



ENGROSSED 2013 ASSEMBLY BILL 85

May 9, 2013 - Printed by direction of SENATE CHIEF CLERK.

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

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- 1 Milwaukee County board, increasing and clarifying the authority of the
2 Milwaukee County executive, deleting obsolete statutory references, and
3 requiring a referendum.
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Analysis by the Legislative Reference Bureau***Engrossment information:***

The text of Engrossed 2013 Assembly Bill 85 consists of the bill, as passed by the assembly on May 8, 2013, as affected by the following Assembly Amendments adopted in the assembly on April 17, 2013: Assembly Amendments 1, 2, and 3.

Content of Engrossed 2013 Assembly Bill 85:

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

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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, health benefits, and pension benefits 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 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

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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.

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Under this bill, before such a contract, or before an intergovernmental cooperation agreement with a value of more than \$300,000, 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 of a first class city (presently only Milwaukee) and 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.

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,

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

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

15 59.06 (2) EFFECT OF TRANSFER. All deeds, contracts and agreements made on
16 behalf of the county under the directions of the board under s. 59.52 (6), or by a county
17 executive acting under s. 59.17 (2) (b) 3., when signed and acknowledged by the clerk
18 and the county seal is attached, are valid and binding on the county to the extent of
19 the terms of the instrument and the right, title and interest which the county has in
20 the property.

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

22 59.10 (2) (b) *Election; term.* ~~Supervisors~~ For an election that is held before
23 2016, supervisors shall be elected for 4-year terms at the election to be held on the
24 first Tuesday in April next preceding the expiration of their respective terms, and
25 shall take office on the 3rd Monday in April following their election. For an election

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

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

7 59.10 (2) (c) 1. Each supervisor shall be paid by the county an annual salary
8 set by the board. The board may provide additional compensation for the
9 chairperson, such that his or her salary may be an amount of up to 150 percent of the
10 salary of a supervisor, and for the chairperson of the board's finance committee, such
11 that his or her salary may be an amount of up to 125 percent of the salary of a
12 supervisor. Beginning with the term that commences in April 2016, the total dollar
13 value of the annual salary and benefits that may be paid to a supervisor, other than
14 the board chairperson and finance committee chairperson, may not exceed the
15 annual per capita income of Milwaukee County as most recently determined by the
16 U.S. bureau of the census and may be increased for a new term as provided in subds.
17 2. and 3., subject to the limit specified in subd. 4. Section 66.0505 applies to this
18 paragraph.

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

20 59.10 (2) (c) 2. The board may increase the salary specified in subd. 1., or as
21 otherwise adjusted under this paragraph, by an amount that does not exceed the
22 percentage increase in the U.S. consumer price index for all urban consumers, U.S.
23 city average, for the period between the time that a supervisor's salary was last set
24 under subd. 1. or by the board, and the year before the year in which the salary
25 increase is to take effect.

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

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

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

11 59.10 (2) (c) 4. A supervisor may not receive any other benefits or
12 compensation, including health insurance and pension benefits, not specifically
13 authorized or required by law. The maximum total dollar value of the salary and
14 benefits that a supervisor, other than the chairperson of the board and the
15 chairperson of the finance committee, receives in any year may not exceed the annual
16 per capita income of Milwaukee County as most recently determined by the U.S.
17 bureau of the census.

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

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

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

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

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

12 59.17 (2) (b) (intro.) In any county with a population of 500,000 750,000 or
13 more, ~~appoint:~~

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

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1 statute. Any appointment by the county executive under this ~~paragraph~~ subdivision
2 requires the confirmation of the county board unless the county board, by ordinance,
3 elects to waive confirmation. An appointee of the county executive may assume his
4 or her duties immediately, pending board action which shall take place within 60
5 days after the county executive submits the appointment to the board for
6 confirmation. Any department head appointed by a county executive under this
7 subsection may be removed at the pleasure of the county executive. The county
8 executive shall comply with hiring policies set by the board when making
9 appointments under this paragraph.

