

INSTRUCTIONS for 13

2 what does "benefits" imply? inconsistent w/ 242. 3/6/13 meeting in Sen. Darling's office w/ Rep. Santalippa, Sen. Darling by phone, MAY PANZER, Josh, Heather, & various aides. Philmore

- 1. Page 7, line 2 after "salary" insert and benefits
- 2. Page 7 line 24, after "benefits" insert including health insurance and pension
- 3. p. 8, line 8 - after "receiving the request" insert "AND THE CONSENT OF THE BOARD CHAIR TO HOLD SAID MEETING,"

2 So it's not just the exec's call - it's the board's call

- 4. Page 9, line 13 after "confirmation" insert the appointee of the county executive may assume duties immediately pending board action which shall take place within 60 days after the county executive submits the appointment to the board for confirmation
- 5. Page 9, line 18 - 20 remove entire sentence beginning after "executive" and replace it with; The County Executive shall comply with hiring policies set by the board when making appointments under this paragraph

- 6. Page 10, line 7, after "must" insert comply with established board policy and...

- 7. Page 10, line 8, change comma to period at end of "executive and eliminate all of line 9.

- 8. Page 10, line 15, after "executive" - Insert and the comptroller per statute 59.20 (2)am. (the County Executive is not only signature on a contract. Also need this emphasis in the LRB analysis)

also x-vet'd corp counsel. YES

Let stat. is 59.20 (2)am

- 9. Page 10 line 20 after "office remove period and insert subject to board approval of county executive department budget." - is phrase correct?

- 10. Page 15, line 21 - page 16 line 2, delete entirely.

- 11. Page 16, lines 3 - 7, the county presently leases its fish hatchery to Hunger Task Force. Change language so the county can continue to own but not maintain or operate. Facility must stay leased out.

LACINSKI

- 12. Page 18 line 21-23 after 63.03 replace entire sentence with: contracts under this section shall conform with current statutes regarding contracting of retired state employees.

- 13. Page 19, line 12, after "county" insert as established in 200.23(2)(b)

2 are boards the same? what does this add? may be necessary

- 14. Page 19, line 22, we need to make a provision for corporation council who is also attorney for county board

W regard to Darling retired EEs, only you as state follow state stats on rehiring

ensure corp counsel may provide legal services to board & spec

15. Page 19, line 24, after "inquiry" insert or to refer specific constituent concerns'

16. Page 20, line 2, after "executive" insert that would conflict with the provisions of 59.794(3)

17. strike language on page 20, lines 24 & 25 and page 21, lines 1 & 2

18. change referendum language on page 23, line 5 & 6, from "no board of supervisors of any county" to "the Milwaukee County Board of supervisors"

19. Need more thorough background and perspective of authority of the county board in the LRB analysis. Not so much of increasing authority of County Executive and decreasing County Board authority but more of establishing a clear chain of command

.....
***OBJECT OF THE BILL IS NOT TO DECREASE CERTAIN AUTHORITIES OF THE BOARD AND INCREASE POWERS OF THE COUNTY EXECUTIVE, BUT RATHER MORE CLEARLY DEFINE AUTHORITY BETWEEN BOTH BRANCHES TO ALIGN WITH LEGISLATIVE INTENT WHEN THE LEGISLATURE CREATED THE COUNTY EXECUTIVE FORM OF GOVERNMENT**

2
No legal effect

Fiscal Estimate - 2013 Session

Original Updated Corrected Supplemental

LRB Number 13-1340/2	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"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <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
 "12" version

draft will
 soon be a "13"

Fiscal Estimate Narratives

DOR 3/7/2013

LRB Number	13-1340/2	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).

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 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. (The most recent figure sets that amount at \$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. Only those benefits that are required or authorized by law would be allowed. The board chairperson could receive an annual salary that is no more than 150% of the salary paid to regular board members, and the chairperson of the board's finance committee could receive an annual salary that is no more than 125% 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 2014.

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



State of Wisconsin
2013 - 2014 LEGISLATURE



RAC/ LRB-1340/2
MES/JTK/CMH/TKK:kjf:ph *RME*

2013 BILL

today

[Handwritten scribble]

repeal

1 AN ACT *to repeal* 59.79 (6), 59.79 (11), 59.79 (12), 59.79 (13) and 806.155; *to*
2 *renumber and amend* 59.10 (2) (c), 59.17 (2) (b) and 111.70 (1) (j); *to amend*
3 59.03 (2) (a), 59.06 (2), 59.10 (2) (b), 59.12 (2), 59.17 (2) (bm) 2., 59.22 (2) (a),
4 59.22 (3), 59.52 (6) (a), 59.53 (5) (a), 59.53 (6) (a) 1., 59.53 (6) (a) 2., 59.53 (20),
5 59.53 (21), 59.56 (2) (b), 59.56 (11), 59.60 (7), 59.698, 59.70 (7), 59.70 (8m), 59.70
6 (12) (a), 59.79 (8), 66.0301 (2), 86.19 (1r) and 289.33 (3) (d); and *to create* 59.10
7 (2) (c) 2., 59.10 (2) (c) 3., 59.10 (2) (c) 4., 59.11 (2) (c), 59.17 (2) (b) 2. to 6., 59.52
8 (31), 59.60 (7e), 59.794 and 111.70 (1) (j) 2. b. of the statutes; **relating to:**
9 changing the compensation structure by which a Milwaukee County supervisor
10 may be paid, changing the term length of a Milwaukee County supervisor,
11 limiting the authority of Milwaukee County to enter into certain
12 intergovernmental agreements, removing ^{and clarifying} some authority of the Milwaukee

affecting
the right of an annuitant under
the Milwaukee County Employee's Retirement
system to be retired by Milwaukee County,

BILL

1 County board, increasing ^{and clarifying} the authority of the Milwaukee County executive,
 2 deleting obsolete 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.

Subject to approval by the electors in a referendum to be held in Milwaukee County in April 2014, under this bill, county board supervisors in a county with a population of at least 500,000 may be paid an annual salary that may not exceed the annual per capita income of Milwaukee County, as determined by the U.S. Bureau of the Census, beginning with the term that commences in April 2016. Currently, the county's per capita annual income is approximately \$24,000. 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 also provide the chairperson of the finance committee additional compensation such that his or her salary may be up to 125 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, other than the board chairperson and finance committee chairperson, exceed the annual per capita income of Milwaukee County, as determined by the U.S. Bureau of the Census.

including health insurance and pension benefits

*INS
ANL-AAC*

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 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

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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.

and clarifies

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, including any person who lobbies for, or negotiates on behalf of, the county.

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.

This authority is subject to board approval of the county executive department budget.

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.

under current law, and under the bill, contracts with the county must also be countersigned by the comptroller and corporation counsel.

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.

subject to compliance with hiring policies set by the board with the approval of the county board chair person

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.

referring a specific constituent concern, or using legal services of the corporation counsel.

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, unless such changes affect all county employees in all county departments. This prohibition does not apply after the supervisors who are elected in the spring 2016 election take office.

8. Permits only the county executive to bargain collectively with county employees.

9. If the board does not take a vote to confirm an appointment of the county executive within 60 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 \$300,000 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 \$300,000 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 ^{the Milwaukee} 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 ^{and is based on a current law provision that is used to select four members of the Milwaukee Metropolitan Sewerage Commission}.

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;~~ 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

BILL

→ consistent with established county board policy,

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.~~

RETIRE tag

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

2 59.03 (2) (a) ~~Except~~ Subject to s. 59.794 (2) and (3) and except as elsewhere

3 specifically provided in these statutes, the board of any county is vested with all

4 powers of a local, legislative and administrative character, including without

5 limitation because of enumeration, the subject matter of water, sewers, streets and

6 highways, fire, police, and health, and to carry out these powers in districts which

7 it may create for different purposes, or throughout the county, and for such purposes

8 to levy county taxes, to issue bonds, assessment certificates and improvement bonds,

9 or any other evidence of indebtedness. The powers hereby conferred may be

10 exercised by the board in any municipality, or part thereof located in the county upon

11 the request of any such municipality, evidenced by a resolution adopted by a majority

12 vote of the members-elect of its governing body, designating the particular function,

13 duty or act, and the terms, if any, upon which the powers shall be exercised by the

14 board or by a similar resolution adopted by direct legislation in the municipality in

15 the manner provided in s. 9.20. The resolution shall further provide whether the

16 authority or function is to be exercised exclusively by the county or jointly by the

17 county and the municipality, and shall also find that the exercise of such power by

18 the county would be in the public interest. Upon the receipt of the resolution, the

19 board may, by a resolution adopted by a majority vote of its membership, elect to

BILL**SECTION 1**

1 assume the exercise of the function, upon the terms and conditions set forth in the
2 resolution presented by the municipality.

