

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1340/?insMES

.....

INS ANL - |

Under current law, in a county with a population of at least 500,000 (presently only Milwaukee County), county board supervisors are paid an annual salary that is set by the board. In general, county board supervisors may receive other benefits such as life and health insurance, and supervisors in counties other than Milwaukee County are paid a per diem by the county for each day that the supervisor attends a county board meeting. Current law provides a maximum number of days for which a supervisor may receive such per diem payments, ranging from 20 to 30 days, based on the population of the county.

x
Subject to approval by the electors in a referendum to be held in Milwaukee County in April 2013, under this bill, county board supervisors in a county with a population of at least 500,000 (~~presently only Milwaukee County~~) may be paid an annual salary of \$24,051, beginning with the term that commences in April 2016. Under the bill, a Milwaukee County supervisor may not receive any additional compensation or benefits, that are not authorized or required by law, although the bill authorizes the board to provide the board chairperson additional compensation, such that his or her salary may be up to 150 percent of the salary paid to a supervisor. The board may increase a supervisor's salary by the rate of inflation or, subject to approval by the electors in a referendum, at a rate greater than the rate of inflation. In no case, however, may the salary of a supervisor exceed the annual per capita income of Milwaukee County, as determined by the U.S. bureau of the census.

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Under current law, the term of a Milwaukee County supervisor is 4 years. Under the bill, beginning with the spring election in 2016, the term of such a supervisor is 2 years. (four)

(two) Subject to a number of exceptions, the bill also limits the Milwaukee County board's expenditures for expenses related to the county board, such as salaries and fringe benefits of county board members, costs for staff, and certain items related to the functioning of the board, to no more than 0.4 percent of the county portion of the property tax levy. Items not subject to this 0.4 percent limit are costs related to pension and health care payments for retired county employees, officers, and their families; salaries for supervisors and the county board chair for a term that begins before April 2016; and certain costs related to duties performed by the Milwaukee County clerk. (person)

x
Generally under current law, a county executive has the authority to direct all administrative and management functions of county government that are not vested by law in other elected officers. The Milwaukee County executive is further authorized to appoint and supervise the heads of all departments, unless otherwise provided by law, and the department heads are generally authorized to supervise the administration of their departments. Current law also generally authorizes a county board to exercise any organizational or administrative power that is not given to a county executive or administrator, or such a person's subordinate. The bill makes a number of changes which clarify or increase the authority of the Milwaukee County executive and limits certain authority of the Milwaukee county board. (star)

With regard to the powers of the Milwaukee County executive and board, the bill does the following:

1. Except for a specific statutory provision which states otherwise, authorizes the county executive, exclusively, to administer, supervise, and direct all county departments.

X 2. Authorizes the county executive to establish departments and subunits of the departments, subject to the approval of the board, that the executive believes are necessary for the efficient administration of the county.

3. For a contract with the county to be valid, requires the county executive to sign all contracts on behalf of the county to the extent that no other county officer or employee is required to sign them, and the county executive must countersign all other contracts.

4. The county executive may introduce proposed ordinances and resolutions for consideration by the board, call a special meeting of the board, and hire and supervise the number of employees that he or she believes are necessary to carry out his or her duties.

X 5. The county board is prohibited from creating a county department or subunit of a department, and may not exercise day-to-day control of any county department or subunit of a department. Such control may be exercised only by the county executive.

6. Except for making an inquiry, the supervisors may deal with county departments solely through the county executive, and no supervisor may give instructions or orders to any subordinate of the county executive, although the board may require any county employee or officer to attend a board meeting to provide information and answer questions.

+ 7. Although the board may generally set the salary and compensation level of county employees, the bill prohibits the board from lowering the salary, terminating, or eliminating the position of any county employee who works in the office of the county executive, except that this prohibition does not apply after the supervisors who are elected in the spring 2016 election take office.

8. If the board does not take a vote to confirm an appointment of the county executive within 30 days after the executive submits the appointment to the board, the appointment shall be considered confirmed.

The bill creates a new approval process for contracts to which a populous county (a county with a population of at least 750,000) is a party. Under the bill, a contract with a value of between \$100,000 and \$500,000 is subject to passive review, meaning that the contract may take effect unless the board's finance committee votes to reject the contract within 14 days of the county executive signing or countersigning the contract. If the finance committee rejects the contract, it may still take effect if the entire board approves the contract within 30 days of the committee's rejection. A contract with a value of more than \$500,000 may take effect only if it is approved by the entire board.

Under current law, a county board may schedule an advisory referendum or a referendum on the question of ratification of an ordinance or resolution of the county board. This bill prohibits a county board from scheduling a referendum on any

matter that is subject to the approval of the electors of a county under this bill to be held concurrently with the election at which the question of approval is presented to the electors.

INS 7-20

SECTION 1. 59.10 (2) (b) of the statutes is amended to read:

59.10 (2) (b) *Election; term.* Supervisors For an election that is held before 2016, supervisors shall be elected for 4-year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election. For an election that is held in 2016 and thereafter, supervisors shall be elected for 2-year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

History: 1971 c. 134, 211, 304; 1973 c. 118 ss. 2 to 4, 7; 1973 c. 334 s. 57; 1973 c. 336; 1975 c. 93 s. 113; 1975 c. 116, 200; 1977 c. 427; 1979 c. 34, 89, 122, 260; 1981 c. 4, 390; 1983 a. 29; 1983 a. 192 ss. 115, 303 (1), (2); 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29, 304; 1989 a. 56 s. 258; 1991 a. 5, 316; 1993 a. 490; 1995 a. 16 s. 2; 1995 a. 201 s. 100; Stats. 1995 s. 59.10; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 107; 2003 a. 32; 2005 a. 100, 235, 248; 2007 a. 72, 97; 2011 a. 39, 75.

SECTION 2. 59.10 (2) (c) of the statutes is renumbered 59.10 (2) (c) 1. and

amended to read:

59.10 (2) (c) 1. Compensation. Each supervisor shall be paid by the county an annual salary set by the board. The board may provide additional compensation for the chairperson, such that his or her salary may be an amount of up to 150 percent of the salary of a supervisor. Beginning with the term that commences in April 2016, the annual salary that may be paid to a supervisor shall be \$24,051 and may be increased for a new term as provided in subds. 2. and 3., subject to subd. 4. Section 66.0505 applies to this paragraph.

History: 1971 c. 134, 211, 304; 1973 c. 118 ss. 2 to 4, 7; 1973 c. 334 s. 57; 1973 c. 336; 1975 c. 93 s. 113; 1975 c. 116, 200; 1977 c. 427; 1979 c. 34, 89, 122, 260; 1981 c. 4, 390; 1983 a. 29; 1983 a. 192 ss. 115, 303 (1), (2); 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29, 304; 1989 a. 56 s. 258; 1991 a. 5, 316; 1993 a. 490; 1995 a. 16 s. 2; 1995 a. 201 s. 100; Stats. 1995 s. 59.10; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 107; 2003 a. 32; 2005 a. 100, 235, 248; 2007 a. 72, 97; 2011 a. 39, 75.

****NOTE: Given the changes to the salary provisions in this version of the draft, I did not strike through the last sentence of par. (c) 1. Is this consistent with your intent?

SECTION 3. 59.10 (2) (c) 2. of the statutes is created to read:

59.10 (2) (c) 2. The board may increase the salary specified in subd. 1., or as otherwise adjusted under this paragraph, by an amount that does not exceed the percentage increase in the U.S. consumer price index for all urban consumers, U.S. city average, for the period between the time that a supervisor's salary was last set under subd. 1. or by the board, and the year before the year in which the salary increase is to take effect.

SECTION 4. 59.10 (2) (c) 3. of the statutes is created to read:

59.10 (2) (c) 3. The board may increase the salary specified in subd. 1., or as otherwise adjusted under this paragraph, by an amount that exceeds the percentage increase in the U.S. consumer price index for all urban consumers, U.S. city average, for the period between the time that a supervisor's salary was last set under subd. 1. or by the board, and the year before the year in which the salary increase is to take effect, except that such an increase may not take effect unless it is ratified by a majority vote of the electors in the county voting in a referendum on the proposed salary increase.

SECTION 5. 59.10 (2) (c) 4. of the statutes is created to read:

59.10 (2) (c) 4. A supervisor may not receive any other benefits or compensation not specifically authorized or required by law. The maximum salary that a supervisor receives in any year may not exceed the annual per capita income of Milwaukee County as most recently determined by the U.S. bureau of the census.

SECTION 6. 59.11 (2) (c) of the statutes is created to read:

59.11 (2) (c) In a county with a population of 750,000 or more, upon a written request of the county executive delivered to the clerk, specifying the time and place of the meeting. The time shall not be less than 48 hours from the delivery of the request. Upon receiving the request the clerk shall immediately mail to each

supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of a majority of all the supervisors.

SECTION 7. 59.12 (2) of the statutes is amended to read:

59.12 (2) The board at the time of the election of the chairperson shall also elect a member vice chairperson, for the same term, who in case of the absence or disability of the chairperson shall perform the chairperson's duties. The board at the time of the election of the chairperson may also elect a member 2nd vice chairperson, for the same term, who in case of the absence or disability of the chairperson and vice chairperson shall perform the duties of the chairperson. The Except for the board of a county with a population of 750,000 or more, the board may provide for the payment of additional compensation to the vice chairpersons.

History: 1977 c. 259; 1983 a. 192 ss. 120, 303 (1); 1985 a. 29; 1995 a. 201 s. 106; Stats. 1995 s. 59.12.

SECTION 8. 59.17 (2) (b) of the statutes is renumbered 59.17 (2) (b) (intro.) and amended to read:

X
59.17 (2) (b) ^(intro.) In any county with a population of 500,000 or more, ^{new} ~~appoint:~~ 1. Appoint and supervise the heads of all departments except where the statutes provide that the appointment shall be made by a board or commission or by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise the department head. Notwithstanding any Except for a statutory provision which specifies that a board or commission or the county board shall supervise the administration of a department, the of the department head shall supervise the administration department county executive, exclusively, shall administer, supervise, and direct all county departments and the county board, other board, or

commission shall perform any advisory or policy-making function authorized by statute. Any appointment by the county executive under this ~~paragraph~~ ^{subdivision} requires the confirmation of the county board unless the county board, by ordinance, elects to waive confirmation. If the board does not take a vote to confirm an appointment by the county executive within 30 days after the county executive submits the appointment to the board for confirmation, the appointment shall be considered confirmed without further action by the board. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive. The county executive and the board shall use good faith efforts to reflect the diversity of the people of the county in making and confirming appointments under this paragraph.

