



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5135/2
MES/JK/KP:amn/klm/wlj/kjf

2017 ASSEMBLY BILL 923

February 8, 2018 - Introduced by Representatives KOOYENGA and FIELDS, cosponsored by Senators WANGGAARD and L. TAYLOR. Referred to Committee on Government Accountability and Oversight.

1 **AN ACT** *to repeal* 59.17 (2) (bm), 59.42 (1) (b) and (c), 59.52 (31) and 59.79 (8);
2 *to renumber* 59.51 (1); *to renumber and amend* 59.42 (1) (a) and 59.60 (12);
3 *to amend* 46.21 (1m) (a), 46.21 (1m) (am), 48.09 (5), 59.06 (2), 59.10 (1) (a),
4 59.10 (3) (f), 59.10 (3) (i), 59.10 (5), 59.17 (2) (b) 1., 59.17 (2) (b) 3. (intro.), 59.17
5 (2) (b) 4., 59.17 (2) (b) 6., 59.17 (2) (c), 59.17 (4), 59.22 (1) (a) 1., 59.22 (1) (a) 2.,
6 59.22 (2) (a), 59.22 (2) (c) 1. (intro.), 59.22 (2) (c) 2., 59.22 (2) (d), 59.22 (2) (e),
7 59.22 (3), 59.22 (3a), 59.255 (2) (a), 59.255 (2) (e), 59.38 (5), 59.42 (2) (a), 59.42
8 (2) (b) 5., 59.42 (3), 59.44 (1) (b), 59.52 (1) (a), 59.52 (1) (b), 59.52 (9), 59.52 (19),
9 59.52 (21), 59.52 (24), 59.52 (29) (a), 59.53 (25), 59.56 (3) (b), 59.56 (14) (e) 1.,
10 59.57 (2) (e) 4., 59.57 (2) (f) 2., 59.58 (1) (c), 59.58 (3) (intro.), 59.60 (1), 59.69 (2)
11 (a) 2., 59.69 (2) (a) 3., 59.70 (2) (intro.), 59.70 (18), 59.792 (3) (a) (intro.), 60.40
12 (2), 60.40 (3), 60.40 (5), 63.02 (2), 68.14 (1), 83.01 (1) (b), 200.11 (8) and 289.33
13 (3) (d); and *to create* 59.10 (2) (c) 5., 59.10 (3) (k), 59.17 (2) (b) 8., 59.17 (2) (d),
14 59.17 (2) (e), 59.22 (1) (a) 3., 59.51 (1) (b), 59.52 (3m), 59.52 (29) (am), 59.60 (12)

ASSEMBLY BILL 923

1 (b), 59.60 (12) (c), 59.602, 59.61 (4), 59.84 (2) (d) 8. and 65.30 of the statutes;
2 **relating to:** increasing the authority of a county executive from a populous
3 county and other counties and reducing the authority of a county board,
4 budgeting procedures for populous counties, certain other counties, and cities,
5 villages, and towns, and the method for establishing the compensation of
6 county supervisors and county elective officers.

Analysis by the Legislative Reference Bureau

Powers and duties of a county executive

This bill, generally, expands some of the powers that may be exercised by the county executive of any county with a population of 750,000 or more (populous county) and makes other changes that apply to all counties. Generally, the bill provides that any power conferred to a county executive or county administrator must be broadly and liberally construed and limited only by express language. To the extent that a conflict exists between county board action and county executive or county administrator action, the bill provides that the action of the executive or administrator shall prevail, to the extent of the conflict. The bill also allows a county executive of a populous county to exercise some of the authority that would otherwise be exercised by the county board for matters regarding property. Such authority includes providing public liability and property damage insurance, providing fire and casualty insurance for county property, examining and settling all accounts of the county and all claims, and purchasing publications. In addition, the bill gives the county executive sole authority to exercise the powers granted to the county board with regard to establishing parking areas (populous counties only), acceptance of donations, gifts, and grants, and transportation leases.

Current law allows a county executive of a populous county to 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. The bill provides that the county board of a populous county may neither reduce nor eliminate the staff authorized by the county executive for operating the office of the county executive, nor reduce or eliminate the appropriations for the staff and operations of the office. The bill also gives the county executive of a populous county sole authority to determine the compensation, fringe benefits, human resources, hiring, creation and elimination of positions, pay ranges, expense reimbursements, and classifications for county employees.

Under current law, the county executive of any county has the authority to coordinate and direct all administrative and management functions of the county that are not vested in other elected officers. This bill specifies that, with regard to a county executive of a populous county, the executive has sole authority over

ASSEMBLY BILL 923

administrative actions with regard to procurement, including an appeals process, contracting, administrative review of appeals regarding the denial of certain applications, and the actions taken under the administrative manual of operating procedures related to the authority and powers of a county executive. Under the bill, any such action taken by a county executive of a populous county is not subject to submission to or approval by the county board.

Corporation counsel, appointees

Current law requires the creation of the office of corporation counsel for any county with a population of 500,000 or more. Under current law, a corporation counsel is appointed by the county executive with the concurrence of a majority of the county board. A counsel may be dismissed at any time by the county executive with the concurrence of the board or may be dismissed at any time by a majority vote of the board. The bill requires the creation of the office of corporation counsel for any county with a county executive or county administrator. Under the bill, a corporation counsel is appointed by the executive or administrator with the concurrence of a majority of the county board, unless the board enacts an ordinance that waives the board's confirmation. The bill provides that the corporation counsel is under the supervision of the county executive or county administrator and may be dismissed by the executive or administrator with the board's concurrence.

Generally, the bill changes the method of board confirmation of county executive appointees in a populous county. Under the bill, an appointee confirmed by the board for a particular position does not need to be reconfirmed to continue in that position, and interim appointees do not require board confirmation. The bill also changes the current law provision requiring the comptroller to countersign all county contracts. Under the bill, the requirement applies only to contracts valued at more than \$250,000.

Public contracts, bonding

Generally under current law, subject to various bidding requirements, public contracts are let by the board. Also under current law, the board is authorized to enter into leases related to items including industrial development projects, solid waste management, land clearing and weed control, public transit, and leases for airport property. Generally under the bill, the authority to enter into public contracts and leases is transferred to the county executive, if the county has that office.

Generally under current law, a county must let a public contract having an estimated cost of more than \$25,000 to the lowest responsible bidder. Under this bill, the amount above which a populous county must let a contract to the lowest responsible bidder is raised to \$50,000.

The bill creates a requirement that any county with an elective comptroller must create an Internet site, which may be part of the county's website, on which it posts a list of certain contracts to which the county is a party if the contract relates to the purchase of goods or services, or the lease, sale, or purchase of real property. This provision first applies approximately six months after the bill takes effect.

Under current law, if the payment of obligations is provided by revenue bonds, the governing body of a city, village, town, or county must, by ordinance or resolution,

ASSEMBLY BILL 923

order the issuance and sale of bonds. The bill allows the county executive to order the issuance and sale of bonds in the case of county obligations.

Biennial budget procedures

This bill also authorizes counties with a population of 750,000 or more (populous counties), currently only Milwaukee County, as well as any other county, and any city, village, or town (municipalities) to adopt and use a biennial budgetary procedure.

Current law specifies an annual budgetary procedure applicable to counties with a population of 500,000 or more and certain counties that elect to follow the procedure. No later than July 15, each department of the county submits to the director of the county department of administration the respective department's estimated revenues and expenditures for the coming fiscal year, the estimated cost of any capital improvements pending or proposed for the coming fiscal year and for the next four fiscal years, and any other information that the director requests. No later than August 15, the director submits to the county executive or county administrator and to the county board all of the following: 1) the annual budget estimates of each department; 2) a statement of principal and interest becoming due on outstanding bonds and on other financial obligations; 3) an estimate of all other expenditures; 4) an estimate of anticipated issues of new bond obligations; 5) an estimate of funds required for contingencies; 6) an estimate of revenue from all other sources; and 7) a complete summary of all the budget estimates and a statement of the property tax levy required if funds were appropriated on the basis of these estimates.

After receiving the estimates, the county executive or county administrator reviews the estimates and holds public hearings. The county executive or county administrator then makes changes in the proposed budget and, no later than October 1, submits the amended proposed budget to the county board. The amended proposed budget of the county executive or administrator must include all of the following: 1) a simple, clear, general summary of the detailed contents of the budget; 2) a comparative statement by organization unit and principal object of expenditure showing the actual expenditures of the preceding fiscal year, the appropriations and estimated expenditures for the fiscal year currently ending, and the recommended appropriations for the fiscal year next succeeding; and 3) a comparative statement of the actual revenues from all sources, including property taxes, during the preceding fiscal year; the anticipated revenues and the estimated revenues for the fiscal year currently ending; and the anticipated revenues for the next succeeding fiscal year.