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

4 59.06 (2) **EFFECT OF TRANSFER.** All deeds, contracts and agreements made on
5 behalf of the county under the directions of the board under s. 59.52 (6), or by a county
6 executive acting under s. 59.17 (2) (b) 3., when signed and acknowledged by the clerk
7 and the county seal is attached, are valid and binding on the county to the extent of
8 the terms of the instrument and the right, title and interest which the county has in
9 the property.

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

11 59.10 (2) (b) *Election; term.* Supervisors For an election that is held before
12 2016, supervisors shall be elected for 4–year terms at the election to be held on the
13 first Tuesday in April next preceding the expiration of their respective terms, and
14 shall take office on the 3rd Monday in April following their election. For an election
15 that is held in 2016 and thereafter, supervisors shall be elected for 2–year terms at
16 the election to be held on the first Tuesday in April next preceding the expiration of
17 their respective terms, and shall take office on the 3rd Monday in April following
18 their election.

19 **SECTION 4.** 59.10 (2) (c) of the statutes is renumbered 59.10 (2) (c) 1. and
20 amended to read:

21 59.10 (2) (c) 1. Each supervisor shall be paid by the county an annual salary
22 set by the board. The board may provide additional compensation for the
23 chairperson, such that his or her salary may be an amount of up to 150 percent of the
24 salary of a supervisor, and for the chairperson of the board's finance committee, such
25 that his or her salary may be an amount of up to 125 percent of the salary of a

SECTION 4

BILL

total dollar value of the

1 supervisor. Beginning with the term that commences in April 2016, the annual
 2 salary ^{and benefits} that may be paid to a supervisor, other than the board chairperson and finance
 3 committee chairperson, may not exceed the annual per capita income of Milwaukee
 4 County as most recently determined by the U.S. bureau of the census and may be
 5 increased for a new term as provided in subds. 2. and 3., subject to the limit specified
 6 in subd. 4. Section 66.0505 applies to this paragraph.

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

8 59.10 (2) (c) 2. The board may increase the salary specified in subd. 1., or as
 9 otherwise adjusted under this paragraph, by an amount that does not exceed the
 10 percentage increase in the U.S. consumer price index for all urban consumers, U.S.
 11 city average, for the period between the time that a supervisor's salary was last set
 12 under subd. 1. or by the board, and the year before the year in which the salary
 13 increase is to take effect.

SECTION 6. 59.10 (2) (c) 3. of the statutes is created to read:

15 59.10 (2) (c) 3. The board may increase the salary specified in subd. 1., or as
 16 otherwise adjusted under this paragraph, by an amount that exceeds the percentage
 17 increase in the U.S. consumer price index for all urban consumers, U.S. city average,
 18 for the period between the time that a supervisor's salary was last set under subd.
 19 1. or by the board, and the year before the year in which the salary increase is to take
 20 effect, except that such an increase may not take effect unless it is ratified by a
 21 majority vote of the electors in the county voting in a referendum on the proposed
 22 salary increase.

SECTION 7. 59.10 (2) (c) 4. of the statutes is created to read:

24 59.10 (2) (c) 4. A supervisor may not receive any other benefits or compensation
 25 not specifically authorized or required by law. The maximum ^{and benefits} salary that a

→ including health insurance and pension benefits

total dollar value of the

BILL**SECTION 7**

1 supervisor, other than the chairperson of the board and the chairperson of the
2 finance committee, receives in any year may not exceed the annual per capita income
3 of Milwaukee County as most recently determined by the U.S. bureau of the census.

4 **SECTION 8.** 59.11 (2) (c) of the statutes is created to read:

5 59.11 (2) (c) In a county with a population of 750,000 or more, upon a written
6 request of the county executive delivered to the clerk, specifying the time and place
7 of the meeting. The time shall not be less than 48 hours from the delivery of the
8 request. Upon receiving the request, and the approval of the county board chairperson,
9 supervisor notice of the time and place of the meeting. Any special meeting may be
10 adjourned by a vote of a majority of all the supervisors.

11 **SECTION 9.** 59.12 (2) of the statutes is amended to read:

12 59.12 (2) The board at the time of the election of the chairperson shall also elect
13 a member vice chairperson, for the same term, who in case of the absence or disability
14 of the chairperson shall perform the chairperson's duties. The board at the time of
15 the election of the chairperson may also elect a member 2nd vice chairperson, for the
16 same term, who in case of the absence or disability of the chairperson and vice
17 chairperson shall perform the duties of the chairperson. The Except for the board
18 of a county with a population of 750,000 or more, the board may provide for the
19 payment of additional compensation to the vice chairpersons.

20 **SECTION 10.** 59.17 (2) (b) of the statutes is renumbered 59.17 (2) (b) (intro.) and
21 amended to read:

22 59.17 (2) (b) (intro.) In any county with a population of 500,000 or more,
23 appoint:

24 1. Appoint and supervise the heads of all departments except where the
25 statutes provide that the appointment shall be made by a board or commission or by

SECTION 10

BILL

An appointee of the county executive may assume his or her duties immediately, pending board action which shall take place within 60 days after the county executive submits the appointment to

1 other elected officers. Notwithstanding any statutory provision that a board or

2 commission or the county board or county board chairperson appoint a department

3 head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise

4 the department head. ~~Notwithstanding any~~ Except for a statutory provision which

5 specifies that a board or commission or the county board shall supervise the

6 administration of a department, the department head shall supervise the

7 administration of the department county executive, exclusively, shall administer,

8 supervise, and direct all county departments, including any person who provides

9 lobbying services for, or negotiates on behalf of, the county, and the county board,

10 other board, or commission shall perform any advisory or policy-making function

11 authorized by statute. Any appointment by the county executive under this

12 paragraph subdivision requires the confirmation of the county board unless the

13 county board, by ordinance, elects to waive confirmation. If the board does not take

14 a vote to confirm an appointment by the county executive within 60 days after the

15 county executive submits the appointment to the board for confirmation, the

16 appointment shall be considered confirmed without further action by the board. Any

17 department head appointed by a county executive under this subsection may be

18 removed at the pleasure of the county executive. The county executive and the board

19 shall use good faith efforts to reflect the diversity of the people of the county in

20 making ~~and confirming~~ appointments under this paragraph.

21 SECTION 11. 59.17 (2) (b) 2. to 6. of the statutes are created to read:

22 59.17 (2) (b) 2. Establish departments in county government, and sections and

23 divisions within those departments, that the county executive believes are necessary

24 for the efficient administration of the county. Any department or subunit of a

25 department that the county executive creates under this subdivision may not be

BILL

SECTION 11

1 established unless its creation is approved by a vote of the board. The county
2 executive, exclusively, shall administer, supervise, and direct any department or
3 subunit of a department that is created under this subdivision, and those
4 departments and subunits shall report to the county executive.

5 3. Exercise the authority under s. 59.52 (6) (a) that would otherwise be
6 exercised by a county board. With regard to the sale or lease of property, the county
7 executive's action must *be consistent with established county board policy and must*
8 board may only approve or reject the contract as negotiated by the county executive
9 ~~and the board may not change or add any terms or conditions in such a contract.~~

10 4. Sign all contracts, conveyances, and evidences of indebtedness on behalf of
11 the county, to the extent that no other county officer or employee is specifically
12 required to sign such contracts, conveyances, and evidences of indebtedness, and
13 countersign all other contracts, conveyances, and evidences of indebtedness. No
14 contract with the county is valid unless it is signed or countersigned *and 59.42(2)(b) 5, by*
15 executive *and, as provided in ss. 59.255 (2) (e) the comptroller*
16 *and corporation counsel*

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

19 6. Hire and supervise the number of employees that the county executive
20 reasonably believes are necessary for him or her to carry out the duties of the county
21 executive's office. *subject to board approval of the county executive department budget*

SECTION 12. 59.17 (2) (bm) 2. of the statutes is amended to read:

22 59.17 (2) (bm) 2. Each appointment under subd. 1. is subject to the confirmation
23 of the county board and is in the unclassified service, serving at the pleasure of the
24 county executive and holding office until a new appointment is made by the county
25 executive and confirmed by the board. No prior appointee may serve longer than 6

BILL

1 months after the term for which he or she was appointed and confirmed expires,
2 unless reappointed and reconfirmed. The term of each appointment is 4 years or less.
3 If the board does not take a vote to confirm an appointment by the county executive
4 within 60 days after the county executive submits the appointment to the board for
5 confirmation, the appointment shall be considered confirmed without further action
6 by the board. The county executive and the board shall use good faith efforts to reflect
7 the diversity of the people of the county in making and confirming appointments
8 under this paragraph.