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

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

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

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

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

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

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

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

13 59.17 (2) (bm) 1. (intro.) In any county with a population of ~~500,000~~ 750,000
14 or more, appoint the following persons:

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

16 59.17 (2) (bm) 2. Each appointment under subd. 1. is subject to the confirmation
17 of the county board and is in the unclassified service, serving at the pleasure of the
18 county executive and holding office until a new appointment is made by the county
19 executive and confirmed by the board. An appointee of the county executive may
20 assume his or her duties immediately, pending board action which shall take place
21 within 60 days after the county executive submits the appointment to the board for
22 confirmation. No prior appointee may serve longer than 6 months after the term for
23 which he or she was appointed and confirmed expires, unless reappointed and
24 reconfirmed. The term of each appointment is 4 years or less. The county executive

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1 shall comply with hiring policies set by the board when making appointments under
2 subd. 1.

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

4 59.17 (2) (br) In any county with a population of less than 500,000 750,000,
5 appoint and supervise the heads of all county departments except those elected by
6 the people and except where the statutes provide that the appointment shall be made
7 by other elected officers. Notwithstanding any statutory provision that a board or
8 commission or the county board or county board chairperson appoint a department
9 head, except s. 17.21, the county executive shall appoint and supervise the
10 department head. Notwithstanding any statutory provision that a board or
11 commission supervise the administration of a department, the department head
12 shall supervise the administration of the department and the board or commission
13 shall perform any advisory or policy-making function authorized by statute. An
14 appointment by the county executive under this subsection requires the
15 confirmation of the board unless the board, by ordinance, elects to waive
16 confirmation or unless the appointment is made under a civil service system
17 competitive examination procedure established under s. 59.52 (8) or ch. 63. Any
18 department head appointed by a county executive under this subsection may be
19 removed at the pleasure of the county executive unless the department head is
20 appointed under a civil service system competitive examination procedure
21 established under s. 59.52 (8) or ch. 63.

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

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

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

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

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

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

21 59.52 (6) (a) *How acquired; purposes.* ~~Take~~ Except as provided in s. 59.17 (2)
22 (b) 3., take and hold land acquired under ch. 75 and acquire, lease or rent property,
23 real and personal, for public uses or purposes of any nature, including without
24 limitation acquisitions for county buildings, airports, parks, recreation, highways,
25 dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal

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1 for county institutions, lime pits for operation under s. 59.70 (24), equipment for
2 clearing and draining land and controlling weeds for operation under s. 59.70 (18),
3 ambulances, acquisition and transfer of real property to the state for new collegiate
4 institutions or research facilities, and for transfer to the state for state parks and for
5 the uses and purposes specified in s. 23.09 (2) (d).

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

7 59.52 (31) PUBLIC CONTRACTS, POPULOUS COUNTIES. (a) In this subsection,
8 “county” means any county with a population of 750,000 or more.

9 (b) 1. Any contract with a value of at least \$100,000, but not more than
10 \$300,000, to which a county is a party and which satisfies any other statutory
11 requirements, may take effect only if the board’s finance committee does not vote to
12 approve or reject the contract within 14 days after the contract is signed or
13 countersigned by the county executive, or as described in subd. 2.

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

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

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

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

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

4 59.53 (5) (a) The board shall contract with the department of children and
5 families to implement and administer the child and spousal support and
6 establishment of paternity and the medical support liability programs provided for
7 by Title IV of the federal social security act, except that in a county with a population
8 of 750,000 or more the county executive shall exercise all of this authority. The board
9 may designate by board resolution any office, officer, board, department or agency,
10 except the clerk of circuit court, as the county child support agency and, in a county
11 with a population of 750,000 or more, the county executive shall administer the
12 designated county child support agency. The board ~~or~~, county child support agency,
13 or county executive of a county with a population of 750,000 or more shall implement
14 and administer the programs in accordance with the contract with the department
15 of children and families. The attorneys responsible for support enforcement under
16 sub. (6) (a), circuit court commissioners and all other county officials shall cooperate
17 with the county and the department of children and families as necessary to provide
18 the services required under the programs. The county shall charge the fee
19 established by the department of children and families under s. 49.22 for services
20 provided under this paragraph to persons not receiving benefits under s. 49.148 or
21 49.155 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

23 59.53 (6) (a) 1. Except as provided in subd. 2. and in a county with a population
24 of 750,000 or more, each board shall employ or contract with attorneys to provide
25 support enforcement. In a county with a population of 750,000 or more, the county