History: 1975 c. 264; 1977 c. 257, 259; 1979 c. 260; 1981 c. 217, 314, 329; 1981 c. 391 s. 210; 1983 a. 148; 1983 a. 192 ss. 116, 303 (2); 1983 a. 239, 484; 1985 a. 29 ss. 1150 to 1158, 1160, 3200 (56), 3202 (56); 1985 a. 135 s. 85; 1985 a. 176; 1989 a. 273; 1991 a. 269, 274, 316; 1995 a. 16 s. 2; 1995 a. 201 s. 101; Stats. 1995 s. 59.17.

SECTION 9. 59.17 (2) (b) 2. of the statutes is created to read:

59.17 (2) (b) 2. Establish departments in county government, and sections and divisions within those departments, that the county executive believes are necessary for the efficient administration of the county. Any department or subunit of a department that the county executive creates under this ~~paragraph~~ ^{subdivision} may not be established unless its creation is approved by a vote of the board. The county executive, exclusively, shall administer, supervise, and direct any department or subunit of a department that is created under this subdivision, and those departments and subunits shall report to the county executive.

INS 8-2

4. Sign all contracts, conveyances, and evidences of indebtedness on behalf of the county, to the extent that no other county officer or employee is specifically required to sign such contracts, conveyances, and evidences of indebtedness, and

countersign all other contracts, conveyances, and evidences of indebtedness. No contract with the county is valid unless it is signed or countersigned by the county executive.

5. Introduce proposed ordinances and resolutions for consideration by the board.

6. Hire and supervise the number of employees that the county executive reasonably believes are necessary for him or her to carry out the duties of the county executive's office.

SECTION 10. 59.17 (2) (bm) 2. of the statutes is amended to read:

59.17 (2) (bm) 2. Each appointment under subd. 1. is subject to the confirmation of the county board and is in the unclassified service, serving at the pleasure of the county executive and holding office until a new appointment is made by the county executive and confirmed by the board. No prior appointee may serve longer than 6 months after the term for which he or she was appointed and confirmed expires, unless reappointed and reconfirmed. The term of each appointment is 4 years or less. If the board does not take a vote to confirm an appointment by the county executive within 30 days after the county executive submits the appointment to the board for confirmation, the appointment shall be considered confirmed without further action by the board. The county executive and the board shall use good faith efforts to reflect the diversity of the people of the county in making and confirming appointments under this paragraph.

History: 1975 c. 264; 1977 c. 257, 259; 1979 c. 260; 1981 c. 217, 314, 329; 1981 c. 391 s. 210; 1983 a. 148; 1983 a. 192 ss. 116, 303 (2); 1983 a. 239, 484; 1985 a. 29 ss. 1150 to 1158, 1160, 3200 (56), 3202 (56); 1985 a. 135 s. 85; 1985 a. 176; 1989 a. 273; 1991 a. 269, 274, 316; 1995 a. 16 s. 2; 1995 a. 201 s. 101; Stats. 1995 s. 59.17.

SECTION 11. 59.22 (2) (a) of the statutes is amended to read:

59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and circuit judges, and subject to s. 59.794 (3), the board has the powers set forth in this

subsection, sub. (3) and s. 59.03 (1) as to any office, department, board, commission, committee, position or employee in county service created under any statute, the salary or compensation for which is paid in whole or in part by the county, and the jurisdiction and duties of which lie within the county or any portion thereof and the powers conferred by this section shall be in addition to all other grants of power and shall be limited only by express language.

History: 1973 c. 118; 1977 c. 372; 1981 c. 317; 1987 a. 181; 1989 a. 48, 107; 1991 a. 316; 1995 a. 27 ss. 3287, 9126 (19); 1995 a. 201 ss. 257 to 260; Stats. 1995 s. 59.22; 1995 a. 225 s. 146; 1997 a. 35; 1999 a. 83; 2003 a. 33; 2007 a. 20.

SECTION 12. 59.22 (3) of the statutes is amended to read:

59.22 (3) REIMBURSEMENT FOR EXPENSE. The board may provide for reimbursement to any elective officer, deputy officer, appointive officer or employee for any out-of-pocket expense incurred in the discharge of that person's duty in addition to that person's salary or compensation, including without limitation because of enumeration, traveling expenses, tuition costs incurred in attending courses of instruction clearly related to that person's employment, and the board may establish standard allowances for mileage, room and meals, the purposes for which allowances may be made, and determine the reasonableness and necessity for such reimbursements, and also establish in advance a fair rate of compensation to be paid to the sheriff for the board and care of prisoners in the county jail at county expense. Any reimbursement paid under this subsection to an officer or employee of a county with a population of 750,000 or more is subject to the budget limitation described in s. 59.60 (7e).

History: 1973 c. 118; 1977 c. 372; 1981 c. 317; 1987 a. 181; 1989 a. 48, 107; 1991 a. 316; 1995 a. 27 ss. 3287, 9126 (19); 1995 a. 201 ss. 257 to 260; Stats. 1995 s. 59.22; 1995 a. 225 s. 146; 1997 a. 35; 1999 a. 83; 2003 a. 33; 2007 a. 20.

INS 8-25

SECTION 13. 59.52 (31) of the statutes is created to read:

59.52 (31) PUBLIC CONTRACTS, POPULOUS COUNTIES. (a) In this subsection, "county" means any county with a population of 750,000 or more.

(b) 1. Any contract with a value of at least \$100,000, but not more than \$500,000, to which a county is a party and which satisfies any other statutory requirements, may take effect only if the board's finance committee does not vote to approve or reject the contract within 14 days after the contract is signed or countersigned by the county executive, or as described in subd. 2.

2. If a board's finance committee votes to approve a contract described under subd. 1, the contract may take effect. If a board's finance committee votes to reject a contract described under subd. 1., the contract may take effect only if the contract is approved by a vote of the board within 30 days after the board's finance committee votes to reject the contract.

(c) Any single contract, or group of contracts between the same parties which generally relate to the same transaction, with a value or aggregate value of more than \$500,000, to which a county is a party and which satisfies any other statutory requirements, may take effect only if it is approved by a vote of the board.

(d) With regard to any contract to which a county is a party and which is subject to review by the board or by a committee of the board under this subsection, the board's finance committee is the only committee which has jurisdiction over the contract.

SECTION 14. 59.60 (7) of the statutes is amended to read:

59.60 (7) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the executive's or administrator's budget to the finance committee and such committee shall publish as a class 1 notice, under ch. 985, a summary of the executive's or administrator's budget and comparative figures together with a statement of the

county's bonded indebtedness, in the 2 daily newspapers having the largest circulation in the county, and shall make available to the general public reprinted copies of the summary as published. The publication shall also state the date, hour, and place of the public hearing to be held by the board on such executive's or administrator's budget. The board shall, not less than 14 days after publication of the summary of the executive's or administrator's budget, but not later than the first Monday in November of each year and prior to the adoption of the property tax levy, hold a public hearing on such executive's or administrator's budget, at which time citizens may appear and express their opinions. After such public hearing, and on or before the annual meeting, the finance committee shall submit to the board its recommendations for amendments to the executive's or administrator's budget, if any, and the board shall adopt the budget with such changes as it considers proper and advisable. Subject to sub. (7e), the board of a county with a population of at least 500,000 may not adopt a budget in which the total amount of budgeted expenditures related to the compensation of county board members, and to any other costs that are directly related to the operation and functioning of the county board, including staff, is greater than 0.4 percent of the county portion of the tax levy for that year to which the budget applies. When so adopted, the sums provided shall, subject to the provisions of sub. (8), constitute legal appropriations and anticipated revenues for the ensuing year.

X

SECTION 15. 59.60 (7e) of the statutes is created to read:

59.60 (7e) MILWAUKEE COUNTY BUDGET CAP. The 0.4 percent budget limitation for a county with a population of at least 500,000 that is described in sub. (7) does not apply to any of the following elements of the county's budget:

(a) Any costs related to pension and health care payments for retired county officers, employees, and their families.

(b) The costs for the salary of county board supervisors and the county board chair^{person} for any term that begins before April 2016.

(c) Any costs associated with duties performed by the county clerk under s. 59.23 (2).

INS 10-2

(3) LIMITATIONS ON BOARD AUTHORITY. (a) Notwithstanding the provisions of s. 59.51, the board may not exercise day-to-day control of any county department or subunit of a department. Such control may be exercised only by the county executive as described in s. 59.17.

(b) A board may require, as necessary, the attendance of any county employee or officer at a board meeting to provide information and answer questions. Except for the purpose of inquiry, the board and its members may deal with county departments and subunits of departments solely through the county executive, and no supervisor may give instructions or orders to any subordinate of the county executive.

(c) The board may not create any county department or subunit of a department, except as provided in s. 59.17 (2) (b) 2.

(d) The board may not terminate, lower the salary or benefits of, or eliminate the position of, any county employee who works in the office of the county executive. This paragraph does not apply after the county board supervisors who are elected in the 2016 spring election take office.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1340/?dn
MES...*gjt*

Date

Representative Sanfelippo:

Please review this draft carefully to ensure that it meets your intent. As I discussed with Josh and Ray Carey, I did not incorporate into this draft some of the requirements for a county executive that apply to Cuyahoga County because they seem to have no legal effect. For example, requiring the county executive to advocate for the county and promote cooperation with other units of government doesn't seem to have any legal effect. How can this standard be judged? Who determines whether the county executive is complying with this statute? It's sort of like drafting a statute that requires the county executive to do a good job -- everyone would want him or her to do a good job (whatever that means), but this sort of directive has no legal effect and therefore should not be in the statutes.

Similarly, I did not include the requirement that the county executive attend board meetings and participate in all discussions. If there is no consequence to the county executive failing to meet such a statutory requirement -- such as a provision prohibiting the county board from meeting unless the county executive is in attendance, or stating the board may not enact an ordinance or adopt a resolution unless the county executive actively participates in the discussion of the proposal -- the attendance and participation requirements would have no legal effect.

Given the changes to the salary provisions in the bill, I did not strike through the last sentence of s. 59.10 (2)(c) 1. Is this OK?

I believe that the bill reflects your intent with regard to changing the power, responsibilities, and contracting authority of the county executive and the county board, but there are a number of statutes where I couldn't really determine whether the board's authority needs to be limited or changed to comport with your overall intent. Please review the following statutes and let me know if you'd like any of them to be amended to modify or reduce the board's authority: Sections 59.53 (5), (6) (a) 1., (18), (20), (21), and (22), 59.54 (8), 59.55, 59.56 (2) (b), (3), (6), and (11), 59.58 (1), 59.694 (1), 59.698, 59.70 (7), (8), (8m), (12), and (13), 59.72 (3), 59.74 (2) (c), and 59.792, Stats.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1340/1dn
MES:kjf:ph

February 4, 2013

Representative Sanfelippo:

Please review this draft carefully to ensure that it meets your intent. As I discussed with Josh and Ray Carey, I did not incorporate into this draft some of the requirements for a county executive that apply to Cuyahoga County because they seem to have no legal effect. For example, requiring the county executive to advocate for the county and promote cooperation with other units of government doesn't seem to have any legal effect. How can this standard be judged? Who determines whether the county executive is complying with this statute? It's sort of like drafting a statute that requires the county executive to do a good job -- everyone would want him or her to do a good job (whatever that means), but this sort of directive has no legal effect and therefore should not be in the statutes.

Similarly, I did not include the requirement that the county executive attend board meetings and participate in all discussions. If there is no consequence to the county executive failing to meet such a statutory requirement -- such as a provision prohibiting the county board from meeting unless the county executive is in attendance, or stating the board may not enact an ordinance or adopt a resolution unless the county executive actively participates in the discussion of the proposal -- the attendance and participation requirements would have no legal effect.

Given the changes to the salary provisions in the bill, I did not strike through the last sentence of s. 59.10 (2) (c) 1. Is this OK?

I believe that the bill reflects your intent with regard to changing the power, responsibilities, and contracting authority of the county executive and the county board, but there are a number of statutes where I couldn't really determine whether the board's authority needs to be limited or changed to comport with your overall intent. Please review the following statutes and let me know if you'd like any of them to be amended to modify or reduce the board's authority: Sections 59.53 (5), (6) (a) 1., (18), (20), (21), and (22), 59.54 (8), 59.55, 59.56 (2) (b), (3), (6), and (11), 59.58 (1), 59.694 (1), 59.698, 59.70 (7), (8), (8m), (12), and (13), 59.72 (3), 59.74 (2) (c), and 59.792, stats.

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Barman, Mike

From: Shovers, Marc
Sent: Friday, January 25, 2013 3:14 PM
To: Barman, Mike
Subject: Rep. Sanfelippo's new draft is LRB -1340

Thanks, Mike.

Marc

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Wisconsin Department of Administration
Division of Executive Budget and Finance

Fiscal Estimate - 2013 Session

Original Updated Corrected Supplemental

LRB Number 13-1340/1		Introduction Number	
Description Changing the compensation structure by which a Milwaukee County supervisor may be paid, changing the term length of a Milwaukee County supervisor, limiting the authority of Milwaukee County to enter into certain intergovernmental agreements, removing some authority of the Milwaukee County board, increasing the authority of the Milwaukee County executive, deleting obsolete statutory references, and requiring a referendum			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs	
Local:			
<input checked="" type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Counties	<input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By	Authorized Signature	Date	
DCF/ Robert Nikolay (608) 261-4349	Robert Nikolay (608) 261-4349	2/18/2013	

2-19-13 Copy to Rep. Sanfelippo.
FE is for old / 1 version -
Draft is now / 2.

Fiscal Estimate Narratives

DCF 2/18/2013

LRB Number	13-1340/1	Introduction Number	Estimate Type	Original
Description				
Changing the compensation structure by which a Milwaukee County supervisor may be paid, changing the term length of a Milwaukee County supervisor, limiting the authority of Milwaukee County to enter into certain intergovernmental agreements, removing some authority of the Milwaukee County board, increasing the authority of the Milwaukee County executive, deleting obsolete statutory references, and requiring a referendum				

Assumptions Used in Arriving at Fiscal Estimate

This bill eliminates two Department of Children and Families-related public assistance programs that were authorized to operate in Milwaukee County - the Real Work Real Pay pilot project which ended in December 2009 and the AFDC demonstration project that calculated the AFDC benefit of an individual moving to Wisconsin from another state based on the benefit level in the state where the individual previously resided, which was never implemented. In addition, the bill eliminates the Milwaukee County children's home that could provide care for children in need of protection or services and juveniles adjudicated delinquent.

Since none of these programs eliminated are currently operating, there is not expected to be a state or local fiscal effect from elimination of the statutory references to these programs.

Long-Range Fiscal Implications



2013 BILL

INSTRUCTIONS
for /2

1 **AN ACT** *to repeal* 46.21 (2) (b), 46.21 (4m), 46.21 (7), 48.207 (1) (k), 48.58, 49.147
2 (3m), 49.19 (11m), 59.79 (6), 59.79 (10), 59.79 (11), 59.79 (12), 59.79 (13), 59.80,
3 84.03 (4), 86.19 (1r), 150.93 (3m), 227.01 (13) (im), 303.18 (5), 806.155 and
4 938.207 (1) (k); **to renumber and amend** 59.10 (2) (c) and 59.17 (2) (b); **to**
5 **amend** 20.437 (1) (b), 48.207 (2) (a), 48.48 (17) (a) 5., 48.57 (1) (e), 49.19 (11) (a)
6 1. a. (intro.), 49.26 (1) (g) (intro.), 49.26 (1) (h) 1s. b., 49.36 (2), 49.71 (1), 49.71
7 (2), 59.03 (2) (a), 59.06 (2), 59.10 (2) (b), 59.12 (2), 59.17 (2) (bm) 2., 59.22 (2) (a),
8 59.22 (3), 59.47 (3), 59.52 (6) (a), 59.60 (7), 59.79 (8), 66.0301 (2), 71.07 (2dx) (a)
9 5., 71.07 (2dx) (b) 2., 71.07 (2dx) (b) 3., 71.07 (2dx) (b) 4., 71.07 (2dx) (b) 5., 71.28
10 (1dx) (a) 5., 71.28 (1dx) (b) 2., 71.28 (1dx) (b) 3., 71.28 (1dx) (b) 4., 71.28 (1dx)
11 (b) 5., 71.47 (1dx) (a) 5., 71.47 (1dx) (b) 2., 71.47 (1dx) (b) 3., 71.47 (1dx) (b) 4.,
12 71.47 (1dx) (b) 5., 76.636 (1) (e) 3., 76.636 (2) (b), 76.636 (2) (c), 76.636 (2) (d),
13 76.636 (2) (e), 150.93 (2), 238.30 (4m), 289.33 (3) (d) and 938.207 (2); and **to**
14 **create** 59.10 (2) (c) 2., 59.10 (2) (c) 3., 59.10 (2) (c) 4., 59.11 (2) (c), 59.17 (2) (b)

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1 2. to 6., 59.52 (31), 59.60 (7e) and 59.794 of the statutes; **relating to:** changing
 2 the compensation structure by which a Milwaukee County supervisor may be
 3 paid, changing the term length of a Milwaukee County supervisor, limiting the
 4 authority of Milwaukee County to enter into certain intergovernmental
 5 agreements, removing some authority of the Milwaukee County board,
 6 increasing the authority of the Milwaukee County executive, deleting obsolete
 7 statutory references, and requiring a referendum.

Analysis by the Legislative Reference Bureau

Under current law, in a county with a population of at least 500,000 (presently only Milwaukee County), county board supervisors are paid an annual salary that is set by the board. In general, county board supervisors may receive other benefits such as life and health insurance, and supervisors in counties other than Milwaukee County are paid a per diem by the county for each day that the supervisor attends a county board meeting. Current law provides a maximum number of days for which a supervisor may receive such per diem payments, ranging from 20 to 30 days, based on the population of the county.

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Subject to approval by the electors in a referendum to be held in Milwaukee County in April 2013, under this bill, county board supervisors in a county with a population of at least 500,000 may be paid an annual salary of \$24,051, beginning with the term that commences in April 2016. Under the bill, a Milwaukee County supervisor may not receive any additional compensation or benefits, that are not authorized or required by law, although the bill authorizes the board to provide the board chairperson additional compensation, such that his or her salary may be up to 150 percent of the salary paid to a supervisor. The board may increase a supervisor's salary by the rate of inflation or, subject to approval by the electors in a referendum, at a rate greater than the rate of inflation. In no case, however, may the salary of a supervisor exceed the annual per capita income of Milwaukee County, as determined by the U.S. Bureau of the Census.

not more than
Add per capita language

Under current law, the term of a Milwaukee County supervisor is four years. Under the bill, beginning with the spring election in 2016, the term of such a supervisor is two years.

Subject to a number of exceptions, the bill also limits the Milwaukee County board's expenditures for expenses related to the county board, such as salaries and fringe benefits of county board members, costs for staff, and certain items related to the functioning of the board, to no more than 0.4 percent of the county portion of the property tax levy. Items not subject to this 0.4 percent limit are costs related to pension and health care payments for retired county employees, officers, and their families; salaries for supervisors and the county board chairperson for a term that

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begins before April 2016; and certain costs related to duties performed by the Milwaukee County clerk.

Generally under current law, a county executive has the authority to direct all administrative and management functions of county government that are not vested by law in other elected officers. The Milwaukee County executive is further authorized to appoint and supervise the heads of all departments, unless otherwise provided by law, and the department heads are generally authorized to supervise the administration of their departments. Current law also generally authorizes a county board to exercise any organizational or administrative power that is not given to a county executive or administrator, or such a person's subordinate. The bill makes a number of changes which clarify or increase the authority of the Milwaukee County executive and limits certain authority of the Milwaukee County board.

With regard to the powers of the Milwaukee County executive and board, the bill does the following:

1. Except for a specific statutory provision which states otherwise, authorizes the county executive, exclusively, to administer, supervise, and direct all county departments.
2. Authorizes the county executive to establish departments and subunits of the departments, subject to the approval of the board, that the executive believes are necessary for the efficient administration of the county.
3. For a contract with the county to be valid, requires the county executive to sign all contracts on behalf of the county to the extent that no other county officer or employee is required to sign them, and the county executive must countersign all other contracts.
4. The county executive may introduce proposed ordinances and resolutions for consideration by the board, call a special meeting of the board, and hire and supervise the number of employees that he or she believes are necessary to carry out his or her duties.
5. The county board is prohibited from creating a county department or subunit of a department, and may not exercise day-to-day control of any county department or subunit of a department. Such control may be exercised only by the county executive.
6. Except for making an inquiry, the supervisors may deal with county departments solely through the county executive, and no supervisor may give instructions or orders to any subordinate of the county executive, although the board may require any county employee or officer to attend a board meeting to provide information and answer questions.
7. Although the board may generally set the salary and compensation level of county employees, the bill prohibits the board from lowering the salary, terminating, or eliminating the position of any county employee who works in the office of the county executive, except that this prohibition does not apply after the supervisors who are elected in the spring 2016 election take office.
8. If the board does not take a vote to confirm an appointment of the county executive within 30 days after the executive submits the appointment to the board, the appointment shall be considered confirmed.

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The bill creates a new approval process for contracts to which a populous county (a county with a population of at least 750,000) is a party. Under the bill, a contract with a value of between \$100,000 and \$500,000 is subject to passive review, meaning that the contract may take effect unless the board's finance committee votes to reject the contract within 14 days of the county executive signing or countersigning the contract. If the finance committee rejects the contract, it may still take effect if the entire board approves the contract within 30 days of the committee's rejection. A contract with a value of more than \$500,000 may take effect only if it is approved by the entire board.

Under current law, a county board may schedule an advisory referendum or a referendum on the question of ratification of an ordinance or resolution of the county board. This bill prohibits a county board from scheduling a referendum on any matter that is subject to the approval of the electors of a county under this bill to be held concurrently with the election at which the question of approval is presented to the electors.

Under current law, the state, regional planning commissions, federally recognized Indian tribes and bands, and local units of government, including municipalities, counties, school districts, and other special purpose districts, may enter into intergovernmental cooperation agreements for the receipt or furnishing of services or joint exercise of powers. Under another provision of current law, a county and a city, village, or town (municipality), may enter into a contract to consolidate municipal services under which the county renders such services to the contracting municipality, either exclusively by the county or jointly with the municipality.

Under this bill, before such a contract, or before an intergovernmental cooperation agreement, between a county with a population of 750,000 or more (presently only Milwaukee County) and another local unit of government may take effect and become binding on such a county, the contract or agreement must be approved by an executive council. The bill defines executive council as a body that consists of the mayor or village president of every city and village that is wholly located within that county.

The bill also removes obsolete references to entities that no longer exist in Milwaukee County, such as a county hospital, county sanitorium, city-county crime commission, and a directional sign to America's Black Holocaust Museum, or removes references to activities that have been completed, such as the demolition of the Park East Freeway corridor.

The Wisconsin Works program, under current law, provides work experience and monetary benefits to low-income custodial parents through placement in one of a number of employment positions, depending on the participant's skills, training, and experience. This bill eliminates the real work, real pay employment position in the Wisconsin Works program, which was a pilot program that was conducted in Milwaukee County and two other geographical areas in this state from January 1, 2008, to December 31, 2009. This bill also eliminates a demonstration project, under which benefits under the Aid to Families with Dependent Children program for an individual moving to Wisconsin from another state are calculated based on the

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benefit levels in the state where the individual previously resided. The eliminated demonstration project was authorized to operate in Milwaukee County and up to five other counties but was never implemented.

Under current law, a county children's home in a county having a population of 500,000 or more (Milwaukee County children's home) may provide care, including temporary shelter care, for children in need of protection or services and juveniles adjudicated delinquent and may provide temporary shelter care for children taken into custody under the Children's Code and for juveniles taken into custody under the Juvenile Justice Code. This bill eliminates the Milwaukee County children's home.

This bill repeals an obsolete provision of civil procedure governing judgments entered before the first Monday in January 1962 in the civil court of Milwaukee or in any court which ceased to function on that date, or in any court functioning under ch. 254 of the 1959 Wisconsin Statutes.

This bill also removes certain authority currently possessed by the Milwaukee County board. Under the bill, the board may no longer do any of the following: appropriate money for planning or participating in a world festival celebration or any similar program designed to promote international commerce and culture; enter into a new contract for the services of a retired Milwaukee County employee; ~~determine policy for the operation, maintenance, and improvement of a county hospital~~; own and operate a professional baseball team, and maintain a nonprofit corporation for such ownership or operation; require licenses for cats; and let a contract for the design-build construction of a sheriff's department training academy.

Under current law, a county board has general authority to acquire, lease, or rent real and personal property. Under this bill, in Milwaukee County, such authority is exercised by the county executive, although the sale or lease of property is subject to a simple approval or rejection by the county board. The board may not add or subtract terms or conditions to a sale or lease approved by the county executive.

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. 20.437 (1) (b) of the statutes is amended to read:
- 2 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule
- 3 for services for children and families under s. 48.563, for reimbursement to counties
- 4 having a population of less than 500,000 for the cost of court attached intake services
- 5 under s. 48.06 (4), for shelter care under ~~ss. 48.58 and s. 938.22~~, and for foster care

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1 and subsidized guardianship care under ss. 48.645 and 49.19 (10). Social services
2 disbursements under s. 49.32 (2) (b) may be made from this appropriation. Refunds
3 received relating to payments made under s. 49.32 (2) (b) for the provision of services
4 for which moneys are appropriated under this paragraph shall be returned to this
5 appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of
6 children and families may transfer funds between fiscal years under this paragraph.
7 The department shall deposit into this appropriation funds it recovers under s.
8 48.569 (2) (b), from prior fiscal year audit adjustments. Except for amounts
9 authorized to be carried forward under s. 48.565, all funds recovered under s. 48.569
10 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered by
11 December 31 of each year shall lapse to the general fund on the succeeding January
12 1 unless carried forward to the next calendar year by the joint committee on finance.

13 **SECTION 2.** 46.21 (2) (b) of the statutes is repealed.

14 **SECTION 3.** 46.21 (4m) of the statutes is repealed.

15 **SECTION 4.** 46.21 (7) of the statutes is repealed.

16 **SECTION 5.** 48.207 (1) (k) of the statutes is repealed.

17 **SECTION 6.** 48.207 (2) (a) of the statutes is amended to read:

18 48.207 (2) (a) If a facility listed in sub. (1) (b) to ~~(k)~~ (i) is used to hold a child in
19 custody, or if supervisory services of a home detention program are provided to a child
20 held under sub. (1) (a), the authorized rate of the facility for the care of the child or
21 the authorized rate for those supervisory services shall be paid by the county in a
22 county having a population of less than 500,000 or by the department in a county
23 having a population of 500,000 or more. If no authorized rate has been established,
24 a reasonable sum to be fixed by the court shall be paid by the county in a county

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1 having a population of less than 500,000 or by the department in a county having a
2 population of 500,000 or more for the supervision or care of the child.

3 **SECTION 7.** 48.48 (17) (a) 5. of the statutes is amended to read:

4 48.48 (17) (a) 5. ~~Place children in a county children's home in the county, to~~
5 ~~accept~~ Accept guardianship of children when appointed by the court and to place
6 children under its guardianship for adoption.

7 **SECTION 8.** 48.57 (1) (e) of the statutes is amended to read:

8 48.57 (1) (e) If a county department in a county with a population of 500,000
9 or more and if contracted to do so by the department, ~~to place children in a county~~
10 ~~children's home in the county under policies adopted by the county board of~~
11 ~~supervisors,~~ to accept guardianship of children when appointed by the court and to
12 place children under its guardianship for adoption.

13 **SECTION 9.** 48.58 of the statutes is repealed.

14 **SECTION 10.** 49.147 (3m) of the statutes is repealed.

15 **SECTION 11.** 49.19 (11) (a) 1. a. (intro.) of the statutes is amended to read:

16 49.19 (11) (a) 1. a. (intro.) Except as provided in ~~subs. (11m) and sub. (11s),~~
17 monthly payments made under s. 20.437 (2) (dz) and (md) to persons or to families
18 with dependent children shall be based on family size and shall be at 80% of the total
19 of the allowances under subds. 2. and 4. plus the following standards of assistance
20 beginning on September 1, 1987:

21 **SECTION 12.** 49.19 (11m) of the statutes is repealed.

22 **SECTION 13.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

23 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
24 Works group that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5) or who

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1 is a recipient of aid under s. 49.19 is subject to the school attendance requirement
2 under par. (ge) if all of the following apply:

3 **SECTION 14.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

4 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin Works
5 group that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5) and who fails
6 to meet the school attendance requirement under par. (ge) is subject to a monthly
7 sanction.

8 **SECTION 15.** 49.36 (2) of the statutes is amended to read:

9 49.36 (2) The department may contract with any county, tribal governing body,
10 or Wisconsin Works agency to administer a work experience and job training
11 program for parents who are not custodial parents and who fail to pay child support
12 or to meet their children's needs for support as a result of unemployment or
13 underemployment. The program may provide the kinds of work experience and job
14 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
15 (3), ~~(3m)~~, or (4). The program may also include job search and job orientation
16 activities. The department shall fund the program from the appropriations under
17 s. 20.437 (2) (dz) and (k).

18 **SECTION 16.** 49.71 (1) of the statutes is amended to read:

19 49.71 (1) Each county may establish a county hospital for the treatment of
20 dependent persons, under s. 46.17, ~~and other persons authorized under s. 46.21 (4m).~~

21 **SECTION 17.** 49.71 (2) of the statutes is amended to read:

22 49.71 (2) In counties with a population of 500,000 or more, an institution
23 established under sub. (1) shall be governed under s. 46.21 ~~or 59.79 (10)~~, but in all
24 other counties it shall be governed under ss. 46.18, 46.19, and 46.20.

25 **SECTION 18.** 59.03 (2) (a) of the statutes is amended to read:

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1 59.03 (2) (a) ~~Except~~ Subject to s. 59.794 (2) and (3) and except as elsewhere
2 specifically provided in these statutes, the board of any county is vested with all
3 powers of a local, legislative and administrative character, including without
4 limitation because of enumeration, the subject matter of water, sewers, streets and
5 highways, fire, police, and health, and to carry out these powers in districts which
6 it may create for different purposes, or throughout the county, and for such purposes
7 to levy county taxes, to issue bonds, assessment certificates and improvement bonds,
8 or any other evidence of indebtedness. The powers hereby conferred may be
9 exercised by the board in any municipality, or part thereof located in the county upon
10 the request of any such municipality, evidenced by a resolution adopted by a majority
11 vote of the members-elect of its governing body, designating the particular function,
12 duty or act, and the terms, if any, upon which the powers shall be exercised by the
13 board or by a similar resolution adopted by direct legislation in the municipality in
14 the manner provided in s. 9.20. The resolution shall further provide whether the
15 authority or function is to be exercised exclusively by the county or jointly by the
16 county and the municipality, and shall also find that the exercise of such power by
17 the county would be in the public interest. Upon the receipt of the resolution, the
18 board may, by a resolution adopted by a majority vote of its membership, elect to
19 assume the exercise of the function, upon the terms and conditions set forth in the
20 resolution presented by the municipality.

21 **SECTION 19.** 59.06 (2) of the statutes is amended to read:

22 59.06 (2) **EFFECT OF TRANSFER.** All deeds, contracts and agreements made on
23 behalf of the county under the directions of the board under s. 59.52 (6), or by a county
24 executive acting under s. 59.17 (2) (b) 3., when signed and acknowledged by the clerk
25 and the county seal is attached, are valid and binding on the county to the extent of

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1 the terms of the instrument and the right, title and interest which the county has in
2 the property.

3 **SECTION 20.** 59.10 (2) (b) of the statutes is amended to read:

4 59.10 (2) (b) *Election; term.* Supervisors For an election that is held before
5 2016, supervisors shall be elected for 4-year terms at the election to be held on the
6 first Tuesday in April next preceding the expiration of their respective terms, and
7 shall take office on the 3rd Monday in April following their election. For an election
8 that is held in 2016 and thereafter, supervisors shall be elected for 2-year terms at
9 the election to be held on the first Tuesday in April next preceding the expiration of
10 their respective terms, and shall take office on the 3rd Monday in April following
11 their election.

12 **SECTION 21.** 59.10 (2) (c) of the statutes is renumbered 59.10 (2) (c) 1. and
13 amended to read:

14 59.10 (2) (c) 1. Each supervisor shall be paid by the county an annual salary
15 set by the board. The board may provide additional compensation for the
16 chairperson, such that his or her salary may be an amount of up to 150 percent of the
17 salary of a supervisor. Beginning with the term that commences in April 2016, the
18 annual salary that may be paid to a supervisor shall be \$24,051 and may be increased
19 for a new term as provided in subds. 2. and 3., subject to subd. 4. Section 66.0505
20 applies to this paragraph.

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21 **SECTION 22.** 59.10 (2) (c) 2. of the statutes is created to read:

22 59.10 (2) (c) 2. The board may increase the salary specified in subd. 1., or as
23 otherwise adjusted under this paragraph, by an amount that does not exceed the
24 percentage increase in the U.S. consumer price index for all urban consumers, U.S.
25 city average, for the period between the time that a supervisor's salary was last set

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1 under subd. 1. or by the board, and the year before the year in which the salary
2 increase is to take effect.

3 **SECTION 23.** 59.10 (2) (c) 3. of the statutes is created to read:

4 59.10 (2) (c) 3. The board may increase the salary specified in subd. 1., or as
5 otherwise adjusted under this paragraph, by an amount that exceeds the percentage
6 increase in the U.S. consumer price index for all urban consumers, U.S. city average,
7 for the period between the time that a supervisor's salary was last set under subd.
8 1. or by the board, and the year before the year in which the salary increase is to take
9 effect, except that such an increase may not take effect unless it is ratified by a
10 majority vote of the electors in the county voting in a referendum on the proposed
11 salary increase.

12 **SECTION 24.** 59.10 (2) (c) 4. of the statutes is created to read:

13 59.10 (2) (c) 4. A supervisor may not receive any other benefits or compensation
14 not specifically authorized or required by law. The maximum salary that a
15 supervisor receives in any year may not exceed the annual per capita income of
16 Milwaukee County as most recently determined by the U.S. bureau of the census.

17 **SECTION 25.** 59.11 (2) (c) of the statutes is created to read:

18 59.11 (2) (c) In a county with a population of 750,000 or more, upon a written
19 request of the county executive delivered to the clerk, specifying the time and place
20 of the meeting. The time shall not be less than 48 hours from the delivery of the
21 request. Upon receiving the request the clerk shall immediately mail to each
22 supervisor notice of the time and place of the meeting. Any special meeting may be
23 adjourned by a vote of a majority of all the supervisors.

24 **SECTION 26.** 59.12 (2) of the statutes is amended to read:

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1 59.12 (2) The board at the time of the election of the chairperson shall also elect
2 a member vice chairperson, for the same term, who in case of the absence or disability
3 of the chairperson shall perform the chairperson's duties. The board at the time of
4 the election of the chairperson may also elect a member 2nd vice chairperson, for the
5 same term, who in case of the absence or disability of the chairperson and vice
6 chairperson shall perform the duties of the chairperson. ~~The~~ Except for the board
7 of a county with a population of 750,000 or more, the board may provide for the
8 payment of additional compensation to the vice chairpersons.

9 SECTION 27. 59.17 (2) (b) of the statutes is renumbered 59.17 (2) (b) (intro.) and
10 amended to read:

11 59.17 (2) (b) (intro.) In any county with a population of 500,000 or more,
12 appoint:

13 1. Appoint and supervise the heads of all departments except where the
14 statutes provide that the appointment shall be made by a board or commission or by
15 other elected officers. Notwithstanding any statutory provision that a board or
16 commission or the county board or county board chairperson appoint a department
17 head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise
18 the department head. ~~Notwithstanding any~~ Except for a statutory provision which
19 specifies that a board or commission or the county board shall supervise the
20 administration of a department, ~~the department head shall supervise the~~
21 ~~administration of the department~~ county executive, exclusively, shall administer,
22 supervise, and direct all county departments and the county board, other board, or
23 commission shall perform any advisory or policy-making function authorized by
24 statute. Any appointment by the county executive under this ~~paragraph~~ subdivision
25 requires the confirmation of the county board unless the county board, by ordinance,

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1 elects to waive confirmation. If the board does not take a vote to confirm an
2 appointment by the county executive within 30 days after the county executive
3 submits the appointment to the board for confirmation, the appointment shall be
4 considered confirmed without further action by the board. Any department head
5 appointed by a county executive under this subsection may be removed at the
6 pleasure of the county executive. The county executive and the board shall use good
7 faith efforts to reflect the diversity of the people of the county in making and
8 confirming appointments under this paragraph.

9 SECTION 28. 59.17 (2) (b) 2. to 6. of the statutes are created to read:

10 59.17 (2) (b) 2. Establish departments in county government, and sections and
11 divisions within those departments, that the county executive believes are necessary
12 for the efficient administration of the county. Any department or subunit of a
13 department that the county executive creates under this subdivision may not be
14 established unless its creation is approved by a vote of the board. The county
15 executive, exclusively, shall administer, supervise, and direct any department or
16 subunit of a department that is created under this subdivision, and those
17 departments and subunits shall report to the county executive.

18 3. Exercise the authority under s. 59.52 (6) (a) that would otherwise be
19 exercised by a county board. With regard to the sale or lease of property, the county
20 executive's action must be approved by the county board to take effect. The county
21 board may only approve or reject the contract as negotiated by the county executive,
22 and the board may not change or add any terms or conditions in such a contract.

23 4. Sign all contracts, conveyances, and evidences of indebtedness on behalf of
24 the county, to the extent that no other county officer or employee is specifically
25 required to sign such contracts, conveyances, and evidences of indebtedness, and

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1 countersign all other contracts, conveyances, and evidences of indebtedness. No
2 contract with the county is valid unless it is signed or countersigned by the county
3 executive.

4 5. Introduce proposed ordinances and resolutions for consideration by the
5 board.

6 6. Hire and supervise the number of employees that the county executive
7 reasonably believes are necessary for him or her to carry out the duties of the county
8 executive's office.

9 **SECTION 29.** 59.17 (2) (bm) 2. of the statutes is amended to read:

10 59.17 (2) (bm) 2. Each appointment under subd. 1. is subject to the confirmation
11 of the county board and is in the unclassified service, serving at the pleasure of the
12 county executive and holding office until a new appointment is made by the county
13 executive and confirmed by the board. No prior appointee may serve longer than 6
14 months after the term for which he or she was appointed and confirmed expires,
15 unless reappointed and reconfirmed. The term of each appointment is 4 years or less.
16 If the board does not take a vote to confirm an appointment by the county executive
17 within 30 days after the county executive submits the appointment to the board for
18 confirmation, the appointment shall be considered confirmed without further action
19 by the board. The county executive and the board shall use good faith efforts to reflect
20 the diversity of the people of the county in making and confirming appointments
21 under this paragraph.

22 **SECTION 30.** 59.22 (2) (a) of the statutes is amended to read:

23 59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and
24 circuit judges, and subject to s. 59.794 (3), the board has the powers set forth in this
25 subsection, sub. (3) and s. 59.03 (1) as to any office, department, board, commission,

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1 committee, position or employee in county service created under any statute, the
2 salary or compensation for which is paid in whole or in part by the county, and the
3 jurisdiction and duties of which lie within the county or any portion thereof and the
4 powers conferred by this section shall be in addition to all other grants of power and
5 shall be limited only by express language.

6 **SECTION 31.** 59.22 (3) of the statutes is amended to read:

7 59.22 (3) REIMBURSEMENT FOR EXPENSE. The board may provide for
8 reimbursement to any elective officer, deputy officer, appointive officer or employee
9 for any out-of-pocket expense incurred in the discharge of that person's duty in
10 addition to that person's salary or compensation, including without limitation
11 because of enumeration, traveling expenses, tuition costs incurred in attending
12 courses of instruction clearly related to that person's employment, and the board may
13 establish standard allowances for mileage, room and meals, the purposes for which
14 allowances may be made, and determine the reasonableness and necessity for such
15 reimbursements, and also establish in advance a fair rate of compensation to be paid
16 to the sheriff for the board and care of prisoners in the county jail at county expense.
17 Any reimbursement paid under this subsection to an officer or employee of a county
18 with a population of 750,000 or more is subject to the budget limitation described in
19 s. 59.60 (7e).

