

2003 Senate Bill 287

Date of enactment: **March 16, 2004**  
Date of publication\*: **March 30, 2004**

## 2003 WISCONSIN ACT 158

AN ACT *to renumber and amend* 251.02 (2); *to amend* 250.01 (4) (b), 251.02 (1), 251.03 (4r), 251.04 (1), 251.04 (2), 251.04 (3), 251.06 (4) (c), 251.12, 251.125, 251.15 (title) and 251.15 (3); and *to create* 250.01 (4) (a) 6., 251.02 (2) (b), 251.02 (3t), 251.12 (3), 251.12 (4) and 251.15 (2m) of the statutes; **relating to:** establishing multiple municipal local health departments in Milwaukee County and city-city local health departments.

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

**SECTION 1.** 250.01 (4) (a) 6. of the statutes is created to read:

250.01 (4) (a) 6. A city-city health department established under s. 251.02 (3t).

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

250.01 (4) (b) In a county with a population of 500,000 or more, a city health department or a village, or multiple municipal health department established under s. 251.02 (2).

**SECTION 3.** 251.02 (1) of the statutes is amended to read:

251.02 (1) In counties with a population of less than 500,000, unless a county board establishes a city-county health department under sub. (1m) jointly with the governing body of a city or establishes a multiple county health department under sub. (3) in conjunction with another county, the county board shall establish a single county health department, which shall meet the requirements of this chapter. The county health department shall serve all areas of the county that are not served by a city health department that was established prior to Janu-

ary 1, 1994, by a town or village health department established under sub. (3m), or by a multiple municipal local health department established under sub. (3r) or by a city-city health department established under sub. (3t). No governing body of a city may establish a city health department after January 1, 1994.

**SECTION 4.** 251.02 (2) of the statutes is renumbered 251.02 (2) (a) (intro.) and amended to read:

251.02 (2) (a) (intro.) In Except as provided in par. (b), in a county with a population of 500,000 or more, the governing body of each city or village shall establish do one of the following:

1. Establish a local health department that meets the requirements of this chapter or shall contract.

2. 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.

**SECTION 5.** 251.02 (2) (b) of the statutes is created to read:

251.02 (2) (b) In a county with a population of 500,000 or more, the governing body of a city or village may establish, jointly with the governing body of another city or village, a multiple municipal local health department that meets the requirements of this chapter.

**SECTION 6.** 251.02 (3t) of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

251.02 (3t) The governing body of a city with a city health department, as specified in s. 250.01 (4) (a) 3., may, in concert with the governing body of another city with a city health department, as specified in s. 250.01 (4) (a) 3., in the same county, establish a city-city health department and elect a local health officer consistent with this chapter.

**SECTION 7.** 251.03 (4r) of the statutes is amended to read:

251.03 (4r) Subsections (1) to (4m) do not apply to a city, village or town that establishes a multiple municipal local health department under s. 251.02 (2) (b) or (3r), or to cities that establish a city-city local health department under s. 251.02 (3t). In establishing a multiple municipal local health department as described under s. 251.02 (2) (b) or (3r), the relevant governing bodies shall agree on how many members of the local board of health are appointed by each governing body and how many of each governing body's appointees shall be members who are not elected officials or employees of the governing body. The members shall be appointed by the relevant governing bodies. A local board of health under this subsection shall elect a chairperson and clerk.

**SECTION 8.** 251.04 (1) of the statutes is amended to read:

251.04 (1) Except as authorized in s. 251.02 (2) (b), (3m) ~~and (3r) and (3t)~~, a city board of health shall govern a city health department, a county board of health shall govern a county health department or multiple county health department, and a city-county board of health shall govern a city-county health department. A city board of health, a county board of health, a city-county board of health, or a board of health for a local health department as authorized in s. 251.02 (2) (b), (3m) ~~and (3r) or (3t)~~ shall assure the enforcement of state public health statutes and public health rules of the department as prescribed for a Level I local health department. A local board of health may contract or subcontract with a public or private entity to provide public health services. The contractor's staff shall meet the appropriate qualifications for positions in a Level I local health department.

**SECTION 9.** 251.04 (2) of the statutes is amended to read:

251.04 (2) A city or county board of health or a board of health for a local health department as authorized in s. 251.02 (2) (b), (3m) ~~or (3r) or (3t)~~ shall assure that its local health department is a Level I, Level II, or Level III local health department, as specified in s. 251.05 (1).

**SECTION 10.** 251.04 (3) of the statutes is amended to read:

251.04 (3) A city or county board of health or a board of health for a local health department as authorized in s. 251.02 (2) (b), (3m) ~~or (3r) or (3t)~~ may adopt those regulations, for its own guidance and for the governance of the local health department, that it considers necessary to protect and improve public health. The regulations may

be no less stringent than, and may not conflict with, state statutes and rules of the department.

**SECTION 11.** 251.06 (4) (c) of the statutes is amended to read:

251.06 (4) (c) A local health officer of a village or town health department established under s. 251.02 (3m) ~~and a local health officer~~, of a multiple municipal local health department established under s. 251.02 (2) (b) or (3r), or of a city-city local health department established under s. 251.02 (3t) shall be appointed by the local board of health.

**SECTION 12.** 251.12 of the statutes is amended to read:

**251.12 City health department, how financed.**

The common council shall appropriate funds for the operation of ~~a~~ all of the following:

(1) ~~A~~ city health department that is established as specified in s. 251.02 (1) and (2) ~~and (a)~~, for the operation of a

(2) ~~A~~ multiple municipal local health department that is established under as specified in s. 251.02 (3r) ~~by the governing body of a city in concert with the governing body of another city or a village or town.~~

**SECTION 13.** 251.12 (3) of the statutes is created to read:

251.12 (3) A multiple municipal local health department that is established as specified in s. 251.02 (2) (b).

**SECTION 14.** 251.12 (4) of the statutes is created to read:

251.12 (4) A city-city local health department that is established as specified in s. 251.02 (3t).

**SECTION 15.** 251.125 of the statutes is amended to read:

**251.125 Village health department, how financed.**

If a village health department is established under s. 251.02 (2) (a) or (3m) ~~or~~, if a multiple municipal local health department is established under as specified in s. 251.02 (3r) ~~by the governing body of a village in concert with the governing body of another village or a city or town, or if a multiple municipal local health department is established as specified in~~ s. 251.02 (2) (b), the village board shall appropriate funds for the operation of the department.

**SECTION 16.** 251.15 (title) of the statutes is amended to read:

**251.15 (title) Withdrawal of counties ~~and~~ cities, villages, or towns.**

**SECTION 17.** 251.15 (2m) of the statutes is created to read:

251.15 (2m) After establishing a multiple municipal local health department under s. 251.02 (2) (b) or (3r) or a city-city local health department under s. 251.02 (3t), the governing body of any participating city, village, or town participating may withdraw by giving written notice to the local board of health and to the governing

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bodies of all other participating cities, villages, and towns.

**SECTION 18.** 251.15 (3) of the statutes is amended to read:

251.15 (3) The notice under sub. (1) ~~or (2)~~ or (2m) shall be given at least one year prior to commencement of the fiscal year at which the withdrawal takes effect.

Whenever the withdrawal of ~~any county or city from a city-county or multiple-county health department~~ takes effect, all relevant provisions of law relating to local boards of health and local health officers shall immediately become applicable within the withdrawing county ~~or city, village, or town~~.

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