2013 DRAFTING REQUEST

Assembly Amendment (AA-AB85)

Received:	**4/5/2013**	Received By:	**mshovers**
Wanted:	**As time permits**	Same as LRB:	
For:	**Joe Sanfelippo (608) 266-0620**	By/Representing:	**Josh**
May Contact:		Drafter:	**mshovers**
Subject:	**Elections - miscellaneous** **Local Gov't - counties**	Addl. Drafters:	**jkuesel**
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Sanfelippo@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Change the population threshold from 500,000 to 750,000

Instructions:

See attached marked up copy of the bill

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mshovers 4/5/2013						
/1	jkuesel 4/5/2013	kfollett 4/5/2013	rschluet 4/5/2013		srose 4/5/2013	srose 4/5/2013	

FE Sent For:

<END>

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<END>

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-1340/4
MES/JTK/RAC/CMH/TKK:kjf:jf

2013 ASSEMBLY BILL 85

March 18, 2013 - Introduced by Representatives SANFELIPPO, KOOYENGA, HUTTON, CRAIG, KUGLITSCH, KNODL, STONE, J. OTT, HONADEL, PRIDEMORE, WEATHERSTON, STROEBEL, BROOKS, LEMAHIEU, BERNIER and TITTL, cosponsored by Senators DARLING, L. TAYLOR, VUKMIR, LAZICH and FARROW. Referred to Committee on Government Operations and State Licensing.

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

increasing and clarifying the authority of the Milwaukee County executive, 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 [redacted] (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 [redacted] 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 [redacted] 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 [redacted] 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.

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

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.

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; 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:

SECTION 1. 59.03 (2) (a) of the statutes is amended to read:

59.03 **(2)** (a) ~~Except~~ Subject to s. 59.794 (2) and (3) and except as elsewhere specifically provided in these statutes, the board of any county is vested with all powers of a local, legislative and administrative character, including without limitation because of enumeration, the subject matter of water, sewers, streets and highways, fire, police, and health, and to carry out these powers in districts which it may create for different purposes, or throughout the county, and for such purposes to levy county taxes, to issue bonds, assessment certificates and improvement bonds, or any other evidence of indebtedness. The powers hereby conferred may be

exercised by the board in any municipality, or part thereof located in the county upon the request of any such municipality, evidenced by a resolution adopted by a majority vote of the members-elect of its governing body, designating the particular function, duty or act, and the terms, if any, upon which the powers shall be exercised by the board or by a similar resolution adopted by direct legislation in the municipality in the manner provided in s. 9.20. The resolution shall further provide whether the authority or function is to be exercised exclusively by the county or jointly by the county and the municipality, and shall also find that the exercise of such power by the county would be in the public interest. Upon the receipt of the resolution, the board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of the function, upon the terms and conditions set forth in the resolution presented by the municipality.

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

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

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

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

the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

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

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

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

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

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

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

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

59.10 **(2)** (c) 4. A supervisor may not receive any other benefits or compensation, including health insurance and pension benefits, not specifically authorized or required by law. The maximum total dollar value of the salary and benefits that a supervisor, other than the chairperson of the board and the chairperson of the finance committee, receives in any year may not exceed the annual per capita income of Milwaukee County as most recently determined by the U.S. bureau of the census.

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

59.11 **(2)** (c) In a county with a population of 750,000 or more, upon a written request of the county executive delivered to the clerk which must have been approved by the county board chairperson, specifying the time and place of the meeting. The time shall not be less than 48 hours from the delivery of the request. Upon receiving the request and the approval of the county board chairperson, the clerk shall immediately mail to each supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of a majority of all the supervisors.

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

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

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

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

1. Appoint and supervise the heads of all departments except where the statutes provide that the appointment shall be made by a board or commission or by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise the department head. ~~Notwithstanding any~~ Except for a statutory provision which specifies that a board or commission or the county board shall supervise the administration of a department, the ~~department head shall supervise the administration of the department~~ county executive, exclusively, shall administer, supervise, and direct all county departments, including any person who provides lobbying services for, or negotiates on behalf of, the county, and the county board, other board, or commission shall perform any advisory or policy-making function authorized by statute. Any appointment by the county executive under this

~~paragraph~~ subdivision requires the confirmation of the county board unless the county board, by ordinance, elects to waive confirmation. 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 the board for confirmation. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive. The county executive shall comply with hiring policies set by the board when making appointments under this paragraph.

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

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

3. Exercise the authority under s. 59.52 (6) (a) that would otherwise be exercised by a county board. With regard to the sale or lease of property, the county executive's action must be consistent with established county board policy and must be approved by the county board to take effect. The county board may only approve or reject the contract as negotiated by the county executive.

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

countersign all other contracts, conveyances, and evidences of indebtedness. No contract with the county is valid unless it is signed or countersigned by the county executive and, as provided in ss. 59.255 (2) (e) and 59.42 (2) (b) 5., by the comptroller and corporation counsel.

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

6. Hire and supervise the number of employees that the county executive reasonably believes are necessary for him or her to carry out the duties of the county executive's office, subject to board approval of the county executive department budget. AM; ( )(bm) 1.

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

59.17 **(2)** (bm) 2. Each appointment under subd. 1. is subject to the confirmation of the county board and is in the unclassified service, serving at the pleasure of the county executive and holding office until a new appointment is made by the county executive and confirmed by the board. 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 the board for confirmation. No prior appointee may serve longer than 6 months after the term for which he or she was appointed and confirmed expires, unless reappointed and reconfirmed. The term of each appointment is 4 years or less. The county executive shall comply with hiring policies set by the board when making appointments under subd. 1. → AM; (br)

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

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

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

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

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

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

59.52 **(6)** (a) *How acquired; purposes.* ~~Take~~ Except as provided in s. 59.17 (2) (b) 3., take and hold land acquired under ch. 75 and acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation acquisitions for county buildings, airports, parks, recreation, highways,

dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal for county institutions, lime pits for operation under s. 59.70 (24), equipment for clearing and draining land and controlling weeds for operation under s. 59.70 (18), ambulances, acquisition and transfer of real property to the state for new collegiate institutions or research facilities, and for transfer to the state for state parks and for the uses and purposes specified in s. 23.09 (2) (d).

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

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

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

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

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

(d) With regard to any contract to which a county is a party and which is subject to review by the board or by a committee of the board under this subsection, the

board's finance committee is the only committee which has jurisdiction over the contract.

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

59.53 **(5)** (a) The board shall contract with the department of children and families to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act, except that in a county with a population of 750,000 or more the county executive, exclusively, shall exercise all of this authority. The board may designate by board resolution any office, officer, board, department or agency, except the clerk of circuit court, as the county child support agency and, in a county with a population of 750,000 or more, the county executive shall administer the designated county child support agency. The board ~~or~~, county child support agency, or county executive of a county with a population of 750,000 or more shall implement and administer the programs in accordance with the contract with the department of children and families. The attorneys responsible for support enforcement under sub. (6) (a), circuit court commissioners and all other county officials shall cooperate with the county and the department of children and families as necessary to provide the services required under the programs. The county shall charge the fee established by the department of children and families under s. 49.22 for services provided under this paragraph to persons not receiving benefits under s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

59.53 **(6)** (a) 1. Except as provided in subd. 2. and in a county with a population of 750,000 or more, each board shall employ or contract with attorneys to provide

support enforcement. In a county with a population of 750,000 or more, the county executive shall hire or contract with attorneys to provide support enforcement under this subdivision. Section 59.42 (1), (2) (a) and (3) does not preclude a board from assigning these support enforcement duties to any attorney employed by the county.

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

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

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

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

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

59.53 **(21)** OPERATION OF RELIEF PROGRAMS. The board may establish and operate a program of relief for a specific class or classes of persons residing in that county,

except that in a county with a population of 750,000 or more, the county executive shall be in charge of the operation of the program of relief. The county may set such eligibility criteria to obtain relief, and may provide such services, commodities or money as relief, as the county determines to be reasonable and necessary under the circumstances. The program may include work components. The county may enact any ordinances necessary or useful to the operation of a relief program under this subsection. Counties may use vehicle registration information from the department of transportation in determining eligibility for relief programs under this subsection.

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

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

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

59.60 **(7)** PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the executive's or administrator's budget to the finance committee and such committee shall publish as a class 1 notice, under ch. 985, a summary of the executive's or administrator's budget and comparative figures together with a statement of the county's bonded indebtedness, in the 2 daily newspapers having the largest circulation in the county, and shall make available to the general public reprinted copies of the summary as published. The publication shall also state the date, hour, and place of the public hearing to be held by the board on such executive's or administrator's budget. The board shall, not less than 14 days after publication of the summary of the executive's or administrator's budget, but not later than the first

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) "Executive council" means a body that consists of the elected executive 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 s. 200.23 (2) (b).

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

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

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

(b) A board may require, as necessary, the attendance of any county employee or officer at a board meeting to provide information and answer questions. Except as provided in par. (d), for the purpose of inquiry, or to refer a specific constituent concern, the board and its members may deal with county departments and subunits

of departments solely through the county executive, and no supervisor may give instructions or orders to any subordinate of the county executive that would conflict with this section.

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

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

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

SECTION 34. 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.**

SECTION 35. 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.

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

66.0301 **(2)** ~~In~~ Subject to s. 59.794 (2), and in addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless those statutes specifically exclude action under this section, any municipality may

contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.

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

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

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

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

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

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

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

289.33 **(3)** (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of

approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), ~~(6),~~ (7), (8), and (10) ~~and (11),~~ 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch. 91.

SECTION 40. 806.155 of the statutes is repealed.

SECTION 41. Nonstatutory provisions.

(1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or before February 18, 2014, there shall be submitted to a vote of the electors of each county with a population of at least ~~500,000~~ at the spring election to be held on April 1, 2014, the following question: "Shall that portion of 2013 Wisconsin Act .... (this act) which limits the compensation of members of the board of supervisors of .... (name of county) other than the chairperson of the board and chairperson of the finance committee to receipt of an annual salary of not more than the annual per

capita income of this county and which limits the compensation of the chairperson of the board to not more than 150 percent of that amount and the chairperson of the finance committee to not more than 125 percent of that amount, subject to limitations and adjustments specified by law; and which prohibits supervisors from receiving any compensation or benefits not specifically authorized or required by law become effective in this county on April 18, 2016?"

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

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

SECTION 42. Initial applicability.

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

(2) 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 county who terminate employment on the effective date of this subsection.

(END)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa0264/1
MES&JTK...:...:...

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 85

WANted Monday

D-Note

At the locations indicated, amend the bill as follows:

1. Page 9, line 11: delete "500,000" and substitute "~~500,000~~ 750,000".

2. Page 11, line 10: after that line insert:

"**SECTION 11e.** 59.17 (2) (bm) 1. (intro.) of the statutes is amended to read:

59.17 **(2)** (bm) 1. (intro.) In any county with a population of ~~500,000~~ 750,000 or more, appoint the following persons:".

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

3. Page 11, line 22: after that line insert:

"**SECTION 12e.** 59.17 (2) (br) of the statutes is amended to read:

59.17 **(2)** (br) In any county with a population of less than ~~500,000~~ 750,000, appoint and supervise the heads of all county departments except those elected by the people and except where the statutes provide that the appointment shall be made by other elected officers. Notwithstanding any statutory provision that a board or

commission or the county board or county board chairperson appoint a department head, except s. 17.21, the county executive shall appoint and supervise the department head. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy–making function authorized by statute. An appointment by the county executive under this subsection requires the confirmation of the board unless the board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive unless the department head is appointed under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63. "

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

4. Page 15, line 11: on lines 11 and 13, delete "500,000" and substitute "~~500,000~~ 750,000".

5. Page 17, line 8: delete "500,000" and substitute "750,000".

6. Page 17, line 17: delete "500,000" and substitute "750,000".

A. Page 22, line 21: delete "500,000" and substitute "750,000".

(END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0264/1dn
MES~~&JTK~~.....
:kf

Representative Sanfelippo:

I also had to change "500,000" to "750,000" in s. 59.17 (2) (bm) 1. (intro.) and (br). Please let me know if this is not consistent with your intent. Also, because the bill has been introduced, there is no way to make the analysis consistent with this amendment.

Marc E. Shovers
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Phone: (608) 266–0129
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0264/1dn
MES:kjf:rs

April 5, 2013

Representative Sanfelippo:

I also had to change "500,000" to "750,000" in s. 59.17 (2) (bm) 1. (intro.) and (br). Please let me know if this is not consistent with your intent. Also, because the bill has been introduced, there is no way to make the analysis consistent with this amendment.

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