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

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

5 59.53 (6) (a) 2. If on June 1, 1989, a county has 1.0 or more full-time equivalent
6 attorney positions that have primary responsibility for handling cases described in
7 par. (b), as determined by the district attorney of the prosecutorial unit, the county
8 shall establish and maintain a support enforcement office consisting of support
9 enforcement attorneys and office personnel. In counties having a population of less
10 than 500,000 750,000, a county budget under s. 65.90 shall list the proposed
11 appropriation under s. 65.90 (2) for the support enforcement office separate from any
12 other office, department or activity. In counties having a population of 500,000
13 750,000 or more, a county budget shall treat a support enforcement office as a
14 department, as defined in s. 59.60 (2) (a), separate from all other departments, and
15 administered by the county executive. If a county ceases to employ 1.0 or more
16 full-time equivalent attorney positions in the office, the county may provide support
17 enforcement under subd. 1.

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

19 59.53 (20) WORK CENTERS. The board may establish and operate a work center
20 licensed under s. 104.07 to provide employment for severely handicapped
21 individuals, except that in a county with a population of 750,000 or more, the county
22 executive shall be in charge of the operation of the work center.

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

24 59.53 (21) OPERATION OF RELIEF PROGRAMS. The board may establish and operate
25 a program of relief for a specific class or classes of persons residing in that county,

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

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

10 59.56 (11) FISH AND GAME. The board may establish, maintain, and operate fish
11 hatcheries and facilities for raising game birds, except that in a county with a
12 population of 750,000 or more, the county may own the hatcheries and facilities, but
13 must lease the hatcheries and facilities to another person who will maintain and
14 operate them.

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

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

ENGROSSED ASSEMBLY BILL 85**SECTION 23**

1 Monday in November of each year and prior to the adoption of the property tax levy,
2 hold a public hearing on such executive's or administrator's budget, at which time
3 citizens may appear and express their opinions. After such public hearing, and on
4 or before the annual meeting, the finance committee shall submit to the board its
5 recommendations for amendments to the executive's or administrator's budget, if
6 any, and the board shall adopt the budget with such changes as it considers proper
7 and advisable. Subject to sub. (7e), the board of a county with a population of at least
8 750,000 may not adopt a budget in which the total amount of budgeted expenditures
9 related to the compensation of county board members, and to any other costs that are
10 directly related to the operation and functioning of the county board, including staff,
11 is greater than 0.4 percent of the county portion of the tax levy for that year to which
12 the budget applies. When so adopted, the sums provided shall, subject to the
13 provisions of sub. (8), constitute legal appropriations and anticipated revenues for
14 the ensuing year.

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

16 **59.60 (7e) MILWAUKEE COUNTY BUDGET CAP.** The 0.4 percent budget limitation
17 for a county with a population of at least 750,000 that is described in sub. (7) does
18 not apply to any of the following elements of the county's budget:

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

21 (b) The costs for the salary, health benefits, and pension benefits of county
22 board supervisors and the county board chairperson for any term that begins before
23 April 2016.

24 (c) Any costs associated with duties performed by the county clerk under s.
25 59.23 (2).

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

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

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

8 59.70 (7) SOIL CONSERVATION. The board of any county with a population of less
9 than 750,000 may contract to do soil conservation work on privately owned land
10 either directly or through a committee designated by it.

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

12 59.70 (8m) HARBOR IMPROVEMENT. The board may establish, own, operate,
13 lease, equip, and improve harbor facilities on land owned by the county that is
14 located in this state or in another state, subject to the laws of the state in which the
15 land is located, and may appropriate money for the activities specified in this
16 subsection, except that in a county with a population of 750,000 or more, the county
17 executive shall be in charge of the operation of the harbor facilities.

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

19 59.70 (12) (a) A county or 2 or more contiguous counties may establish a district
20 to control mosquitoes, upon a majority vote of each board, except that the board of
21 a county with a population of 750,000 or more may not take any action under this
22 subsection or sub. (13).

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

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

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

ENGROSSED ASSEMBLY BILL 85**SECTION 32**

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

2 **SECTION 33.** 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 that is located wholly within
9 that county.

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

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

12 (d) "Executive council" means a body that consists of the mayor of a 1st class
13 city, and the elected executive officer of every city and village that is wholly located
14 within the county and who is also a member of the executive council as described in
15 s. 200.23 (2) (b).