9 **SECTION 13.** 59.22 (2) (a) of the statutes is amended to read:

10 59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and
11 circuit judges, and subject to s. 59.794 (3), the board has the powers set forth in this
12 subsection, sub. (3) and s. 59.03 (1) as to any office, department, board, commission,
13 committee, position or employee in county service created under any statute, the
14 salary or compensation for which is paid in whole or in part by the county, and the
15 jurisdiction and duties of which lie within the county or any portion thereof and the
16 powers conferred by this section shall be in addition to all other grants of power and
17 shall be limited only by express language.

18 **SECTION 14.** 59.22 (3) of the statutes is amended to read:

19 59.22 (3) REIMBURSEMENT FOR EXPENSE. The board may provide for
20 reimbursement to any elective officer, deputy officer, appointive officer or employee
21 for any out-of-pocket expense incurred in the discharge of that person's duty in
22 addition to that person's salary or compensation, including without limitation
23 because of enumeration, traveling expenses, tuition costs incurred in attending
24 courses of instruction clearly related to that person's employment, and the board may
25 establish standard allowances for mileage, room and meals, the purposes for which

BILL**SECTION 14**

1 allowances may be made, and determine the reasonableness and necessity for such
2 reimbursements, and also establish in advance a fair rate of compensation to be paid
3 to the sheriff for the board and care of prisoners in the county jail at county expense.
4 Any reimbursement paid under this subsection to an officer or employee of a county
5 with a population of 750,000 or more is subject to the budget limitation described in
6 s. 59.60 (7e).

7 **SECTION 15.** 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).

18 **SECTION 16.** 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 \$300,000, 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.

BILL

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 \$300,000, 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 17.** 59.53 (5) (a) of the statutes is amended to read:

15 59.53 (5) (a) The board shall contract with the department of children and
16 families to implement and administer the child and spousal support and
17 establishment of paternity and the medical support liability programs provided for
18 by Title IV of the federal social security act, except that in a county with a population
19 of 750,000 or more the county executive, exclusively, shall exercise all of this
20 authority. The board may designate by board resolution any office, officer, board,
21 department or agency, except the clerk of circuit court, as the county child support
22 agency and, in a county with a population of 750,000 or more, the county executive
23 shall administer the designated county child support agency. The board or, county
24 child support agency, or county executive of a county with a population of 750,000 or
25 more shall implement and administer the programs in accordance with the contract

BILL**SECTION 17**

1 with the department of children and families. The attorneys responsible for support
2 enforcement under sub. (6) (a), circuit court commissioners and all other county
3 officials shall cooperate with the county and the department of children and families
4 as necessary to provide the services required under the programs. The county shall
5 charge the fee established by the department of children and families under s. 49.22
6 for services provided under this paragraph to persons not receiving benefits under
7 s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471,
8 or 49.472.

9 **SECTION 18.** 59.53 (6) (a) 1. of the statutes is amended to read:

10 59.53 (6) (a) 1. Except as provided in subd. 2. and in a county with a population
11 of 750,000 or more, each board shall employ or contract with attorneys to provide
12 support enforcement. In a county with a population of 750,000 or more, the county
13 executive shall hire or contract with attorneys to provide support enforcement under
14 this subdivision. Section 59.42 (1), (2) (a) and (3) does not preclude a board from
15 assigning these support enforcement duties to any attorney employed by the county.

16 **SECTION 19.** 59.53 (6) (a) 2. of the statutes is amended to read:

17 59.53 (6) (a) 2. If on June 1, 1989, a county has 1.0 or more full-time equivalent
18 attorney positions that have primary responsibility for handling cases described in
19 par. (b), as determined by the district attorney of the prosecutorial unit, the county
20 shall establish and maintain a support enforcement office consisting of support
21 enforcement attorneys and office personnel. In counties having a population of less
22 than 500,000, a county budget under s. 65.90 shall list the proposed appropriation
23 under s. 65.90 (2) for the support enforcement office separate from any other office,
24 department or activity. In counties having a population of 500,000 or more, a county
25 budget shall treat a support enforcement office as a department, as defined in s.

BILL

1 59.60 (2) (a), separate from all other departments, and administered by the county
2 executive. If a county ceases to employ 1.0 or more full-time equivalent attorney
3 positions in the office, the county may provide support enforcement under subd. 1.

4 **SECTION 20.** 59.53 (20) of the statutes is amended to read:

5 59.53 (20) WORK CENTERS. The board may establish and operate a work center
6 licensed under s. 104.07 to provide employment for severely handicapped
7 individuals, except that in a county with a population of 750,000 or more, the county
8 executive shall be in charge of the operation of the work center.

9 **SECTION 21.** 59.53 (21) of the statutes is amended to read:

10 59.53 (21) OPERATION OF RELIEF PROGRAMS. The board may establish and operate
11 a program of relief for a specific class or classes of persons residing in that county,
12 except that in a county with a population of 750,000 or more, the county executive
13 shall be in charge of the operation of the program of relief. The county may set such
14 eligibility criteria to obtain relief, and may provide such services, commodities or
15 money as relief, as the county determines to be reasonable and necessary under the
16 circumstances. The program may include work components. The county may enact
17 any ordinances necessary or useful to the operation of a relief program under this
18 subsection. Counties may use vehicle registration information from the department
19 of transportation in determining eligibility for relief programs under this subsection.

20 ~~**SECTION 22.** 59.56 (2) (b) of the statutes is amended to read:~~

21 ~~59.56 (2) (b) The board may acquire, establish, expand, own, operate and~~
22 ~~maintain a public museum in the county and appropriate money for such purposes,~~
23 ~~except that a in a county with a population of 750,000 or more, the county executive~~
24 ~~shall be in charge of the operation and maintenance of the museum. A public~~
25 ~~museum owned by a county under this subsection may seek tax-exempt status as an~~

BILL

SECTION 22

1 entity described under section 501 (c) (3) of the internal revenue code Internal
2 Revenue Code.

3 **SECTION 23.** 59.56 (11) of the statutes is amended to read:

4 59.56 (11) FISH AND GAME. The board may establish, maintain, and operate fish
5 hatcheries and facilities for raising game birds, except that in a county with a
6 population of 750,000 or more, the county executive shall be in charge of the
7 ~~operation and maintenance of~~ ^{may own} the hatcheries and facilities. ^{but must lease the}
^{hatcheries and facilities to}

8 **SECTION 24.** 59.60 (7) of the statutes is amended to read: ^{another person who will}
^{maintain and operate them}

9 59.60 (7) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the
10 executive's or administrator's budget to the finance committee and such committee
11 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or
12 administrator's budget and comparative figures together with a statement of the
13 county's bonded indebtedness, in the 2 daily newspapers having the largest
14 circulation in the county, and shall make available to the general public reprinted
15 copies of the summary as published. The publication shall also state the date, hour,
16 and place of the public hearing to be held by the board on such executive's or
17 administrator's budget. The board shall, not less than 14 days after publication of
18 the summary of the executive's or administrator's budget, but not later than the first
19 Monday in November of each year and prior to the adoption of the property tax levy,
20 hold a public hearing on such executive's or administrator's budget, at which time
21 citizens may appear and express their opinions. After such public hearing, and on
22 or before the annual meeting, the finance committee shall submit to the board its
23 recommendations for amendments to the executive's or administrator's budget, if
24 any, and the board shall adopt the budget with such changes as it considers proper
25 and advisable. Subject to sub. (7e), the board of a county with a population of at least

BILL

1 500,000 may not adopt a budget in which the total amount of budgeted expenditures
2 related to the compensation of county board members, and to any other costs that are
3 directly related to the operation and functioning of the county board, including staff,
4 is greater than 0.4 percent of the county portion of the tax levy for that year to which
5 the budget applies. When so adopted, the sums provided shall, subject to the
6 provisions of sub. (8), constitute legal appropriations and anticipated revenues for
7 the ensuing year.

8 **SECTION 25.** 59.60 (7e) of the statutes is created to read:

9 **59.60 (7e) MILWAUKEE COUNTY BUDGET CAP.** The 0.4 percent budget limitation
10 for a county with a population of at least 500,000 that is described in sub. (7) does
11 not apply to any of the following elements of the county's budget:

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

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

16 (c) Any costs associated with duties performed by the county clerk under s.
17 59.23 (2).

18 **SECTION 26.** 59.698 of the statutes is amended to read:

19 **59.698 Zoning, building inspector.** Except as provided under s. 59.69 (2)
20 (bm), for the enforcement of all laws, ordinances, rules and regulations enacted
21 under s. 59.69, the board may appoint a building inspector, define the building
22 inspector's duties and fix the building inspector's term of office and compensation.
23 This section does not apply to a county with a population of 750,000 or more.

24 **SECTION 27.** 59.70 (7) of the statutes is amended to read:

BILL

1 59.70 (7) SOIL CONSERVATION. The board of any county with a population of less
2 than 750,000 may contract to do soil conservation work on privately owned land
3 either directly or through a committee designated by it.

4 **SECTION 28.** 59.70 (8m) of the statutes is amended to read:

5 59.70 (8m) HARBOR IMPROVEMENT. The board may establish, own, operate,
6 lease, equip, and improve harbor facilities on land owned by the county that is
7 located in this state or in another state, subject to the laws of the state in which the
8 land is located, and may appropriate money for the activities specified in this
9 subsection, except that in a county with a population of 750,000 or more, the county
10 executive shall be in charge of the operation of the harbor facilities.

11 **SECTION 29.** 59.70 (12) (a) of the statutes is amended to read:

12 59.70 (12) (a) A county or 2 or more contiguous counties may establish a district
13 to control mosquitoes, upon a majority vote of each board, except that the board of
14 a county with a population of 750,000 or more may not take any action under this
15 subsection or sub. (13).

16 **SECTION 30.** 59.79 (6) of the statutes is repealed.

17 ~~**SECTION 31.** 59.79 (8) of the statutes is amended to read:~~

18 ~~59.79 (8) CONTRACTUAL PERSONNEL SERVICES. Enter into a contract for a period~~
19 ~~not to exceed 2 years for the services of retired county employees, provided such~~
20 ~~services shall not replace or duplicate an existing office or position in the classified~~
21 ~~or unclassified service nor be considered an office or position under s. 63.03. No new~~
22 ~~contracts may be entered into under this subsection on or after the effective date of~~
23 ~~this subsection LRB inserts date.~~

24 **SECTION 32.** 59.79 (11) of the statutes is repealed.

25 **SECTION 33.** 59.79 (12) of the statutes is repealed.

BILL

1 **SECTION 34.** 59.79 (13) of the statutes is repealed.

2 **SECTION 35.** 59.794 of the statutes is created to read:

3 **59.794 Milwaukee County; limitations on board authority and on**
4 **intergovernmental cooperation, shared services. (1) DEFINITIONS.** In this
5 section:

6 (a) "Agreement" means an intergovernmental cooperation agreement under s.
7 66.0301, or a contract to provide consolidated services under s. 59.03 (2) (e), entered
8 into by a county and another local governmental unit.

9 (b) "Board" means the board of a county.

10 (c) "County" means a county with a population of 750,000 or more.

11 (d) "Executive council" means a body that consists of the elected executive
12 officer of every city and village that is wholly located within the county. *and who is also a member of the executive council as described in P. 200.23 (2)(b)*

13 (e) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

14 **(2) LIMITATION ON AGREEMENTS.** Before an agreement may take effect and
15 become binding on a county, it must be approved by the executive council. If the
16 county enters into an agreement, the executive council shall meet as soon as
17 practicable to vote on the agreement.

18 **(3) LIMITATIONS ON BOARD AUTHORITY.** (a) Notwithstanding the provisions of s.
19 59.51, the board may not exercise day-to-day control of any county department or
20 subunit of a department. Such control may be exercised only by the county executive
21 as described in s. 59.17. *as provided in par. (d),*

22 (b) A board may require, as necessary, the attendance of any county employee
23 or officer at a board meeting to provide information and answer questions. Except
24 for the purpose of inquiry, or to refer a specific constituent concern, the board and its members may deal with county
25 departments and subunits of departments solely through the county executive, and

BILL

SECTION 35

1 no supervisor may give instructions or orders to any subordinate of the county
2 executive. *that would conflict with this section ✓*

3 (c) The board may not create any county department or subunit of a
4 department, except as provided in s. 59.17 (2) (b) 2. *§ (d) The board may use the
5 legal services of the corporation
6 counsel under 0.59.42(2);*

7 ~~(e)~~ (d) The board may not terminate, lower the salary or benefits of, or eliminate
8 the position of, any county employee who works in the office of the county executive
9 unless a similar change is made which affects county employees, on a countywide
10 basis, in all other county departments. This paragraph does not apply after the
11 county board supervisors who are elected in the 2016 spring election take office.

*FMS
20-9*

SECTION 36. 66.0301 (2) of the statutes is amended to read:

12 66.0301 (2) ~~In~~ Subject to s. 59.794 (2), and in addition to the provisions of any
13 other statutes specifically authorizing cooperation between municipalities, unless
14 those statutes specifically exclude action under this section, any municipality may
15 contract with other municipalities and with federally recognized Indian tribes and
16 bands in this state, for the receipt or furnishing of services or the joint exercise of any
17 power or duty required or authorized by law. If municipal or tribal parties to a
18 contract have varying powers or duties under the law, each may act under the
19 contract to the extent of its lawful powers and duties. A contract under this
20 subsection may bind the contracting parties for the length of time specified in the
21 contract. This section shall be interpreted liberally in favor of cooperative action
22 between municipalities and between municipalities and Indian tribes and bands in
23 this state.

SECTION 37. 86.19 (1r) of the statutes is amended to read:

24 86.19 (1r) The department shall maintain the directional sign existing on
25 October 29, 1999, that is located along I 43 for America's Black Holocaust the

BILL

1 ~~Wisconsin Black Historical Society Museum in Milwaukee County. The department~~
2 ~~may not charge any fee related to the sign maintained under this subsection.~~

3 **SECTION 38.** 111.70 (1) (j) of the statutes is renumbered 111.70 (1) (j) (intro.) and
4 amended to read:

5 111.70 (1) (j) (intro.) "Municipal employer" means any city, of the following:

6 2. a. Except as provided in subd. 2. b., any county.

7 1. Any city, village, town, metropolitan sewerage district, school district,
8 long-term care district, transit authority under s. 59.58 (7) or 66.1039, local cultural
9 arts district created under subch. V of ch. 229, or any other political subdivision of
10 the state, or instrumentality of one or more political subdivisions of the state, that
11 engages the services of an employee and includes any person acting on behalf of a
12 municipal employer within the scope of the person's authority, express or implied.

13 **SECTION 39.** 111.70 (1) (j) 2. b. of the statutes is created to read:

14 111.70 (1) (j) 2. b. In a county with a population of 750,000 or more, the county
15 executive.

16 **SECTION 40.** 289.33 (3) (d) of the statutes is amended to read:

17 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
18 authorization, approval, variance or exception or any restriction, condition of
19 approval or other restriction, regulation, requirement or prohibition imposed by a
20 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
21 a town, city, village, county or special purpose district, including without limitation
22 because of enumeration any ordinance, resolution or regulation adopted under s.
23 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
24 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
25 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),

BILL**SECTION 40**

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

10 **SECTION 41.** 806.155 of the statutes is repealed.

11 **SECTION 42. Nonstatutory provisions.**

12 (1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or
13 before February 18, 2014, there shall be submitted to a vote of the electors of each
14 county with a population of at least 500,000 at the spring election to be held on
15 April 1, 2014, the following question: "Shall that portion of 2013 Wisconsin Act
16 (this act) which limits the compensation of members of the board of supervisors of
17 (name of county) other than the chairperson of the board and chairperson of the
18 finance committee to receipt of an annual salary of not more than the annual per
19 capita income of this county and which limits the compensation of the chairperson
20 of the board to not more than 150 percent of that amount and the chairperson of the
21 finance committee to not more than 125 percent of that amount, subject to
22 limitations and adjustments specified by law; and which prohibits supervisors from
23 receiving any compensation or benefits not specifically authorized or required by law
24 become effective in this county on April 18, 2016?"

plain

BILL

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

5 (2) Notwithstanding section 59.52 (25) of the statutes, ^{the Milwaukee County} ~~the~~ board of supervisors
6 ~~of any county~~ ^{not} may schedule a referendum to be held on April 1, 2014, with respect
7 to any matter that is subject to the approval of the electors of the county on that date
8 under subsection (1).

SECTION 43. Initial applicability.

10 (1) The renumbering and amendment of section 111.70 (1) (j) of the statutes and
11 the creation of section 111.70 (1) (j) 2. b. of the statutes first applies to employees
12 covered by a collective bargaining agreement that is in effect on the effective date of
13 this subsection upon the expiration, extension, renewal, or modification of the
14 agreement.

FNS
23-15

(END)

Insert Analysis: RAC

The bill provides that no individual who is receiving an annuity under an employee retirement system of a county having a population of 500,000 or more and who is reemployed by the county may continue to receive the annuity if a similarly situated individual who is receiving an annuity under the Wisconsin Retirement System and who was reemployed by a participating employer under that system would be required to terminate the annuity. This provision first applies to individuals who terminate employment on or after the bill's effective date.

Insert 20-9:

SECTION 1. 59.875 (title) of the statutes is amended to read:

59.875 (title) Payment of contributions in and employment of annuitants under an employee retirement system of populous counties.

History: 2011 a. 10, 32.

History: yes>2. An employer shall pay, on behalf of a represented law enforcement or fire fighting employee, who was initially employed by the employer before July 1, 2011, and who on or after July 1, 2011, became employed in a nonrepresented law enforcement or fire fighting managerial position with the employer, or a successor employer in the event of a combined department that is created on or after July 1, 2011, the same contributions required by par. (a) that are paid by the employer for represented law enforcement or fire fighting personnel who were initially employed by the employer before July 1, 2011.

SECTION 2. 59.875 (3) of the statutes is created to read:

59.875 (3) No individual who is receiving an annuity under an employee retirement system of a county and who is reemployed by the county may continue to receive the annuity if a similarly situated individual who is receiving an annuity under the Wisconsin Retirement System and who was reemployed by a participating employer under that system would be required to terminate the annuity.

Insert 23-15:

(0) EMPLOYMENT OF ANNUITANTS IN POPULOUS COUNTIES. The treatment of section 59.875 (title) and (3) of the statutes first applies to employees of a populous who terminate employment on the effective date of this subsection.

county

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1340/3insRC
RAC:.....

Insert Analysis:

WRS *JNSX*
The bill provides that no individual who is receiving an annuity under an employee retirement system of a county having a population of 500,000 or more and who is reemployed by the county may continue to receive the annuity if a similarly situated individual who is receiving an annuity under ~~the Wisconsin Retirement System~~ and who was reemployed by a participating employer under that system would be required to terminate the annuity. This provision first applies to individuals who terminate employment on or after the bill's effective date.

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History: yes>2. An employer shall pay, on behalf of a represented law enforcement or fire fighting employee, who was initially employed by the employer before July 1, 2011, and who on or after July 1, 2011, became employed in a nonrepresented law enforcement or fire fighting managerial position with the employer, or a successor employer in the event of a combined department that is created on or after July 1, 2011, the same contributions required by par. (a) that are paid by the employer for represented law enforcement or fire fighting personnel who were initially employed by the employer before July 1, 2011.

SECTION 2. 59.875 (3) of the statutes is created to read:

59.875 (3) No individual who is receiving an annuity under an employee retirement system of a county and who is reemployed by the county may continue to receive the annuity if a similarly situated individual who is receiving an annuity under the Wisconsin Retirement System and who was reemployed by a participating employer under that system would be required to terminate the annuity.

Insert 23-15:

(0) EMPLOYMENT OF ANNUITANTS IN POPULOUS COUNTIES. The treatment of section 59.875 (title) and (3) of the statutes first applies to employees of a populous who terminate employment on the effective date of this subsection.

I NS - X

Currently, Milwaukee county employees^{ees} are covered under the Milwaukee County Employees' Retirement System (MCERS), a retirement system established for a county having a population of 500,000 or more. MCERS ^{is} not part of the Wisconsin Retirement System (WRS), but ^{is} a separate retirement system.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1340/3
MES/JTK/RAC/CMH/TKK:kifj

RMR

2013 BILL

WANTED:
Today

Ragen

1 AN ACT *to repeal* 59.79 (6), 59.79 (11), 59.79 (12), 59.79 (13) and 806.155; *to*
2 *renumber and amend* 59.10 (2) (c), 59.17 (2) (b) and 111.70 (1) (j); *to amend*
3 59.03 (2) (a), 59.06 (2), 59.10 (2) (b), 59.12 (2), 59.17 (2) (bm) 2., 59.22 (2) (a),
4 59.22 (3), 59.52 (6) (a), 59.53 (5) (a), 59.53 (6) (a) 1., 59.53 (6) (a) 2., 59.53 (20),
5 59.53 (21), 59.56 (11), 59.60 (7), 59.698, 59.70 (7), 59.70 (8m), 59.70 (12) (a),
6 59.875 (title), 66.0301 (2) and 289.33 (3) (d); and *to create* 59.10 (2) (c) 2., 59.10
7 (2) (c) 3., 59.10 (2) (c) 4., 59.11 (2) (c), 59.17 (2) (b) 2. to 6., 59.52 (31), 59.60 (7e),
8 59.794, 59.875 (3) and 111.70 (1) (j) 2. b. of the statutes; **relating to:** changing
9 the compensation structure by which a Milwaukee County supervisor may be
10 paid, changing the term length of a Milwaukee County supervisor, affecting the
11 right of an annuitant under the Milwaukee County Employee's Retirement
12 System to be rehired by Milwaukee County, limiting the authority of
13 Milwaukee County to enter into certain intergovernmental agreements,
14 removing and clarifying some authority of the Milwaukee County board,

BILL

- 1 increasing and clarifying the authority of the Milwaukee County executive,
2 deleting obsolete statutory references, and requiring a referendum.
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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.

Subject to approval by the electors in a referendum to be held in Milwaukee County in April 2014, under this bill, county board supervisors in a county with a population of at least 500,000 may be paid an annual salary that may not exceed the annual per capita income of Milwaukee County, as determined by the U.S. Bureau of the Census, beginning with the term that commences in April 2016. Currently, the county's per capita annual income is approximately \$24,000. Under the bill, a Milwaukee County supervisor may not receive any additional compensation or benefits, including health insurance and pension 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 also provide the chairperson of the finance committee additional compensation such that his or her salary may be up to 125 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, other than the board chairperson and finance committee chairperson, exceed the annual per capita income of Milwaukee County, as determined by the U.S. Bureau of the Census.

Currently, Milwaukee County employees are covered under the Milwaukee County Employee's Retirement System (MCERS), a retirement system established for a county having a population of 500,000 or more. MCERS is not part of the Wisconsin Retirement System (WRS), but is a separate retirement system.

The bill provides that no individual who is receiving an annuity under an employee retirement system of a county having a population of 500,000 or more and who is reemployed by the county may continue to receive the annuity if a similarly situated individual who is receiving an annuity under WRS and who was reemployed by a participating employer under that system would be required to terminate the annuity. This provision first applies to individuals who terminate employment on or after the bill's effective date.

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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 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 and clarifies 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, including any person who lobbies for, or negotiates on behalf of, the county.
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. This authority is subject to board approval of the county executive department budget.
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. Under current law, and under the bill, contracts with the county must also be countersigned by the comptroller and corporation counsel.
4. The county executive may introduce proposed ordinances and resolutions for consideration by the board, call a special meeting of the board with the approval of the county board chairperson, and hire and supervise the number of employees that he or she believes are necessary to carry out his or her duties, subject to compliance with hiring policies set by the board.
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

BILL

or subunit of a department. Such control may be exercised only by the county executive.

6. Except for making an inquiry, referring a specific constituent concern, or using legal services of the corporation counsel, 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, unless such changes affect all county employees in all county departments. This prohibition does not apply after the supervisors who are elected in the spring 2016 election take office.

8. Permits only the county executive to bargain collectively with county employees.

~~9. If the board does not take a vote to confirm an appointment of the county executive within 60 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 \$300,000 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 \$300,000 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 the Milwaukee 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

BILL

(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 and is based on a current law provision that is used to select four members of the Milwaukee Metropolitan Sewerage Commission.

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; 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, consistent with established county board policy, although the sale or lease of property is subject to a simple approval or rejection by the county board.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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.** 59.03 (2) (a) of the statutes is amended to read:
2 59.03 (2) (a) ~~Except~~ Subject to s. 59.794 (2) and (3) and except as elsewhere
3 specifically provided in these statutes, the board of any county is vested with all
4 powers of a local, legislative and administrative character, including without
5 limitation because of enumeration, the subject matter of water, sewers, streets and
6 highways, fire, police, and health, and to carry out these powers in districts which
7 it may create for different purposes, or throughout the county, and for such purposes

BILL**SECTION 1**

1 to levy county taxes, to issue bonds, assessment certificates and improvement bonds,
2 or any other evidence of indebtedness. The powers hereby conferred may be
3 exercised by the board in any municipality, or part thereof located in the county upon
4 the request of any such municipality, evidenced by a resolution adopted by a majority
5 vote of the members-elect of its governing body, designating the particular function,
6 duty or act, and the terms, if any, upon which the powers shall be exercised by the
7 board or by a similar resolution adopted by direct legislation in the municipality in
8 the manner provided in s. 9.20. The resolution shall further provide whether the
9 authority or function is to be exercised exclusively by the county or jointly by the
10 county and the municipality, and shall also find that the exercise of such power by
11 the county would be in the public interest. Upon the receipt of the resolution, the
12 board may, by a resolution adopted by a majority vote of its membership, elect to
13 assume the exercise of the function, upon the terms and conditions set forth in the
14 resolution presented by the municipality.

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

16 59.06 (2) **EFFECT OF TRANSFER.** All deeds, contracts and agreements made on
17 behalf of the county under the directions of the board under s. 59.52 (6), or by a county
18 executive acting under s. 59.17 (2) (b) 3., when signed and acknowledged by the clerk
19 and the county seal is attached, are valid and binding on the county to the extent of
20 the terms of the instrument and the right, title and interest which the county has in
21 the property.

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

23 59.10 (2) (b) *Election; term.* Supervisors For an election that is held before
24 2016, supervisors shall be elected for 4-year terms at the election to be held on the
25 first Tuesday in April next preceding the expiration of their respective terms, and

BILL

1 shall take office on the 3rd Monday in April following their election. For an election
2 that is held in 2016 and thereafter, supervisors shall be elected for 2-year terms at
3 the election to be held on the first Tuesday in April next preceding the expiration of
4 their respective terms, and shall take office on the 3rd Monday in April following
5 their election.

6 **SECTION 4.** 59.10 (2) (c) of the statutes is renumbered 59.10 (2) (c) 1. and
7 amended to read:

8 59.10 (2) (c) 1. Each supervisor shall be paid by the county an annual salary
9 set by the board. The board may provide additional compensation for the
10 chairperson, such that his or her salary may be an amount of up to 150 percent of the
11 salary of a supervisor, and for the chairperson of the board's finance committee, such
12 that his or her salary may be an amount of up to 125 percent of the salary of a
13 supervisor. Beginning with the term that commences in April 2016, the total dollar
14 value of the annual salary and benefits that may be paid to a supervisor, other than
15 the board chairperson and finance committee chairperson, may not exceed the
16 annual per capita income of Milwaukee County as most recently determined by the
17 U.S. bureau of the census and may be increased for a new term as provided in subds.
18 2. and 3., subject to the limit specified in subd. 4. Section 66.0505 applies to this
19 paragraph.

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

21 59.10 (2) (c) 2. The board may increase the salary specified in subd. 1., or as
22 otherwise adjusted under this paragraph, by an amount that does not exceed the
23 percentage increase in the U.S. consumer price index for all urban consumers, U.S.
24 city average, for the period between the time that a supervisor's salary was last set

BILL**SECTION 5**

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 6.** 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 7.** 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
14 compensation, including health insurance and pension benefits, not specifically
15 authorized or required by law. The maximum total dollar value of the salary and
16 benefits that a supervisor, other than the chairperson of the board and the
17 chairperson of the finance committee, receives in any year may not exceed the annual
18 per capita income of Milwaukee County as most recently determined by the U.S.
19 bureau of the census.

20 **SECTION 8.** 59.11 (2) (c) of the statutes is created to read:

21 59.11 (2) (c) In a county with a population of 750,000 or more, upon a written
22 request of the county executive delivered to the clerk which must have been approved
23 by the county board chairperson, specifying the time and place of the meeting. The
24 time shall not be less than 48 hours from the delivery of the request. Upon receiving
25 the request and the approval of the county board chairperson, the clerk shall

BILL

1 immediately mail to each supervisor notice of the time and place of the meeting. Any
2 special meeting may be adjourned by a vote of a majority of all the supervisors.

3 **SECTION 9.** 59.12 (2) of the statutes is amended to read:

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

12 **SECTION 10.** 59.17 (2) (b) of the statutes is renumbered 59.17 (2) (b) (intro.) and
13 amended to read:

14 59.17 (2) (b) (intro.) In any county with a population of 500,000 or more,
15 appoint:

16 1. Appoint and supervise the heads of all departments except where the
17 statutes provide that the appointment shall be made by a board or commission or by
18 other elected officers. Notwithstanding any statutory provision that a board or
19 commission or the county board or county board chairperson appoint a department
20 head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise
21 the department head. ~~Notwithstanding any~~ Except for a statutory provision which
22 specifies that a board or commission or the county board shall supervise the
23 administration of a department, the department head shall supervise the
24 administration of the department county executive, exclusively, shall administer,
25 supervise, and direct all county departments, including any person who provides

BILL

1 lobbying services for, or negotiates on behalf of, the county, and the county board,
2 other board, or commission shall perform any advisory or policy-making function
3 authorized by statute. Any appointment by the county executive under this
4 paragraph subdivision requires the confirmation of the county board unless the
5 county board, by ordinance, elects to waive confirmation. An appointee of the county
6 executive may assume his or her duties immediately, pending board action which
7 shall take place within 60 days after the county executive submits the appointment
8 to the board for confirmation. If the board does not take a vote to confirm an
9 appointment by the county executive within 60 days after the county executive
10 submits the appointment to the board for confirmation, the appointment shall be
11 considered confirmed without further action by the board. Any department head
12 appointed by a county executive under this subsection may be removed at the
13 pleasure of the county executive. The county executive shall comply with hiring
14 policies set by the board when making appointments under this paragraph.

15 **SECTION 11.** 59.17 (2) (b) 2. to 6. of the statutes are created to read:

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

24 3. Exercise the authority under s. 59.52 (6) (a) that would otherwise be
25 exercised by a county board. With regard to the sale or lease of property, the county

BILL

1 executive's action must be consistent with established county board policy and must
2 be approved by the county board to take effect. The county board may only approve
3 or reject the contract as negotiated by the county executive.

4 4. Sign all contracts, conveyances, and evidences of indebtedness on behalf of
5 the county, to the extent that no other county officer or employee is specifically
6 required to sign such contracts, conveyances, and evidences of indebtedness, and
7 countersign all other contracts, conveyances, and evidences of indebtedness. No
8 contract with the county is valid unless it is signed or countersigned by the county
9 executive and, as provided in ss. 59.255 (2) (e) and 59.42 (2) (b) 5., by the comptroller
10 and corporation counsel.

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

13 6. Hire and supervise the number of employees that the county executive
14 reasonably believes are necessary for him or her to carry out the duties of the county
15 executive's office, subject to board approval of the county executive department
16 budget.

17 *An appointee of the county executive may assume his or her duties immediately, pending board action which shall take place within 60 days after the county executive*
SECTION 12. 59.17 (2) (bm) 2. of the statutes is amended to read:

18 59.17 (2) (bm) 2. Each appointment under subd. 1. is subject to the confirmation
19 of the county board and is in the unclassified service, serving at the pleasure of the
20 county executive and holding office until a new appointment is made by the county
21 executive and confirmed by the board. No prior appointee may serve longer than 6
22 months after the term for which he or she was appointed and confirmed expires,
23 unless reappointed and reconfirmed. The term of each appointment is 4 years or less.

24 If the board does not take a vote to confirm an appointment by the county executive
25 within 60 days after the county executive submits the appointment to the board for

submits the appointment to the board for confirmation,

BILL

SECTION 12

1 ~~confirmation, the appointment shall be considered confirmed without further action~~
 2 ~~by the board. The county executive and the board shall use good faith efforts to reflect~~
 3 ~~the diversity of the people of the county in making and confirming appointments~~
 4 ~~under this paragraph.~~

The county executive shall comply with hiring policies set by the board when making appointments

5 **SECTION 13.** 59.22 (2) (a) of the statutes is amended to read: under subd. 1.

6 59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and
 7 circuit judges, and subject to s. 59.794 (3), the board has the powers set forth in this
 8 subsection, sub. (3) and s. 59.03 (1) as to any office, department, board, commission,
 9 committee, position or employee in county service created under any statute, the
 10 salary or compensation for which is paid in whole or in part by the county, and the
 11 jurisdiction and duties of which lie within the county or any portion thereof and the
 12 powers conferred by this section shall be in addition to all other grants of power and
 13 shall be limited only by express language.

