

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.

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.

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:

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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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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.

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

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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, 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:

