakas and F. Lasee.

BILL HISTORY

Senate Bill 287 was introduced and referred to the Senate committee on Homeland Security, Veterans and Military Affairs and Government Reform on October 21, 2003.

On October 28, 2003, SB 287 was removed from the committee on Homeland Security, Veterans and Military Affairs and Government Reform and referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care.

On November 26, 2003, the **Senate Committee on Health, Children, Families, Aging and Long Term Care recommended SB 287 for passage on a 7-2 (Chvala and Carpenter) vote.**

LRB ANALYSIS

Current Law: Under current law, in a county with a population of less than 500,000 (all counties except Milwaukee County), a local health department may be a city health department that was established before January 1, 1994, a county health department, or a city-county health department. In Racine County only, a local health department may be a village or town health department or may be a multiple municipal local health department that is established by a city, village, or town in concert with another city, village, or town. In addition, counties may establish multiple county health departments. In Milwaukee County, a local health department may be a city or village health department.

Proposed Changes: This bill authorizes the governing body of a city or village in Milwaukee County to establish, in concert with the governing body of another city or village in that county, a multiple municipal local health department in a manner that is similar to the establishment of multiple municipal local health departments in Racine County under current law. All the powers and duties of current law for local health departments apply to a multiple municipal local health department that is established under the authorization created in this bill.

Major Impact: This bill would allow municipalities in Milwaukee County to consolidate health departments and allow communities to create a joint board of health.

FISCAL EFFECT

A fiscal note was not prepared for this bill.

SUPPORT

The following people appeared in favor of this bill: (1) Senator Mary Lazich; (2) Joseph Murray, Village of Greendale, Greendale; (3) Mayor Tim Seider, City of Greenfield, Greenfield; (4) Representative Jeff Stone; and (5) Ed Huck, WI Alliance of Cities, Madison.

The following people registered in favor of this bill: (1) Curt Witynski, League of

	WI. Municipalities, Madison; and (2) Senator Alberta Darling.
OPPOSITION	No one registered or appeared in opposition to SB 287.
CONTACT	Jennifer Halbur, Senator Carol Roessler, 266-5300
DATE	January 20, 2004

Senate Bill 287 relating to: multiple municipal local health departments in Milwaukee County.

BILL SPONSORS	<p>Introduced by Senators Lazich, Darling, Kanavas, Reynolds and Welch.</p> <p>Cosponsored by Representatives Stone, Gundrum, Krusick, Jensen, Kerkman, Seratti, Jeskewitz, Gunderson, Musser, McCormick, LeMahieu, Hines, Hundertmark, Hahn, Ladwig, Gielow, Albers, Petrowski, Bies, Staskunas, Gottlieb, Nass, Krawczyk, Vrakas and F. Lasee.</p>
BILL HISTORY	<p>Senate Bill 287 was introduced and referred to the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform on October 21, 2003. On October 28, 2003, SB 287 was withdrawn from the Committee on Homeland Security, Veterans and Military Affairs and Government Reform. It was referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care. A public hearing was held on November 24, 2003 and an executive session was held on November 25, 2003.</p> <p>The Committee recommended SB 287 for passage on a vote of 7-2 (Chvala, Carpenter).</p> <p>On January 28, 2004 the Senate passed SB 287 on a vote of 21-12. On February 2, 2004, SB 287 was referred to the Assembly Committee on Urban and Local Affairs. On February 25, 2004, SB 287 was withdrawn from this Committee and addressed by the full Assembly.</p> <p>The Assembly passed SB 287, as amended, on a vote of 94-0.</p>
LRB ANALYSIS	<p><u>Current Law:</u></p> <p>Under current law, in a county with a population of less than 500,000 (all counties except Milwaukee County), a local health department may be a city health department that was established before January 1, 1994, a county health department, or a city-county health department. In Racine County only, a local health department may be a village or town health department or may be a multiple municipal local health department that is established by a city, village, or town in concert with another city, village, or town. In addition, counties may establish multiple county health departments. In Milwaukee County, a local health department may be a city or village health department.</p> <p><u>Proposed Changes:</u></p> <p>This bill authorizes the governing body of a city or village in Milwaukee County to establish, in concert with the governing body of another city or village in that county, a multiple municipal local health department in a manner that is similar to the establishment of multiple municipal local health departments in Racine County under current law. All the powers and duties of current law for local health departments apply to a multiple municipal local health department that is established under the authorization created in this bill.</p> <p><u>Assembly Substitute Amendment 1:</u></p> <p>Authorizes the governing body of a city with an existing city health department to establish, in concert with the governing body of another city with an existing city health department in the same county, a city-city local health department, in a manner that is similar to the establishment of multiple municipal local health departments in</p>

	<p>Racine County under current law. All the powers and duties of current law for local health departments apply to a city-city local health department that is established under the authorization created in this bill.</p> <p>Major Impact: Authorizes a city or village in Milwaukee County to establish a multiple municipal local health department. The amendment authorizes a city with an existing city health department to establish a city-city local health department.</p>
FISCAL EFFECT	A fiscal note was not prepared for this bill.
SUPPORT	<p>The following people appeared in favor of this bill: (1) Senator Mary Lazich; (2) Joseph Murray, Village of Greendale; (3) Mayor Tim Seider, City of Greenfield; (4) Representative Jeff Stone; and (5) Ed Huck, WI Alliance of Cities.</p> <p>The following people registered in favor of this bill: (1) Curt Witynski, League of WI Municipalities; and (2) Senator Alberta Darling.</p>
OPPOSITION	No one appeared or registered in opposition to SB 287.
CONTACT	Jennifer Halbur, Senator Carol Roessler, 266-5300
DATE	February 27, 2004