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

17 **(2) LIMITATION ON AGREEMENTS.** (a) Subject to par. (b), before an agreement may
18 take effect and become binding on a county, it must be approved by the executive
19 council. If the county enters into an agreement, the executive council shall meet as
20 soon as practicable to vote on the agreement.

21 (b) With regard to an intergovernmental cooperation agreement under s.
22 66.0301, the requirements under par. (a) apply only to any single contract, or group
23 of contracts between the same parties which generally relate to the same
24 transaction, with a value or aggregate value of more than \$300,000.

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1 **(3) LIMITATIONS ON BOARD AUTHORITY.** (a) Notwithstanding the provisions of s.
2 59.51, the board may not exercise day-to-day control of any county department or
3 subunit of a department. Such control may be exercised only by the county executive
4 as described in s. 59.17.

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

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

14 (d) The board may use the legal services of the corporation counsel under s.
15 59.42 (2).

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

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

22 **59.875 (title) Payment of contributions in and employment of**
23 **annuitants under an employee retirement system of populous counties.**

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

ENGROSSED ASSEMBLY BILL 85**SECTION 35**

1 59.875 (3) No individual who is receiving an annuity under an employee
2 retirement system of a county and who is reemployed by the county may continue to
3 receive the annuity if a similarly situated individual who is receiving an annuity
4 under the Wisconsin Retirement System and who was reemployed by a participating
5 employer under that system would be required to terminate the annuity.

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

7 66.0301 (2) ~~In~~ Subject to s. 59.794 (2), and in addition to the provisions of any
8 other statutes specifically authorizing cooperation between municipalities, unless
9 those statutes specifically exclude action under this section, any municipality may
10 contract with other municipalities and with federally recognized Indian tribes and
11 bands in this state, for the receipt or furnishing of services or the joint exercise of any
12 power or duty required or authorized by law. If municipal or tribal parties to a
13 contract have varying powers or duties under the law, each may act under the
14 contract to the extent of its lawful powers and duties. A contract under this
15 subsection may bind the contracting parties for the length of time specified in the
16 contract. This section shall be interpreted liberally in favor of cooperative action
17 between municipalities and between municipalities and Indian tribes and bands in
18 this state.

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

21 111.70 (1) (j) (intro.) “Municipal employer” means any ~~city~~, of the following:

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

23 1. Any city, village, town, metropolitan sewerage district, school district,
24 long-term care district, transit authority under s. 59.58 (7) or 66.1039, local cultural
25 arts district created under subch. V of ch. 229, or any other political subdivision of

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1 the state, or instrumentality of one or more political subdivisions of the state, that
2 engages the services of an employee and includes any person acting on behalf of a
3 municipal employer within the scope of the person's authority, express or implied.

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

5 111.70 (1) (j) 2. b. In a county with a population of 750,000 or more, the county
6 executive.

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

8 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
9 authorization, approval, variance or exception or any restriction, condition of
10 approval or other restriction, regulation, requirement or prohibition imposed by a
11 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
12 a town, city, village, county or special purpose district, including without limitation
13 because of enumeration any ordinance, resolution or regulation adopted under s.
14 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
15 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
16 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
17 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
18 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
19 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
20 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
21 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), ~~(6)~~, (7), (8),
22 and (10) and ~~(11)~~, 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77,
23 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30,
24 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
25 91.

ENGROSSED ASSEMBLY BILL 85**SECTION 40**

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

2 **SECTION 41. Nonstatutory provisions.**

3 (1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or
4 before February 18, 2014, there shall be submitted to a vote of the electors of each
5 county with a population of at least 750,000 at the spring election to be held on
6 April 1, 2014, the following question: "Shall that portion of 2013 Wisconsin Act ...
7 (this act) which limits the compensation of members of the board of supervisors of ...
8 (name of county) other than the chairperson of the board and chairperson of the
9 finance committee to receipt of an annual salary of not more than the annual per
10 capita income of this county, which in 2012 was \$24,051, and which limits the
11 compensation of the chairperson of the board to not more than 150 percent of that
12 amount and the chairperson of the finance committee to not more than 125 percent
13 of that amount, subject to limitations and adjustments specified by law; and which
14 prohibits supervisors from receiving any compensation or benefits not specifically
15 authorized or required by law become effective in this county on April 18, 2016?"

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

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

24 **SECTION 42. Initial applicability.**

