

equivalent to the value of such released portion shall have been paid to apply prorata on the claims of producers or is paid over to the trustee for such payment. The applicant shall agree to pay all expenses of such trust.

(3) Upon receipt of evidence of default by any licensee in making payment to producers the department may commence an action for the recovery of claims of all producers or otherwise assist the producers to establish an organization for the purpose of making collection.

SECTION 3. 100.26 (5) of the statutes is amended to read:

100.26 (5) Any person violating section 100.03, 100.05 or 100.06 or any order or regulation of the department thereunder, or section 100.13 (7), shall be fined not less than \$25 nor more than \$1,000, or imprisoned in the county jail or state prison not more than one year, or both. Each day shall constitute a separate offense.

Approved July 30, 1947.

No. 324, A.]

[Published August 9, 1947.

CHAPTER 511.

AN ACT to repeal and recreate 140.09 of the statutes, relating to county and multiple county health departments.

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

140.09 of the statutes is repealed and recreated to read:

140.09 COUNTY, CITY-COUNTY AND MULTIPLE COUNTY HEALTH DEPARTMENTS. (1) DEFINITIONS. As used in this section:

(a) "County health department" and "County board of health" refer to a single county health department or board of health, a multiple county health department or board of health, or a city-county health department or board of health.

(b) "County health officer" refers to the position of a health officer either in a county health department, multiple county health department or city-county health department.

(c) "Health department" means a full-time health department unless otherwise specified and refers to one whose personnel, other than consultants and clinicians, devote their full time to health department duties.

(2) **POWER OF COUNTY BOARD.** Any county board may organize a single county department of health, or a city-county department of health or may join with one or more adjacent counties to organize a multiple county department of health. But no more than 3 counties shall join in one such department without prior approval of the state board of health.

(3) **COUNTY BOARD OF HEALTH.** (a) Each single county health department shall be managed by a board of health, consisting of not less than 5, nor more than 7 members, appointed by the chairman of the county board with the approval of the county board. One member shall be a member of the county board. Two members shall be physicians, practicing in the county, and shall be selected from a list of 5 physicians submitted by the county medical society. One member shall be a dentist, practicing in the county, and shall be selected from a list of 3 dentists submitted by the county dental society. The remaining members shall be residents of the county, men or women who are persons of ability and known to have a broad social viewpoint and a serious interest in the health protection of their community. The first appointee will serve one year, the second 2 years, the third 3 years, fourth 4 years, fifth 5 years, sixth, if any, one year, seventh, if any, 2 years, and their successors shall each serve for 5 years. Terms shall begin on anniversary dates of the organization of the board of health.

(b) Each multiple county health department shall be managed by a board of health consisting of 3 members appointed from each county by the chairman of the respective county board with the approval of the county board. One shall be a member of the county board. One shall be a physician practicing in the county and shall be selected from a list of 3 physicians submitted by the county medical society. The third member shall be a dentist practicing in the county and shall be selected from a list of 3 dentists submitted by the county dental society. The term of office will be for 5 years except that the first appointee of each county board will be for 2 years, the second for 4 years and the third for 5 years. Terms shall begin on the anniversary dates of the organizations of the board of health.

(c) A county board and a city council for a city located in a county may organize a joint city-county department of health. Such city-county health department shall be managed by a board of health consisting of 7 members. One member shall be

a member of the city council and shall be appointed by the mayor or city manager with the approval of the council. One member shall be a member of the county board and shall be appointed by the chairman of the county board with the approval of the board. Two members shall be physicians practicing in the county selected from a list of 5 physicians furnished by the county medical society. One such physician shall be appointed by the chairman of the county board with the approval of the board and one by the mayor or city manager with approval of the council. One member shall be a dentist practicing in the county and shall be appointed by the chairman of the county board with approval of the board from a list of 3 dentists submitted by the county dental society. Two members shall be residents of the county and shall be persons of ability and known to have a broad social viewpoint and a serious interest in the health protection of the community. The chairman of the county board, with the approval of the county board, shall appoint one such member and the mayor or city manager, with the approval of the council, shall appoint the other. The first member appointed shall hold office for one year, the second member for 2 years, the third member 3 years, the fourth member 4 years, the fifth member 5 years, the sixth member one year and the seventh member 2 years. Their successors shall each hold office for 5 years. Terms shall begin on anniversary dates of the organization of the board of health.

(4) **HEALTH OFFICER, ELIGIBILITY, DUTIES.** The board of health shall appoint a county health officer who shall be a licensed physician especially trained in health work and, except in counties covered by sections 16.31 to 16.44, shall be selected from an eligible list submitted by the state board of health. He shall be appointed for a term of 5 years, subject to removal for cause. The county department of health shall be under the immediate direction of the county health officer, who shall give his entire time to the work.

(5) **ORGANIZATION OF BOARD OF HEALTH.** The board of health of each county, multiple county or city-county unit shall immediately after appointment meet and organize by the election of one of its members as president and one as secretary, to hold office for a term of one year. Members shall serve without compensation but may be reimbursed for their actual and necessary expenses.