14 **SECTION 14.** 59.22 (3) of the statutes is amended to read:

15 59.22 (3) REIMBURSEMENT FOR EXPENSE. The board may provide for
 16 reimbursement to any elective officer, deputy officer, appointive officer or employee
 17 for any out-of-pocket expense incurred in the discharge of that person's duty in
 18 addition to that person's salary or compensation, including without limitation
 19 because of enumeration, traveling expenses, tuition costs incurred in attending
 20 courses of instruction clearly related to that person's employment, and the board may
 21 establish standard allowances for mileage, room and meals, the purposes for which
 22 allowances may be made, and determine the reasonableness and necessity for such
 23 reimbursements, and also establish in advance a fair rate of compensation to be paid
 24 to the sheriff for the board and care of prisoners in the county jail at county expense.
 25 Any reimbursement paid under this subsection to an officer or employee of a county

BILL

1 with a population of 750,000 or more is subject to the budget limitation described in
2 s. 59.60 (7e).

3 **SECTION 15.** 59.52 (6) (a) of the statutes is amended to read:

4 59.52 (6) (a) *How acquired; purposes.* ~~Take~~ Except as provided in s. 59.17 (2)
5 (b) 3., take and hold land acquired under ch. 75 and acquire, lease or rent property,
6 real and personal, for public uses or purposes of any nature, including without
7 limitation acquisitions for county buildings, airports, parks, recreation, highways,
8 dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal
9 for county institutions, lime pits for operation under s. 59.70 (24), equipment for
10 clearing and draining land and controlling weeds for operation under s. 59.70 (18),
11 ambulances, acquisition and transfer of real property to the state for new collegiate
12 institutions or research facilities, and for transfer to the state for state parks and for
13 the uses and purposes specified in s. 23.09 (2) (d).

14 **SECTION 16.** 59.52 (31) of the statutes is created to read:

15 59.52 (31) PUBLIC CONTRACTS, POPULOUS COUNTIES. (a) In this subsection,
16 “county” means any county with a population of 750,000 or more.

17 (b) 1. Any contract with a value of at least \$100,000, but not more than
18 \$300,000, to which a county is a party and which satisfies any other statutory
19 requirements, may take effect only if the board’s finance committee does not vote to
20 approve or reject the contract within 14 days after the contract is signed or
21 countersigned by the county executive, or as described in subd. 2.

22 2. If a board’s finance committee votes to approve a contract described under
23 subd. 1, the contract may take effect. If a board’s finance committee votes to reject
24 a contract described under subd. 1., the contract may take effect only if the contract

BILL**SECTION 16**

1 is approved by a vote of the board within 30 days after the board's finance committee
2 votes to reject the contract.

3 (c) Any single contract, or group of contracts between the same parties which
4 generally relate to the same transaction, with a value or aggregate value of more
5 than \$300,000, to which a county is a party and which satisfies any other statutory
6 requirements, may take effect only if it is approved by a vote of the board.

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

11 **SECTION 17.** 59.53 (5) (a) of the statutes is amended to read:

12 59.53 (5) (a) The board shall contract with the department of children and
13 families to implement and administer the child and spousal support and
14 establishment of paternity and the medical support liability programs provided for
15 by Title IV of the federal social security act, except that in a county with a population
16 of 750,000 or more the county executive, exclusively, shall exercise all of this
17 authority. The board may designate by board resolution any office, officer, board,
18 department or agency, except the clerk of circuit court, as the county child support
19 agency and, in a county with a population of 750,000 or more, the county executive
20 shall administer the designated county child support agency. The board or, county
21 child support agency, or county executive of a county with a population of 750,000 or
22 more shall implement and administer the programs in accordance with the contract
23 with the department of children and families. The attorneys responsible for support
24 enforcement under sub. (6) (a), circuit court commissioners and all other county
25 officials shall cooperate with the county and the department of children and families

BILL

1 as necessary to provide the services required under the programs. The county shall
2 charge the fee established by the department of children and families under s. 49.22
3 for services provided under this paragraph to persons not receiving benefits under
4 s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471,
5 or 49.472.

6 **SECTION 18.** 59.53 (6) (a) 1. of the statutes is amended to read:

7 59.53 (6) (a) 1. Except as provided in subd. 2. and in a county with a population
8 of 750,000 or more, each board shall employ or contract with attorneys to provide
9 support enforcement. In a county with a population of 750,000 or more, the county
10 executive shall hire or contract with attorneys to provide support enforcement under
11 this subdivision. Section 59.42 (1), (2) (a) and (3) does not preclude a board from
12 assigning these support enforcement duties to any attorney employed by the county.

13 **SECTION 19.** 59.53 (6) (a) 2. of the statutes is amended to read:

14 59.53 (6) (a) 2. If on June 1, 1989, a county has 1.0 or more full-time equivalent
15 attorney positions that have primary responsibility for handling cases described in
16 par. (b), as determined by the district attorney of the prosecutorial unit, the county
17 shall establish and maintain a support enforcement office consisting of support
18 enforcement attorneys and office personnel. In counties having a population of less
19 than 500,000, a county budget under s. 65.90 shall list the proposed appropriation
20 under s. 65.90 (2) for the support enforcement office separate from any other office,
21 department or activity. In counties having a population of 500,000 or more, a county
22 budget shall treat a support enforcement office as a department, as defined in s.
23 59.60 (2) (a), separate from all other departments, and administered by the county
24 executive. If a county ceases to employ 1.0 or more full-time equivalent attorney
25 positions in the office, the county may provide support enforcement under subd. 1.

BILL**SECTION 20**

1 **SECTION 20.** 59.53 (20) of the statutes is amended to read:

2 **59.53 (20) WORK CENTERS.** The board may establish and operate a work center
3 licensed under s. 104.07 to provide employment for severely handicapped
4 individuals, except that in a county with a population of 750,000 or more, the county
5 executive shall be in charge of the operation of the work center.

6 **SECTION 21.** 59.53 (21) of the statutes is amended to read:

7 **59.53 (21) OPERATION OF RELIEF PROGRAMS.** The board may establish and operate
8 a program of relief for a specific class or classes of persons residing in that county,
9 except that in a county with a population of 750,000 or more, the county executive
10 shall be in charge of the operation of the program of relief. The county may set such
11 eligibility criteria to obtain relief, and may provide such services, commodities or
12 money as relief, as the county determines to be reasonable and necessary under the
13 circumstances. The program may include work components. The county may enact
14 any ordinances necessary or useful to the operation of a relief program under this
15 subsection. Counties may use vehicle registration information from the department
16 of transportation in determining eligibility for relief programs under this subsection.

17 **SECTION 22.** 59.56 (11) of the statutes is amended to read:

18 **59.56 (11) FISH AND GAME.** The board may establish, maintain, and operate fish
19 hatcheries and facilities for raising game birds, except that in a county with a
20 population of 750,000 or more, the county may own the hatcheries and facilities, but
21 must lease the hatcheries and facilities to another person who will maintain and
22 operate them.

23 **SECTION 23.** 59.60 (7) of the statutes is amended to read:

24 **59.60 (7) PUBLICATION OF BUDGET AND PUBLIC HEARING.** The board shall refer the
25 executive's or administrator's budget to the finance committee and such committee

BILL

1 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or
2 administrator's budget and comparative figures together with a statement of the
3 county's bonded indebtedness, in the 2 daily newspapers having the largest
4 circulation in the county, and shall make available to the general public reprinted
5 copies of the summary as published. The publication shall also state the date, hour,
6 and place of the public hearing to be held by the board on such executive's or
7 administrator's budget. The board shall, not less than 14 days after publication of
8 the summary of the executive's or administrator's budget, but not later than the first
9 Monday in November of each year and prior to the adoption of the property tax levy,
10 hold a public hearing on such executive's or administrator's budget, at which time
11 citizens may appear and express their opinions. After such public hearing, and on
12 or before the annual meeting, the finance committee shall submit to the board its
13 recommendations for amendments to the executive's or administrator's budget, if
14 any, and the board shall adopt the budget with such changes as it considers proper
15 and advisable. Subject to sub. (7e), the board of a county with a population of at least
16 500,000 may not adopt a budget in which the total amount of budgeted expenditures
17 related to the compensation of county board members, and to any other costs that are
18 directly related to the operation and functioning of the county board, including staff,
19 is greater than 0.4 percent of the county portion of the tax levy for that year to which
20 the budget applies. When so adopted, the sums provided shall, subject to the
21 provisions of sub. (8), constitute legal appropriations and anticipated revenues for
22 the ensuing year.