20 ~~SECTION 32. 59.47 (3) of the statutes is amended to read:~~

21 ~~59.47 (3) If a county auditor's office is created under sub. (2), the chairperson~~
22 ~~of the board shall appoint a person known to be skilled in matters of public finance~~
23 ~~and accounting to act as county auditor. The appointment shall be made under ss.~~
24 ~~63.01 to 63.17 and shall be subject to confirmation by the board. The auditor shall~~
25 ~~direct the keeping of all of the accounts of the county, in all of its offices, departments~~

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1 and institutions, and shall keep books of account necessary to properly perform the
 2 duties of the office. The auditor's salary and the amount of the official bond shall be
 3 fixed by the board. The auditor shall perform all duties pertaining to the office, have
 4 all of the powers and perform the duties in sub. (1) and perform other duties imposed
 5 by the board. (In a county with a population at least 500,000, the auditor shall report
 6 to the county executive.) *Remove*

← ?
 does this
 conflict
 w/comptroller

SECTION 33. 59.52 (6) (a) of the statutes is amended to read:

8 59.52 (6) (a) *How acquired; purposes.* Take Except as provided in s. 59.17 (2)
 9 (b) 3., take and hold land acquired under ch. 75 and acquire, lease or rent property,
 10 real and personal, for public uses or purposes of any nature, including without
 11 limitation acquisitions for county buildings, airports, parks, recreation, highways,
 12 dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal
 13 for county institutions, lime pits for operation under s. 59.70 (24), equipment for
 14 clearing and draining land and controlling weeds for operation under s. 59.70 (18),
 15 ambulances, acquisition and transfer of real property to the state for new collegiate
 16 institutions or research facilities, and for transfer to the state for state parks and for
 17 the uses and purposes specified in s. 23.09 (2) (d).

SECTION 34. 59.52 (31) of the statutes is created to read:

19 59.52 (31) PUBLIC CONTRACTS, POPULOUS COUNTIES. (a) In this subsection,
 20 "county" means any county with a population of 750,000 or more.

21 (b) 1. Any contract with a value of at least \$100,000, but not more than
 22 \$500,000, to which a county is a party and which satisfies any other statutory
 23 requirements, may take effect only if the board's finance committee does not vote to
 24 approve or reject the contract within 14 days after the contract is signed or
 25 countersigned by the county executive, or as described in subd. 2.

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1 2. If a board's finance committee votes to approve a contract described under
2 subd. 1, the contract may take effect. If a board's finance committee votes to reject
3 a contract described under subd. 1., the contract may take effect only if the contract
4 is approved by a vote of the board within 30 days after the board's finance committee
5 votes to reject the contract.

6 (c) Any single contract, or group of contracts between the same parties which
7 generally relate to the same transaction, with a value or aggregate value of more
8 than \$500,000, to which a county is a party and which satisfies any other statutory
9 requirements, may take effect only if it is approved by a vote of the board.

10 (d) With regard to any contract to which a county is a party and which is subject
11 to review by the board or by a committee of the board under this subsection, the
12 board's finance committee is the only committee which has jurisdiction over the
13 contract.

14 **SECTION 35.** 59.60 (7) of the statutes is amended to read:

15 59.60 (7) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the
16 executive's or administrator's budget to the finance committee and such committee
17 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or
18 administrator's budget and comparative figures together with a statement of the
19 county's bonded indebtedness, in the 2 daily newspapers having the largest
20 circulation in the county, and shall make available to the general public reprinted
21 copies of the summary as published. The publication shall also state the date, hour,
22 and place of the public hearing to be held by the board on such executive's or
23 administrator's budget. The board shall, not less than 14 days after publication of
24 the summary of the executive's or administrator's budget, but not later than the first
25 Monday in November of each year and prior to the adoption of the property tax levy,

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1 hold a public hearing on such executive's or administrator's budget, at which time
2 citizens may appear and express their opinions. After such public hearing, and on
3 or before the annual meeting, the finance committee shall submit to the board its
4 recommendations for amendments to the executive's or administrator's budget, if
5 any, and the board shall adopt the budget with such changes as it considers proper
6 and advisable. Subject to sub. (7e), the board of a county with a population of at least
7 500,000 may not adopt a budget in which the total amount of budgeted expenditures
8 related to the compensation of county board members, and to any other costs that are
9 directly related to the operation and functioning of the county board, including staff,
10 is greater than 0.4 percent of the county portion of the tax levy for that year to which
11 the budget applies. When so adopted, the sums provided shall, subject to the
12 provisions of sub. (8), constitute legal appropriations and anticipated revenues for
13 the ensuing year.

14 **SECTION 36.** 59.60 (7e) of the statutes is created to read:

15 59.60 (7e) MILWAUKEE COUNTY BUDGET CAP. The 0.4 percent budget limitation
16 for a county with a population of at least 500,000 that is described in sub. (7) does
17 not apply to any of the following elements of the county's budget:

18 (a) Any costs related to pension and health care payments for retired county
19 officers, employees, and their families.

20 (b) The costs for the salary of county board supervisors and the county board
21 chairperson for any term that begins before April 2016.

22 (c) Any costs associated with duties performed by the county clerk under s.
23 59.23 (2).

24 **SECTION 37.** 59.79 (6) of the statutes is repealed.

25 **SECTION 38.** 59.79 (8) of the statutes is amended to read:

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1 59.79 (8) CONTRACTUAL PERSONNEL SERVICES. Enter into a contract for a period
2 not to exceed 2 years for the services of retired county employees, provided such
3 services shall not replace or duplicate an existing office or position in the classified
4 or unclassified service nor be considered an office or position under s. 63.03. No new
5 contracts may be entered into under this subsection on or after the effective date of
6 this subsection [LRB inserts date].

7 **SECTION 39.** 59.79 (10) of the statutes is repealed.

8 **SECTION 40.** 59.79 (11) of the statutes is repealed.

9 **SECTION 41.** 59.79 (12) of the statutes is repealed.

10 **SECTION 42.** 59.79 (13) of the statutes is repealed.

11 **SECTION 43.** 59.794 of the statutes is created to read:

12 **59.794 Milwaukee County; limitations on board authority and on**
13 **intergovernmental cooperation, shared services. (1) DEFINITIONS.** In this
14 section:

15 (a) “Agreement” means an intergovernmental cooperation agreement under s.
16 66.0301, or a contract to provide consolidated services under s. 59.03 (2) (e), entered
17 into by a county and another local governmental unit.

18 (b) “Board” means the board of a county.

19 (c) “County” means a county with a population of 750,000 or more.

20 (d) “Executive council” means a body that consists of the elected executive
21 officer of every city and village that is wholly located within the county.

22 (e) “Local governmental unit” has the meaning given in s. 66.0131 (1) (a).

23 **(2) LIMITATION ON AGREEMENTS.** Before an agreement may take effect and
24 become binding on a county, it must be approved by the executive council. If the

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1 county enters into an agreement, the executive council shall meet as soon as
2 practicable to vote on the agreement.

3 (3) LIMITATIONS ON BOARD AUTHORITY. (a) Notwithstanding the provisions of s.
4 59.51, the board may not exercise day-to-day control of any county department or
5 subunit of a department. Such control may be exercised only by the county executive
6 as described in s. 59.17.

7 (b) A board may require, as necessary, the attendance of any county employee
8 or officer at a board meeting to provide information and answer questions. Except
9 for the purpose of inquiry, the board and its members may deal with county
10 departments and subunits of departments solely through the county executive, and
11 no supervisor may give instructions or orders to any subordinate of the county
12 executive.

13 (c) The board may not create any county department or subunit of a
14 department, except as provided in s. 59.17 (2) (b) 2.

15 (d) The board may not terminate, lower the salary or benefits of, or eliminate
16 the position of, any county employee who works in the office of the county executive.
17 This paragraph does not apply after the county board supervisors who are elected in
18 the 2016 spring election take office.

19 SECTION 44. 59.80 of the statutes is repealed.

20 SECTION 45. 66.0301 (2) of the statutes is amended to read:

21 66.0301 (2) In Subject to s. 59.794 (2), and in addition to the provisions of any
22 other statutes specifically authorizing cooperation between municipalities, unless
23 those statutes specifically exclude action under this section, any municipality may
24 contract with other municipalities and with federally recognized Indian tribes and
25 bands in this state, for the receipt or furnishing of services or the joint exercise of any

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1 power or duty required or authorized by law. If municipal or tribal parties to a
2 contract have varying powers or duties under the law, each may act under the
3 contract to the extent of its lawful powers and duties. A contract under this
4 subsection may bind the contracting parties for the length of time specified in the
5 contract. This section shall be interpreted liberally in favor of cooperative action
6 between municipalities and between municipalities and Indian tribes and bands in
7 this state.

8 **SECTION 46.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

9 71.07 (2dx) (a) 5. "Member of a targeted group" means a person who resides
10 in an area designated by the federal government as an economic revitalization area,
11 a person who is employed in an unsubsidized job but meets the eligibility
12 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
13 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), ~~or in a real work,~~
14 ~~real pay project position under s. 49.147 (3m),~~ a person who is eligible for child care
15 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
16 economically disadvantaged youth, an economically disadvantaged veteran, a
17 supplemental security income recipient, a general assistance recipient, an
18 economically disadvantaged ex-convict, a qualified summer youth employee, as
19 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
20 a food stamp recipient, if the person has been certified in the manner under sub. (2dj)
21 (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.

22 **SECTION 47.** 71.07 (2dx) (b) 2. of the statutes is amended to read:

23 71.07 (2dx) (b) 2. The amount determined by multiplying the amount
24 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number
25 of full-time jobs created in a development zone and filled by a member of a targeted

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1 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the~~
2 ~~subsidies and reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

3 **SECTION 48.** 71.07 (2dx) (b) 3. of the statutes is amended to read:

4 71.07 (2dx) (b) 3. The amount determined by multiplying the amount
5 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
6 of full-time jobs created in a development zone and not filled by a member of a
7 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or~~
8 ~~the subsidies and reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

9 **SECTION 49.** 71.07 (2dx) (b) 4. of the statutes is amended to read:

10 71.07 (2dx) (b) 4. The amount determined by multiplying the amount
11 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the
12 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.
13 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.
14 (2dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,
15 and for which significant capital investment was made and by then subtracting the
16 subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and reimbursements paid~~
17 ~~under s. 49.147 (3m) (e)~~ for those jobs.