(6) **BOARD'S POWERS.** The county board of health when

established in any county, shall have all the powers and authority now vested in local boards of health and local health officers and shall have authority to enforce such rules and regulations as may be adopted by the state board of health under the laws of the state. It may adopt such rules for its own guidance and for the government of the health department as may be deemed necessary to protect and improve public health, not inconsistent with state law nor with rules and regulations of the state board of health. The county board of supervisors shall determine compensation of health department employes.

(7) **DUTIES OF THE COUNTY HEALTH OFFICER.** The county health officer shall have charge of the county department of health and perform the duties prescribed by the county board of health. He shall enforce this section and the regulations of the state and local boards of health and have supervisory power over all officers or employes of the county health department. He shall submit to the board of health, county board of supervisors and city council an annual report of the administration of his department.

(8) **LOCAL EMPLOYES.** The county health officer shall appoint, subject to the approval of the county board of health, all necessary subordinate personnel.

(9) **PUBLICATION AND EFFECTIVE DATE OF REGULATIONS.** The orders and regulations of the county board of health shall be published in some newspaper of general circulation throughout the county and shall take effect immediately after publication.

(10) **LOCAL BOARDS AND OFFICERS ABOLISHED.** Whenever a county board provides for a county department of health, the boards of health and health officers in all towns, cities and villages within such county shall be abolished, except as provided in subsection (11).

(11) **JURISDICTION OF COUNTY; LOCAL OPTION.** The jurisdiction of the county department of health shall extend to all towns, villages, and cities within the county, other than those having a full-time health department. Towns, cities and villages having full-time health departments may by vote of their governing bodies determine to come under such jurisdiction. No supervisor from any city, village or town maintaining a full-time health department shall have any part in any determination under this section, and no part of any expense

incurred under this subsection shall be levied against any property within such city, village or town.

(12) OFFICES, APPROPRIATIONS. Whenever provision is made for a single county department of health, the county is empowered to provide office facilities and appropriate funds necessary for the maintenance of the work. The board of health of such department shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year.

(13) GIFTS; COUNTY CO-OPERATING. The county board of health may receive gifts and donations for the purpose of carrying out the provisions of this section.

(14) JOINT HEALTH DEPARTMENTS, HOW FINANCED. The board of health of every multiple county health department and of every city-county health department created under this act shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year and determine the proportionate cost to each participating county and city on the basis of equalized valuation. A certified copy of such budget, which shall include a statement of the amount required from each county and city, shall be delivered to the county board of each participating county and to the mayor or city manager of each participating county and to the mayor or city manager of each participating city. Each participating county and municipality shall pay its proportionate share of all costs as determined by the board of health. No part of the cost apportioned to the county shall be levied against any property within such city. Any county or municipality being aggrieved by the determination of the board may appeal to the circuit court of the county aggrieved or of the county in which the aggrieved city is located in the manner provided in chapter 227.

(15) JOINT HEALTH DEPARTMENT FUNDS. In the treasurer's office of the county wherein is located the principal office of each multiple county or city-county health department, or in the office of the city treasurer of a participating city, as determined by the board of health, there shall be created a joint health department fund. The treasurer of each county and city participating in such health department shall annually pay or cause to be paid into said fund the share of such county or city. This fund shall be expended by the treasurer in whose office said fund is kept in the manner prescribed by the county board of health pursuant to properly authenticated vouchers of such health department signed by the county health officer.

(16) COUNTY NURSES. When a county health department is established county nurses shall be transferred to the jurisdiction of the county health department and county health committees shall cease functioning.

(17) WITHDRAWAL OF COUNTIES AND CITIES. After establishment of a multiple county health department any participating county may withdraw by giving written notice to its board of health and the county board of supervisors of all other participating counties. Such notice shall be given at least one year prior to commencement of the fiscal year at which it takes effect. Cities having full-time health departments prior to their decision to participate in a city-county health department may withdraw therefrom in the same manner. Whenever any county or city shall withdraw from any health department established under this act all provisions of law relating to local boards of health and health officers shall immediately become applicable within such county or city.

(18) CONSTITUTIONALITY. If any of the provisions of this section shall be held to be unconstitutional, the validity of the remaining provisions thereof shall not be affected thereby.

Approved August 5, 1947.

No. 330, A.]

[Published August 9, 1947.

CHAPTER 512.

AN ACT to renumber 40.30 (7) to be 40.07 (9) (a); to amend 40.07 (1a), (4a) and (8); and to create 40.07 (6m) and (9) (b) and (c) of the statutes, relating to the election of school officers in populous districts.

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

SECTION 1. 40.07 (1a) of the statutes is amended to read:
 40.07 (1a) Any school district with a population of * * * 500 or more may, at any annual school district meeting or at any special school district meeting called for such specific purpose, by resolution adopted by a majority of the ballots cast in favor of such resolution, substitute for its district board consisting of 3 members a board consisting of 5 members to be elected at the next ensuing annual meeting or at the next ensuing annual referendum election as follows: The 2 members