After receiving the amended proposed budget, the county board refers the budget to the finance committee and the finance committee holds a public hearing on the budget. After the public hearing, the finance committee submits to the county board its recommendations for amendments to the proposed amended budget. Finally, the county board adopts the budget with any changes it considers proper and advisable.

Similarly, current law specifies certain annual budgetary procedures for first class cities (presently only Milwaukee) and other cities that choose to follow these

ASSEMBLY BILL 923

procedures. The procedures include the following requirements: 1) production of a general summary; 2) detailed estimates of all anticipated revenues applicable to proposed expenditures; 3) all proposed expenditures; 4) a compensation schedule; 5) the total amount of proposed expenditures for the current year, the proposed amount for the next year, and the percentage change between the two years; and 6) the current year and next year's proposed property tax levy, along with the percentage change.

Current law for cities also includes responsibilities for the board of estimates and detailed requirements for budget review and adoption procedures, public meetings, mayoral vetoes, and common council procedures to override such disapproval.

Generally under this bill, for fiscal years that begin after December 31, 2017, any county or municipality (political subdivision) may adopt a biennial budget using the following timeline:

1. All departments submit their budget requests to the director or municipal budget director.

2. No later than October 1 of an odd-numbered year, the chief executive of a municipality, the county executive, county administrator, or, in counties without an executive or administrator, the county's finance committee submits his or her or its proposed budget to the county board or municipality's governing body.

3. No later than November 1 of an odd-numbered year, the county board of a county with a county executive or a municipality's governing body approves the budget, engrossed with any amendments, and returns it to the county or chief executive. In any county or municipality, any amendment to the budget must be submitted to the comptroller or budget director at least seven business days before it may be considered by a political subdivision's governing body or by a committee of the governing body and must include an estimate, prepared by the comptroller, of the costs that will be incurred, and the staffing changes that will be required, to implement the amendment during the next five fiscal years. If the county or municipality does not have a comptroller, the estimate must be prepared by the county or municipal budget director.

4. No later than November 15 of an odd-numbered year, the county executive or the mayor may submit vetoes or changes to the county board or common council. The county board or common council may act on the vetoes or changes no earlier than upon receiving them or November 16, whichever occurs first, although the county board or common council must act on the changes or vetoes no later than November 19 of an odd-numbered year or the vetoes or changes are considered to be approved by the governing body.

5. After a biennial budget takes effect, if revenues received or expenses incurred by the political subdivision are different from the amounts anticipated, the county executive or municipality's chief executive may increase or decrease appropriation amounts as he or she determines is appropriate to account for the changed revenue or expense amounts that affect the political subdivision.

6. Outside of the budget process, a political subdivision's chief executive, a county administrator, or, in a county without a county executive or administrator, the

ASSEMBLY BILL 923

finance committee may propose to the political subdivision's governing body an increase or decrease in any appropriation or revenue amount subject to the same budget amendment procedures described in item #3., above. A two-thirds majority vote of the governing body is required to approve such a proposal, which may not be amended, except that if such a proposal is made and voted on between October 1 and November 15 of an even-numbered year, it may be approved by a simple majority and may be amended on a limited basis.

This bill also provides certain restrictions on the county board's and municipality's governing body's actions related to the budget, including the following:

1. The budget must include all of the following items, and may include no others: a) the county or municipal tax levy; b) anticipated revenue amounts from all sources; and c) appropriations for all departments, and for any other obligations of the county or municipality.

2. The county board of a county with a county executive and a municipality's governing body may not issue municipal obligations in an amount that is higher than the amount initially proposed by the county or chief executive in his or her proposed budget for that biennium. During a biennium, however, a county executive or municipal chief executive may propose, outside of the budget process, the issuance of additional county or municipal obligations. The county board or municipal governing body may approve such a proposal, but may not increase the amount proposed.

3. A political subdivision's authority to transfer unencumbered appropriation balances is subject to certain limitations.

4. With regard to a populous county, and subject to some exceptions, the county board 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 or committees, including staff, is greater than 0.4 percent of the county portion of the tax levy for that year to which the budget applies. Some of the exceptions to this 0.4 percent cap include health care and pension benefits for retired county employees and officers, and salaries and benefits for any board member whose term begins before April 2018.

Accounting procedures

This bill also requires populous counties to utilize fund accounting and authorizes any county to create proprietary funds, fiduciary funds, and other appropriate funds allowed by government accounting practice, provided that the county describes the sources of revenues that may be deposited into each fund and the types of expenditures that may be made from each fund. In counties without a county executive, such funds may be created by the county board. In counties with a county executive, such funds may be created only by executive order of the county executive. Counties that create proprietary, fiduciary, or other funds must develop policies and procedures that apply to each such fund, including setting a working cash flow target for each fund, publishing annual estimates of working cash flow balances, and descriptions of possible uses of balances in a fund that accumulate above the cash flow target.

ASSEMBLY BILL 923***Compensation, certain elective officials***

This bill also makes the following changes to the method for establishing the compensation of county supervisors and county elective officers other than circuit judges:

1. Requires that a county board of supervisors may change the compensation of county supervisors only by enacting an ordinance for that purpose at least three months before, but not more than six months before, the next due date for filing nomination papers for the office of supervisor.

2. Provides that the county executive, county administrator, or administrative coordinator of each county may elect to appoint a commission, composed of five people who are not holding a federal, state, or local elective office, that must make recommendations to the county board concerning the compensation for each county elective officer other than supervisor and circuit judge. The bill requires the county board to enact an ordinance establishing that the compensation for county elective officers other than circuit judges and supervisors is identical to the compensation commission's recommendations.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 46.21 (1m) (a) of the statutes is amended to read:
2 46.21 (**1m**) (a) The county executive shall appoint under ss. 63.01 to 63.17 a
3 director of the county department of human services. The appointment shall be
4 made on the basis of recognized and demonstrated public interest in and knowledge
5 of the problems of human services, and with due regard to training, experience,
6 executive and administrative ability and efficiency, and general qualifications and
7 fitness for performing the duties of the office. The director shall file an official oath
8 and bond in the amount determined by the county board of supervisors. The county
9 board of supervisors may create a position of deputy director of the county
10 department of human services. The director shall be appointed by the county
11 executive in the unclassified civil service and is subject to confirmation by the county
12 board of supervisors under s. 59.17 (2) (bm).

ASSEMBLY BILL 923**SECTION 2**

1 **SECTION 2.** 46.21 (1m) (am) of the statutes is amended to read:

2 46.21 **(1m)** (am) The county executive shall appoint under ss. 63.01 to 63.17
3 an administrator of the county hospital. The appointment shall be made on the basis
4 of recognized and demonstrated public interest in and knowledge of the problems of
5 delivery of medical care and treatment, and with due regard to training, experience,
6 executive and administrative ability and efficiency, and general qualifications and
7 fitness for performing the duties of the office. The administrator shall file an official
8 oath and bond in the amount determined by the county board of supervisors. The
9 county board of supervisors may create positions to assist the administrator. The
10 administrator shall be appointed by the county executive in the unclassified civil
11 service and the appointment is subject to confirmation by the county board of
12 supervisors under s. 59.17 (2) (bm).

13 **SECTION 3.** 48.09 (5) of the statutes is amended to read:

14 48.09 **(5)** By the district attorney or, if designated by the county board of
15 supervisors or the county executive, by the corporation counsel, in any matter arising
16 under s. 48.13, 48.133 or 48.977. If the county board or county executive transfers
17 this authority to or from the district attorney on or after May 11, 1990, the board or
18 executive may do so only if the action is effective on September 1 of an odd-numbered
19 year and the board or executive notifies the department of administration of that
20 change by January 1 of that odd-numbered year.

21 **SECTION 4.** 59.06 (2) of the statutes is amended to read:

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

ASSEMBLY BILL 923

1 the terms of the instrument and the right, title, and interest which the county has
2 in the property, except that in the case of the sale or purchase of real property, the
3 instrument must also be signed by the clerk to be valid and binding on the county.

4 **SECTION 5.** 59.10 (1) (a) of the statutes is amended to read:

5 59.10 (1) (a) *Number of supervisors and apportionment of supervisory districts.*

6 In each county with a population of at least 500,000, sub. (2) (a) ~~and~~, (b), and (c) 5.
7 applies. In counties with a population of less than 500,000 and more than one town,
8 sub. (3) (a) to (c) and (k) applies. In counties with one town only, sub. (5) applies.

9 **SECTION 6.** 59.10 (2) (c) 5. of the statutes is created to read:

10 59.10 (2) (c) 5. The board may not change the salary specified in subd. 1., or as
11 otherwise adjusted under this paragraph, unless the board enacts an ordinance for
12 that purpose at least 3 months before, but not more than 6 months before, the next
13 closing date for filing nomination papers for the office of supervisor.

14 **SECTION 7.** 59.10 (3) (f) of the statutes is amended to read:

15 59.10 (3) (f) *Compensation.* Each supervisor shall be paid a per diem by the
16 county for each day that he or she attends a meeting of the board. Any board may,
17 at ~~its annual~~ a meeting, by a two-thirds vote of all the members, fix the compensation
18 of the board members to be next elected. Any board may also provide additional
19 compensation for the chairperson.

20 **SECTION 8.** 59.10 (3) (i) of the statutes is amended to read:

21 59.10 (3) (i) *Alternative compensation.* As an alternative method of
22 compensation, in counties having a population of less than 500,000, including
23 counties containing only one town, the board may, at ~~its annual~~ a meeting, by a
24 two-thirds vote of the members entitled to a seat, fix the compensation of the
25 supervisors to be next elected at an annual salary for all services for the county

ASSEMBLY BILL 923

1 including all committee services, except the per diem allowance for services in
2 acquiring highway rights-of-way set forth in s. 84.09 (4). The board may, in like
3 manner, allow additional salary for the members of the highway committee and for
4 the chairperson of the board. In addition to the salary, the supervisors shall receive
5 mileage as provided in par. (g) for each day's attendance at board meetings or for
6 attendance at not to exceed 2 committee meetings in any one day.

7 **SECTION 9.** 59.10 (3) (k) of the statutes is created to read:

8 59.10 (3) (k) *Changing compensation.* The board may not change the
9 compensation of supervisors unless the board enacts an ordinance for that purpose
10 at least 3 months before, but not more than 6 months before, the next closing date
11 for filing nomination papers for the office of supervisor.

12 **SECTION 10.** 59.10 (5) of the statutes is amended to read:

13 59.10 (5) COUNTIES HAVING ONLY ONE TOWN. In all counties containing one town
14 only, the board shall consist of the members of the town board and one supervisor
15 from every village. A supervisor from a village shall be elected at the time the other
16 village officers are elected. A majority of the members shall constitute a quorum of
17 the county board. ~~Each~~ Subject to sub. (3) (k), each supervisor shall receive
18 compensation and mileage as provided in sub. (3) (f) and (g). The chairperson of the
19 board elected under s. 59.12 (1) may be, but need not be, the same person who is
20 elected chairperson of the town board under s. 60.21 (3) (a).

21 **SECTION 11.** 59.17 (2) (b) 1. of the statutes is amended to read:

22 59.17 (2) (b) 1. Appoint and supervise the heads of all departments except
23 where the statutes provide that the appointment shall be made by a board or
24 commission or by other elected officers. Notwithstanding any statutory provision
25 that a board or commission or the county board or county board chairperson appoint

ASSEMBLY BILL 923

1 a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint
2 and supervise the department head. Except for a statutory provision which specifies
3 that a board or commission or the county board shall supervise the administration
4 of a department, the county executive shall administer, supervise, and direct all
5 county departments, including any person who negotiates on behalf of the county,
6 and the county board, other board, or commission shall perform any advisory or
7 policy-making function authorized by statute. Any appointment by the county
8 executive under this subdivision requires the confirmation of the county board
9 unless the county board, by ordinance, elects to waive confirmation. Any appointee
10 who is confirmed by the board for a particular position does not need to be
11 reconfirmed for that position for as long as he or she continues in uninterrupted
12 service in that position. Any appointee who is appointed as an interim department
13 head does not need county board confirmation. Any department head appointee of
14 a county executive who has been confirmed by a county board, or whose confirmation
15 has been waived by the board, on or before the effective date of this subdivision
16 [LRB inserts date], does not need to be reconfirmed, or confirmed, by the board as
17 long as the appointee continues in uninterrupted service in that position. In this
18 subdivision, uninterrupted service includes a gap in service for an allowable leave
19 of absence, such as medical leave. An appointee of the county executive may assume
20 his or her duties immediately, pending board action which shall take place within 60
21 days after the county executive submits the appointment to the board for
22 confirmation. Any department head appointed by a county executive under this
23 subsection may be removed at the pleasure of the county executive. ~~The county~~
24 ~~executive shall comply with hiring policies set by the board when making~~
25 ~~appointments under this paragraph.~~