18 **SECTION 50.** 71.07 (2dx) (b) 5. of the statutes is amended to read:

19 71.07 (2dx) (b) 5. The amount determined by multiplying the amount
20 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
21 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,
22 2009 stats., excluding jobs for which a credit has been claimed under sub. (2dj), in
23 a development zone and not filled by a member of a targeted group and by then
24 subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
25 ~~reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

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1 **SECTION 51.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

2 71.28 (1dx) (a) 5. "Member of a targeted group" means a person who resides
3 in an area designated by the federal government as an economic revitalization area,
4 a person who is employed in an unsubsidized job but meets the eligibility
5 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
6 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), ~~or in a real work,~~
7 ~~real pay project position under s. 49.147 (3m),~~ a person who is eligible for child care
8 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
9 economically disadvantaged youth, an economically disadvantaged veteran, a
10 supplemental security income recipient, a general assistance recipient, an
11 economically disadvantaged ex-convict, a qualified summer youth employee, as
12 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
13 a food stamp recipient, if the person has been certified in the manner under sub. (1dj)
14 (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

15 **SECTION 52.** 71.28 (1dx) (b) 2. of the statutes is amended to read:

16 71.28 (1dx) (b) 2. The amount determined by multiplying the amount
17 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number
18 of full-time jobs created in a development zone and filled by a member of a targeted
19 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the~~
20 ~~subsidies and reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

21 **SECTION 53.** 71.28 (1dx) (b) 3. of the statutes is amended to read:

22 71.28 (1dx) (b) 3. The amount determined by multiplying the amount
23 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
24 of full-time jobs created in a development zone and not filled by a member of a

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1 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
2 the subsidies and reimbursements paid under s. 49.147 (3m) (e) for those jobs.

3 **SECTION 54.** 71.28 (1dx) (b) 4. of the statutes is amended to read:

4 71.28 (1dx) (b) 4. The amount determined by multiplying the amount
5 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the
6 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.
7 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.
8 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,
9 and for which significant capital investment was made and by then subtracting the
10 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
11 under s. 49.147 (3m) (e) for those jobs.

12 **SECTION 55.** 71.28 (1dx) (b) 5. of the statutes is amended to read:

13 71.28 (1dx) (b) 5. The amount determined by multiplying the amount
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
15 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,
16 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in
17 a development zone and not filled by a member of a targeted group and by then
18 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
19 reimbursements paid under s. 49.147 (3m) (e) for those jobs.

20 **SECTION 56.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

21 71.47 (1dx) (a) 5. "Member of a targeted group" means a person who resides
22 in an area designated by the federal government as an economic revitalization area,
23 a person who is employed in an unsubsidized job but meets the eligibility
24 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
25 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,

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1 ~~real pay project position under s. 49.147 (3m)~~, a person who is eligible for child care
2 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
3 economically disadvantaged youth, an economically disadvantaged veteran, a
4 supplemental security income recipient, a general assistance recipient, an
5 economically disadvantaged ex-convict, a qualified summer youth employee, as
6 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
7 a food stamp recipient, if the person has been certified in the manner under sub. (1dj)
8 (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

9 **SECTION 57.** 71.47 (1dx) (b) 2. of the statutes is amended to read:

10 71.47 (1dx) (b) 2. The amount determined by multiplying the amount
11 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number
12 of full-time jobs created in a development zone and filled by a member of a targeted
13 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the~~
14 ~~subsidies and reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

15 **SECTION 58.** 71.47 (1dx) (b) 3. of the statutes is amended to read:

16 71.47 (1dx) (b) 3. The amount determined by multiplying the amount
17 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
18 of full-time jobs created in a development zone and not filled by a member of a
19 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or~~
20 ~~the subsidies and reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

21 **SECTION 59.** 71.47 (1dx) (b) 4. of the statutes is amended to read:

22 71.47 (1dx) (b) 4. The amount determined by multiplying the amount
23 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the
24 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.
25 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.

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1 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,
2 and for which significant capital investment was made and by then subtracting the
3 subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and reimbursements paid~~
4 ~~under s. 49.147 (3m) (e)~~ for those jobs.

5 **SECTION 60.** 71.47 (1dx) (b) 5. of the statutes is amended to read:

6 71.47 (1dx) (b) 5. The amount determined by multiplying the amount
7 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
8 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,
9 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in
10 a development zone and not filled by a member of a targeted group and by then
11 subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
12 ~~reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

13 **SECTION 61.** 76.636 (1) (e) 3. of the statutes is amended to read:

14 76.636 (1) (e) 3. A person who is employed in a trial job, as defined in s. 49.141
15 (1) (n), ~~or in a real work, real pay project position under s. 49.147 (3m).~~

16 **SECTION 62.** 76.636 (2) (b) of the statutes is amended to read:

17 76.636 (2) (b) The amount determined by multiplying the amount determined
18 under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time
19 jobs created in a development zone and filled by a member of a targeted group and
20 by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
21 ~~reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

22 **SECTION 63.** 76.636 (2) (c) of the statutes is amended to read:

23 76.636 (2) (c) The amount determined by multiplying the amount determined
24 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time
25 jobs created in a development zone and not filled by a member of a targeted group

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1 and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
2 ~~reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

3 **SECTION 64.** 76.636 (2) (d) of the statutes is amended to read:

4 76.636 (2) (d) The amount determined by multiplying the amount determined
5 under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of
6 full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009
7 stats., excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in an
8 enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for
9 which significant capital investment was made and by then subtracting the
10 subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and reimbursements paid~~
11 ~~under s. 49.147 (3m) (e)~~ for those jobs.

12 **SECTION 65.** 76.636 (2) (e) of the statutes is amended to read:

13 76.636 (2) (e) The amount determined by multiplying the amount determined
14 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time
15 jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats.,
16 excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in a
17 development zone and not filled by a member of a targeted group and by then
18 subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
19 ~~reimbursements paid under s. 49.147 (3m) (e)~~ for those jobs.

20 **SECTION 66.** 84.03 (4) of the statutes is repealed.

21 **SECTION 67.** 86.19 (1r) of the statutes is repealed.

22 **SECTION 68.** 150.93 (2) of the statutes is amended to read:

23 150.93 (2) Except as provided in ~~subs. sub. (3) and (3m)~~, before July 1, 1996,
24 no person may obligate for a capital expenditure or implement services, by or on
25 behalf of a hospital, to increase the approved bed capacity of a hospital unless the

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1 person has, prior to May 12, 1992, entered into a legally enforceable contract,
2 promise or agreement with another to so obligate or implement.

3 **SECTION 69.** 150.93 (3m) of the statutes is repealed.

4 **SECTION 70.** 227.01 (13) (im) of the statutes is repealed.

5 **SECTION 71.** 238.30 (4m) of the statutes is amended to read:

6 238.30 (4m) "Member of a targeted group" means a person who resides in an
7 area designated by the federal government as an economic revitalization area, a
8 person who is employed in an unsubsidized job but meets the eligibility requirements
9 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who
10 is employed in a trial job, as defined in s. 49.141 (1) (n), ~~or in a real work, real pay~~
11 ~~project position under s. 49.147 (3m)~~, a person who is eligible for child care assistance
12 under s. 49.155, a person who is a vocational rehabilitation referral, an economically
13 disadvantaged youth, an economically disadvantaged veteran, a supplemental
14 security income recipient, a general assistance recipient, an economically
15 disadvantaged ex-convict, a dislocated worker, as defined in 29 USC 2801 (9), or a
16 food stamp recipient, if the person has been certified in the manner under 26 USC
17 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51 (d) (12).

18 **SECTION 72.** 289.33 (3) (d) of the statutes is amended to read:

19 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
20 authorization, approval, variance or exception or any restriction, condition of
21 approval or other restriction, regulation, requirement or prohibition imposed by a
22 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
23 a town, city, village, county or special purpose district, including without limitation
24 because of enumeration any ordinance, resolution or regulation adopted under s.
25 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),

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1 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
2 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
3 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
4 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
5 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
6 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
7 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), ~~(6)~~, and (7),
8 ~~(8), (10) and (11)~~, 59.792 (2) and (3), ~~59.80~~, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77,
9 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30,
10 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
11 91.

12 **SECTION 73.** 303.18 (5) of the statutes is repealed.

13 **SECTION 74.** 806.155 of the statutes is repealed.

14 **SECTION 75.** 938.207 (1) (k) of the statutes is repealed.

15 **SECTION 76.** 938.207 (2) of the statutes is amended to read:

16 938.207 (2) PAYMENT. If a facility listed in sub. (1) (b) to ~~(k)~~ (i) is used to hold
17 a juvenile in custody, or if supervisory services of a home detention program are
18 provided to a juvenile held under sub. (1) (a), the county shall pay the facility's
19 authorized rate for the care of the juvenile. If no authorized rate has been
20 established, the court shall fix a reasonable sum to be paid by the county for the
21 supervision or care of the juvenile.

22 **SECTION 77. Nonstatutory provisions.**

23 (1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or
24 before February 16, 2013, there shall be submitted to a vote of the electors of each
25 county with a population of at least 500,000 at the spring election to be held on

BILL

2014

1 April ~~2, 2013~~, the following question: "Shall that portion of 2013 Wisconsin Act ...
 2 (this act) which limits the compensation of members of the board of supervisors of ...
 3 (name of county) other than the chairperson to receipt of an annual salary of not more
 4 than \$24,051 and which limits the compensation of the chairperson to 150 percent
 5 of that amount, subject to limitations and adjustments specified by law; and which
 6 prohibits supervisors from receiving any compensation or benefits not specifically
 7 authorized or required by law become effective in this county on April 18, 2016?"

8 (b) If the question under paragraph (a) is approved by a majority of all votes
 9 cast on the question at the election in the county, the portions of this act specified in
 10 paragraph (a) shall take effect in that county; otherwise, the portions of this act
 11 specified in paragraph (a) shall not take effect in that county.

12 (2) Notwithstanding section 59.52 (25) of the statutes, no board of supervisors
 13 of any county may schedule a referendum to be held on April ~~2, 2013~~,²⁰¹⁴ with respect
 14 to any matter that is subject to the approval of the electors of the county on that date
 15 under subsection (1).

16

(END)

County/board can have oversight, public votes up or down vote on Ks

Fire dept at airport

contract negotiations can only be done county exec. --

Lobbying

make lobbying for county be done by county exec - negotiations should be under county exec provisions

9.53 (5) ✓ Change all references to "board" to read (Co. Exec.) p 5/2
(6)(a) ✓ " " " " " "

(18) N/C

(20) ✓ Change "operate" to "authorize". Co Exec would operate BMM? ^{2. Absix etix now}

(21) ✓ " " " " " "

(22) (Not sure if change is needed, but board should be able to authorize through policy but not directly operate. No change needed - county housing auth only operate in towns - no towns in mil. county)

9.54 (8) N/C

59.55 N/C

59.56(2)(b) Board should not be able to "operate and maintain" only set policy of acquiring, establishing, owning, expanding. Co. Exec would operate

59.56(3) N/C

59.56(6) N/C

59.56(11) Delete entirely - Debbie

59.58(1) N/C

9.694(1) N/C

59.698 Exclude Milw Co since all muni's within are incorporated.

59.70(7) " " " " " "

59.70(8) N/C

59.70(8M) same note as 59.56(2)(b) above

59.70(4) Exclude Milw Co.