23 **SECTION 24.** 59.60 (7e) of the statutes is created to read:

BILL**SECTION 24**

1 59.60 (7e) MILWAUKEE COUNTY BUDGET CAP. The 0.4 percent budget limitation
2 for a county with a population of at least 500,000 that is described in sub. (7) does
3 not apply to any of the following elements of the county's budget:

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

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

8 (c) Any costs associated with duties performed by the county clerk under s.
9 59.23 (2).

10 **SECTION 25.** 59.698 of the statutes is amended to read:

11 **59.698 Zoning, building inspector.** Except as provided under s. 59.69 (2)
12 (bm), for the enforcement of all laws, ordinances, rules and regulations enacted
13 under s. 59.69, the board may appoint a building inspector, define the building
14 inspector's duties and fix the building inspector's term of office and compensation.
15 This section does not apply to a county with a population of 750,000 or more.

16 **SECTION 26.** 59.70 (7) of the statutes is amended to read:

17 **59.70 (7) SOIL CONSERVATION.** The board of any county with a population of less
18 than 750,000 may contract to do soil conservation work on privately owned land
19 either directly or through a committee designated by it.

20 **SECTION 27.** 59.70 (8m) of the statutes is amended to read:

21 **59.70 (8m) HARBOR IMPROVEMENT.** The board may establish, own, operate,
22 lease, equip, and improve harbor facilities on land owned by the county that is
23 located in this state or in another state, subject to the laws of the state in which the
24 land is located, and may appropriate money for the activities specified in this

BILL

1 subsection, except that in a county with a population of 750,000 or more, the county
2 executive shall be in charge of the operation of the harbor facilities.

3 **SECTION 28.** 59.70 (12) (a) of the statutes is amended to read:

4 59.70 (12) (a) A county or 2 or more contiguous counties may establish a district
5 to control mosquitoes, upon a majority vote of each board, except that the board of
6 a county with a population of 750,000 or more may not take any action under this
7 subsection or sub. (13).

8 **SECTION 29.** 59.79 (6) of the statutes is repealed.

9 **SECTION 30.** 59.79 (11) of the statutes is repealed.

10 **SECTION 31.** 59.79 (12) of the statutes is repealed.

11 **SECTION 32.** 59.79 (13) of the statutes is repealed.

12 **SECTION 33.** 59.794 of the statutes is created to read:

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

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

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

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

21 (d) “Executive council” means a body that consists of the elected executive
22 officer of every city and village that is wholly located within the county and who is
23 also a member of the executive council as described in s. 200.23 (2) (b).

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

BILL**SECTION 33**

1 (2) LIMITATION ON AGREEMENTS. Before an agreement may take effect and
2 become binding on a county, it must be approved by the executive council. If the
3 county enters into an agreement, the executive council shall meet as soon as
4 practicable to vote on the agreement.

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

9 (b) A board may require, as necessary, the attendance of any county employee
10 or officer at a board meeting to provide information and answer questions. Except
11 as provided in par. (d), for the purpose of inquiry, or to refer a specific constituent
12 concern, the board and its members may deal with county departments and subunits
13 of departments solely through the county executive, and no supervisor may give
14 instructions or orders to any subordinate of the county executive that would conflict
15 with this section.

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

18 (d) The board may use the legal services of the corporation counsel under s.
19 59.42 (2).

20 (e) The board may not terminate, lower the salary or benefits of, or eliminate
21 the position of, any county employee who works in the office of the county executive
22 unless a similar change is made which affects county employees, on a countywide
23 basis, in all other county departments. This paragraph does not apply after the
24 county board supervisors who are elected in the 2016 spring election take office.

25 **SECTION 34.** 59.875 (title) of the statutes is amended to read:

BILL

1 **59.875** (title) **Payment of contributions in and employment of**
2 **annuitants under an employee retirement system of populous counties.**

3 **SECTION 35.** 59.875 (3) of the statutes is created to read:

4 59.875 (3) No individual who is receiving an annuity under an employee
5 retirement system of a county and who is reemployed by the county may continue to
6 receive the annuity if a similarly situated individual who is receiving an annuity
7 under the Wisconsin Retirement System and who was reemployed by a participating
8 employer under that system would be required to terminate the annuity.

9 **SECTION 36.** 66.0301 (2) of the statutes is amended to read:

10 66.0301 (2) ~~In~~ Subject to s. 59.794 (2), and in addition to the provisions of any
11 other statutes specifically authorizing cooperation between municipalities, unless
12 those statutes specifically exclude action under this section, any municipality may
13 contract with other municipalities and with federally recognized Indian tribes and
14 bands in this state, for the receipt or furnishing of services or the joint exercise of any
15 power or duty required or authorized by law. If municipal or tribal parties to a
16 contract have varying powers or duties under the law, each may act under the
17 contract to the extent of its lawful powers and duties. A contract under this
18 subsection may bind the contracting parties for the length of time specified in the
19 contract. This section shall be interpreted liberally in favor of cooperative action
20 between municipalities and between municipalities and Indian tribes and bands in
21 this state.

22 **SECTION 37.** 111.70 (1) (j) of the statutes is renumbered 111.70 (1) (j) (intro.) and
23 amended to read:

24 111.70 (1) (j) (intro.) “Municipal employer” means any city, of the following:

25 2. a. Except as provided in subd. 2. b., any county.

BILL**SECTION 37**

1 1. Any city, village, town, metropolitan sewerage district, school district,
2 long-term care district, transit authority under s. 59.58 (7) or 66.1039, local cultural
3 arts district created under subch. V of ch. 229, or any other political subdivision of
4 the state, or instrumentality of one or more political subdivisions of the state, that
5 engages the services of an employee and includes any person acting on behalf of a
6 municipal employer within the scope of the person's authority, express or implied.

7 **SECTION 38.** 111.70 (1) (j) 2. b. of the statutes is created to read:

8 111.70 (1) (j) 2. b. In a county with a population of 750,000 or more, the county
9 executive.

10 **SECTION 39.** 289.33 (3) (d) of the statutes is amended to read:

11 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
12 authorization, approval, variance or exception or any restriction, condition of
13 approval or other restriction, regulation, requirement or prohibition imposed by a
14 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
15 a town, city, village, county or special purpose district, including without limitation
16 because of enumeration any ordinance, resolution or regulation adopted under s.
17 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
18 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
19 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
20 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
21 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
22 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
23 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
24 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), ~~(6)~~, (7), (8),
25 and (10) and ~~(11)~~, 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77,

BILL

1 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30,
2 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
3 91.

4 **SECTION 40.** 806.155 of the statutes is repealed.

5 **SECTION 41. Nonstatutory provisions.**

6 (1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or
7 before February 18, 2014, there shall be submitted to a vote of the electors of each
8 county with a population of at least 500,000 at the spring election to be held on
9 April 1, 2014, the following question: “Shall that portion of 2013 Wisconsin Act
10 (this act) which limits the compensation of members of the board of supervisors of
11 (name of county) other than the chairperson of the board and chairperson of the
12 finance committee to receipt of an annual salary of not more than the annual per
13 capita income of this county and which limits the compensation of the chairperson
14 of the board to not more than 150 percent of that amount and the chairperson of the
15 finance committee to not more than 125 percent of that amount, subject to
16 limitations and adjustments specified by law; and which prohibits supervisors from
17 receiving any compensation or benefits not specifically authorized or required by law
18 become effective in this county on April 18, 2016?”

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

23 (2) Notwithstanding section 59.52 (25) of the statutes, the Milwaukee County
24 board of supervisors may not schedule a referendum to be held on April 1, 2014, with

BILL

1 respect to any matter that is subject to the approval of the electors of the county on
2 that date under subsection (1).

3 **SECTION 42. Initial applicability.**

4 (1) The renumbering and amendment of section 111.70 (1) (j) of the statutes and
5 the creation of section 111.70 (1) (j) 2. b. of the statutes first applies to employees
6 covered by a collective bargaining agreement that is in effect on the effective date of
7 this subsection upon the expiration, extension, renewal, or modification of the
8 agreement.

9 (2) EMPLOYMENT OF ANNUITANTS IN POPULOUS COUNTIES. The treatment of section
10 59.875 (title) and (3) of the statutes first applies to employees of a populous county
11 who terminate employment on the effective date of this subsection.

12 (END)