



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0392/1  
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 287**

February 25, 2004 – Offered by Representative STONE.

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

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.

The bill also 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 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.

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

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

2           250.01 (4) (a) 6. A city–city health department established under s. 251.02 (3t).

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

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

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

8           251.02 (1) In counties with a population of less than 500,000, unless a county  
9 board establishes a city–county health department under sub. (1m) jointly with the  
10 governing body of a city or establishes a multiple county health department under  
11 sub. (3) in conjunction with another county, the county board shall establish a single  
12 county health department, which shall meet the requirements of this chapter. The  
13 county health department shall serve all areas of the county that are not served by  
14 a city health department that was established prior to January 1, 1994, by a town  
15 or village health department established under sub. (3m), or by a multiple municipal

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

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

6 251.02 (2) (a) (intro.) ~~In~~ Except as provided in par. (b), in a county with a  
7 population of 500,000 or more, the governing body of each city or village shall  
8 ~~establish~~ do one of the following:

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

11 2. Contract with the local health department of another city or village in the  
12 county to have that local health department provide services in the city or village.

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

14 251.02 (2) (b) In a county with a population of 500,000 or more, the governing  
15 body of a city or village may establish, jointly with the governing body of another city  
16 or village, a multiple municipal local health department that meets the  
17 requirements of this chapter.

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

19 251.02 (3t) The governing body of a city with a city health department, as  
20 specified in s. 250.01 (4) (a) 3., may, in concert with the governing body of another city  
21 with a city health department, as specified in s. 250.01 (4) (a) 3., in the same county,  
22 establish a city-city health department and elect a local health officer consistent  
23 with this chapter.

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

1           251.03 **(4r)** Subsections (1) to (4m) do not apply to a city, village or town that  
2 establishes a multiple municipal local health department under s. 251.02 (2) (b) or  
3 (3r), or to cities that establish a city-city local health department under s. 251.02 (3t).  
4 In establishing a multiple municipal local health department as described under s.  
5 251.02 (2) (b) or (3r), the relevant governing bodies shall agree on how many  
6 members of the local board of health are appointed by each governing body and how  
7 many of each governing body’s appointees shall be members who are not elected  
8 officials or employees of the governing body. The members shall be appointed by the  
9 relevant governing bodies. A local board of health under this subsection shall elect  
10 a chairperson and clerk.

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

12           251.04 **(1)** Except as authorized in s. 251.02 (2) (b), (3m) and, (3r), and (3t), a  
13 city board of health shall govern a city health department, a county board of health  
14 shall govern a county health department or multiple county health department, and  
15 a city-county board of health shall govern a city-county health department. A city  
16 board of health, a county board of health, a city-county board of health, or a board  
17 of health for a local health department as authorized in s. 251.02 (2) (b), (3m) and,  
18 (3r), or (3t) shall assure the enforcement of state public health statutes and public  
19 health rules of the department as prescribed for a Level I local health department.  
20 A local board of health may contract or subcontract with a public or private entity  
21 to provide public health services. The contractor’s staff shall meet the appropriate  
22 qualifications for positions in a Level I local health department.

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

24           251.04 **(2)** A city or county board of health or a board of health for a local health  
25 department as authorized in s. 251.02 (2) (b), (3m) or, (3r), or (3t) shall assure that

1 its local health department is a Level I, Level II, or Level III local health department,  
2 as specified in s. 251.05 (1).

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

4 251.04 (3) A city or county board of health or a board of health for a local health  
5 department as authorized in s. 251.02 (2) (b), (3m) or, (3r), or (3t) may adopt those  
6 regulations, for its own guidance and for the governance of the local health  
7 department, that it considers necessary to protect and improve public health. The  
8 regulations may be no less stringent than, and may not conflict with, state statutes  
9 and rules of the department.

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

11 251.06 (4) (c) A local health officer of a village or town health department  
12 established under s. 251.02 (3m) ~~and a local health officer,~~ of a multiple municipal  
13 local health department established under s. 251.02 (2) (b) or (3r), or of a city-city  
14 local health department established under s. 251.02 (3t) shall be appointed by the  
15 local board of health.

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

17 **251.12 City health department, how financed.** The common council shall  
18 appropriate funds for the operation of ~~a~~ all of the following:

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

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

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

1           251.12 (3) A multiple municipal local health department that is established as  
2 specified in s. 251.02 (2) (b).

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

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

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

7           **251.125 Village health department, how financed.** If a village health  
8 department is established under s. 251.02 (2) (a) or (3m) ~~or~~, if a multiple municipal  
9 local health department is established under as specified in s. 251.02 (3r) ~~by the~~  
10 ~~governing body of a village in concert with the governing body of another village or~~  
11 ~~a city or town, or if a multiple municipal local health department is established as~~  
12 specified in s. 251.02 (2) (b), the village board shall appropriate funds for the  
13 operation of the department.

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

15           **251.15 (title) Withdrawal of counties and, cities, villages, or towns.**

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

17           251.15 (2m) After establishing a multiple municipal local health department  
18 under s. 251.02 (2) (b) or (3r) or a city–city local health department under s. 251.02  
19 (3t), the governing body of any participating city, village, or town participating may  
20 withdraw by giving written notice to the local board of health and to the governing  
21 bodies of all other participating cities, villages, and towns.

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

23           251.15 (3) The notice under sub. (1) ~~or~~, (2), or (2m) shall be given at least one  
24 year prior to commencement of the fiscal year at which the withdrawal takes effect.  
25 Whenever the withdrawal of ~~any county or city from a city–county or multiple county~~

1 ~~health department~~ takes effect, all relevant provisions of law relating to local boards  
2 of health and local health officers shall immediately become applicable within the  
3 withdrawing county ~~or~~, city, village, or town.

4 (END)