59.70(13) " " " "

59.72(3) N/C

59.74(2)(c) N/C

59.792 See ledy Council memo for this section 2/8 - Josh says ignore this issue

INSTRUCTIONS for 1/2 - response to P-NOTE



WISCONSIN LEGISLATIVE COUNCIL

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

TO: REPRESENTATIVE-ELECT JOE SANFELIPPO
FROM: Laura Rose, Deputy Director
RE: Obsolete Statutes Relating to Milwaukee County
DATE: January 3, 2013

Your aide, Josh Hoisington, requested information on your behalf on statutes relating to Milwaukee County that may be obsolete. This memorandum responds to that request.

The following statutes were identified as potentially obsolete:

- 1. Section 46.21 (4m) (a), Stats., provides for county hospitals and sanatoriums in Milwaukee County. There is no longer either a county hospital or sanatorium in Milwaukee County.
2. Section 48.57 (1) (e), Stats., provides that children may be placed in the "county children's home" if contracted to do so with the Department of Health Services. There is no longer a county children's home in Milwaukee County.
3. Section 49.147 (3m), Stats., creates the "Real Work, Real Pay" pilot program in Milwaukee County and two other counties in the state. The program was in effect from January 1, 2008 to December 31, 2009. It is no longer in operation.
4. Section 49.19 (11m), Stats., creates a demonstration project whereby benefits under the Aid to Families with Dependent Children (AFDC) program for individuals moving to Wisconsin from other states are calculated on the basis of AFDC benefit levels from the prior state of residence. The pilot project was authorized to operate in Milwaukee County and two other counties. Similar programs were authorized in other states. However, the U.S. Supreme Court, in Saenz v. Roe, 526 U.S. 489 (1999), determined that these programs are unconstitutional. The demonstration program has not been implemented.
5. Section 59.79 (11), Stats., authorizes Milwaukee County to purchase a professional baseball team.

Remove from 11

AM, 49.7(1) - NOTE
par. (b) should be RPI too

A150
RP 46.21(2)

48.427(3m)(a) 1.

6. Section 59.79 (13), Stats., permits Milwaukee County to enter into a design-build contract for a sheriff's department training academy. The academy was constructed in 2002, so this statutory authorization is no longer needed.

7. Section 59.80, Stats., creates a city-county crime commission in Milwaukee County. This statute was created prior to 1969, and I am unable to find evidence that this commission still exists.

8. Section 84.03 (4), Stats., provides that the demolition costs for the Park East Freeway Corridor, as provided in a 1999 agreement, were to be shared between the city and county of Milwaukee, the State of Wisconsin, and the federal government. This demolition, which began in 2002, has been completed, so this statutory authorization is no longer needed.

9. Section 86.19 (1r), Stats., provides for a directional sign on Interstate 43 in Milwaukee County for America's Black Holocaust Museum. The physical location of the museum closed in 2008, but a virtual museum still operates. However, because the physical location of the museum no longer exists, the statutory authorization for the directional sign is no longer needed.

10. Section 150.93, Stats., provides that a person may obligate for a capital expenditure to increase the approved hospital bed capacity of a hospital if a public hospital owned by Milwaukee County transfers beds to a private hospital, and if the capital expenditure is necessitated by this transfer. The Milwaukee public hospital, Doyne Hospital, closed on December 31, 1995; therefore, this statutory provision is no longer needed.

11. Section 303.18, Stats., provides that if an inmate in the Milwaukee County House of Correction is ill and cannot be treated in the facility, the inmate may be temporarily transferred to the Milwaukee County Hospital. The county House of Correction is now known as the "County Correctional Facility - South." In addition, Milwaukee County no longer operates a county hospital. The hospital was transferred to private ownership in 1996 (see item 10).

12. Section 806.155, Stats., provides that "All judgments entered before the first Monday in January, 1962, in the civil court of Milwaukee County or in any court which ceased to function on that date, or in any court functioning under ch. 254, 1959 stats., are, as of that date, judgments of the circuit court in the county where judgment was entered, but no judgment shall have any other effect than when originally entered." Chapter 90, Laws of 1979, declared that s. 806.155 "shall be printed in future editions of the statutes." This statute appears to be obsolete, but the 1979-80 Legislature directed that this statute remain on the books.

If you need any assistance in determining whether a bill could be drafted to repeal any of these statutes, please let me know. My direct telephone number is 266-9791. I can be reached at the Legislative Council staff offices.

LR:ksm

Remove from
11.
change in/2

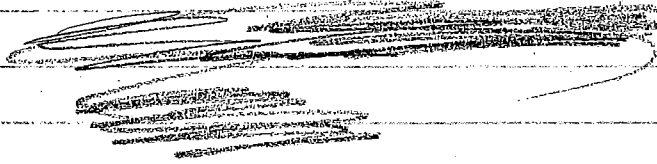
JKK/PSH

~~New draft -~~
~~stakeholder~~

Ray's cell

608 220

6461



Jeff Stone (414) 529-1100

based on
MM50 stats
0.200.23(2)

cell 414-305-0836

ICC selects board members

Abuse language
on
0.200.23(2)(b)

Exec Council of ICC

if Mil Co enters into an agreement

w/ any other local gov. unit

abroad areas -
the agree cant take effect until

As approved by ICC

they elect exec officers

w/in boundaries of every municip. wholly or
mil county

INSTRUCTIONS for 12

JTK-ref. question

MES

MES
& JTK

1) Change language in salary cap to read: ...paid to a supervisor shall not exceed the annual per capita income of Milwaukee County as most recently determined the US Bureau of Census. P 10 line 18 and p 30 line 4

JTK

JTK-ref. question

Also add as follows:salary of a supervisor, and the Finance Committee Chairperson may be an amount of up to 125% of a salary of a supervisor. P 10 line 17

2) Change 30 days to 60 days p13 line 2 and p14 line 17

3) Change \$500,000 to \$300,000 p16 line 22

4) Add as follows: ...of the county executive other than similar changes administered to all other departments on a county-wide basis. p20 line 16

5) Leave the statute in place regarding signage for Black Holocaust Museum however change signage to reflect the Wisconsin Black Historical Society and Museum

Fiscal Estimate - 2013 Session

Original Updated Corrected Supplemental

LRB Number 13-1340/1	Introduction Number	
Description Changing the compensation structure by which a Milwaukee County supervisor may be paid, changing the term length of a Milwaukee County supervisor, limiting the authority of Milwaukee County to enter into certain intergovernmental agreements, removing some authority of the Milwaukee County board, increasing the authority of the Milwaukee County executive, deleting obsolete statutory references, and requiring a referendum		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local:		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected	Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By	Authorized Signature	Date
DOR/ Daniel Huegel (608) 266-5705	Paul Ziegler (608) 266-5773	3/7/2013

03-07-2013
 copy to
 Rep. Sanfelippo

FE is for
 old "/1" version

draft will
 soon be a "/3"

Fiscal Estimate Narratives

DOR 3/7/2013

LRB Number	13-1340/1	Introduction Number	Estimate Type	Original
Description Changing the compensation structure by which a Milwaukee County supervisor may be paid, changing the term length of a Milwaukee County supervisor, limiting the authority of Milwaukee County to enter into certain intergovernmental agreements, removing some authority of the Milwaukee County board, increasing the authority of the Milwaukee County executive, deleting obsolete statutory references, and requiring a referendum				

Assumptions Used in Arriving at Fiscal Estimate

This bill makes several changes to how the Milwaukee County government may operate. This fiscal note discusses only those parts of the bill that are of direct relevance to the Department of Revenue (DOR).

INCOME TAX LAWS

The bill deletes a reference to the deduction related to a pilot program under the Wisconsin Works program (often referred to as the "Real Work, Real Pay" program) that operated in 2008 and 2009. Since this program is no longer in operation, the elimination of the reference to this program is expected to have no effect on income tax collections.

COUNTY BOARD TERM AND SALARIES

Under current law, county board supervisors in Milwaukee County are elected to 4-year terms. Under the bill, beginning with elections in 2016, county board supervisors in Milwaukee County would be elected to 2-year terms.

Under current law, county board supervisors in Milwaukee County are paid an annual salary that is set by the board. County board supervisors are eligible for benefits such as life insurance and health insurance.

Under the bill, beginning with terms that begin in April 2016, the annual salary for a Milwaukee county board supervisor would be \$24,051. This amount could be increased at the rate of inflation, as measured by the consumer price index, or by a higher percentage if approved by voters at a referendum. In addition, the salary could not exceed the average annual per capita income of Milwaukee County, based on the most recent data from the U. S. Bureau of the Census. Only those benefits that are required or authorized by law would be allowed. The board chairperson would be allowed to receive an annual salary that is no more than 150% of the salary paid to regular board members.

The bill limits budgeted expenditures related to compensation of county board supervisors, and other costs directly related to the operation of the board, including staff, to no more than 0.4% of the property tax levy for that year. Costs related to pension and health care benefits for retired board members or their families, costs for county clerk services provided to the board, and salaries for board members whose term began before April 2016 would not be subject to this limit.

The salary cap and budget limit would be subject to voter approval at a referendum to be held in Milwaukee County in April 2013.

Every county in Wisconsin is required to file an annual financial report with the Department of Revenue (DOR). Based on the report filed by Milwaukee County for 2011, total spending for the county board was \$5,885,036. The property tax levy for Milwaukee County for 2011 (the tax levied in December 2010 due for payment in 2011) was \$276,230,993. Thus, if the bill had been in effect for 2011, spending for the county board would have been limited to \$1,104,924 ($\$276,230,993 \times 0.004$), or \$4,780,112 ($\$5,885,036 - \$1,104,924$) less than under current law. This \$4,780,112 would have been available to meet other county expenditure needs, to reduce county taxes or fees, or some combination thereof. It should be noted that the financial report filed with the DOR does not provide sufficient detail on county board expenditures to permit determination of what part of the expenditures noted above might not be subject to the bill's 0.4% limit. Consequently, the degree to which the bill reduces county board expenditures may be less than calculated

above.

Long-Range Fiscal Implications