ASSEMBLY BILL 923

1 **SECTION 12.** 59.17 (2) (b) 3. (intro.) of the statutes is amended to read:

2 59.17 (2) (b) 3. (intro.) Exercise the authority under s. 59.52 (6) that would
3 otherwise be exercised by a county board, except that the county board may ~~continue~~
4 ~~to~~ exercise the authority under s. 59.52 (6) only with regard to the sale, acquisition,
5 or lease as landlord or tenant of land that is zoned as a park on or after July 14, 2015,
6 other than land zoned as a park in the city of Milwaukee that is located within the
7 area west of Lincoln Memorial Drive, south of E. Michigan Street, east of N. Van
8 Buren Street, and north of E. Clybourn Avenue. With regard to the sale, acquisition,
9 or lease as landlord or tenant of real property, other than certain park land as
10 described in this subdivision, the county executive's action need not be consistent
11 with established county board policy and may take effect without submission to or
12 approval by the county board. The proceeds of the sale of real property as authorized
13 under this subdivision shall first be applied to any debt attached to the property.
14 Before the county executive's sale of county land may take effect, a majority of the
15 following must sign a document, a copy of which will be attached to the bill of sale
16 and a copy of which will be retained by the county, certifying that they believe the
17 sale is in the best interests of the county:

18 **SECTION 13.** 59.17 (2) (b) 4. of the statutes is amended to read:

19 59.17 (2) (b) 4. Sign all contracts, conveyances, and evidences of indebtedness
20 on behalf of the county, to the extent that no other county officer or employee is
21 specifically required to sign such contracts, conveyances, and evidences of
22 indebtedness, and countersign all other contracts, conveyances, and evidences of
23 indebtedness. No contract with the county is valid unless it is signed or
24 countersigned by the county executive and, as provided in ss. 59.255 (2) (e) and 59.42
25 (2) (b) 5., by the comptroller and corporation counsel, except that the requirement for

ASSEMBLY BILL 923

1 signatures by the comptroller and corporation counsel applies only to contracts the
2 value of which exceeds \$250,000.

3 **SECTION 14.** 59.17 (2) (b) 6. of the statutes is amended to read:

4 59.17 (2) (b) 6. Hire and supervise the number of employees that the county
5 executive reasonably believes are necessary for him or her to carry out the duties of
6 the county executive's office, subject to board approval of the county executive
7 department budget. For purposes of this subdivision, the board may neither reduce
8 nor eliminate the staff authorized by the county executive for operating the office of
9 the county executive, nor reduce or eliminate the appropriations for the staff and
10 operations of the office of the county executive.

11 **SECTION 15.** 59.17 (2) (b) 8. of the statutes is created to read:

12 59.17 (2) (b) 8. Exercise the authority under s. 59.52 (3), (4), (11), (12), (14), and
13 (23) for matters regarding property that would otherwise be exercised by the board.

14 **SECTION 16.** 59.17 (2) (bm) of the statutes is repealed.

15 **SECTION 17.** 59.17 (2) (c) of the statutes is amended to read:

16 59.17 (2) (c) Appoint the members of all boards and commissions where
17 appointments are required and where the statutes provide that the appointments
18 are made by the county board or by the chairperson of the county board. All Subject
19 to par. (b) 1., all appointments to boards and commissions by the county executive
20 are subject to confirmation by the county board.

21 **SECTION 18.** 59.17 (2) (d) of the statutes is created to read:

22 59.17 (2) (d) In any county with a population of at least 750,000, exercise sole
23 authority over the following administrative actions, which may take effect without
24 any review or approval of the board:

ASSEMBLY BILL 923

1 1. Procurement, including an appeals process, requests for proposals or
2 information, negotiation, approval, amendment, execution, administration, and
3 payment.

4 2. Contracting, including negotiation, requests for proposals or information,
5 approval, amendment, execution, administration, and payment.

6 3. Administrative review of appeals under ch. 68, administrative review of any
7 protest of a solicitation or award of a contract, the denial in whole or in part of a
8 contract award, any appeal by an aggrieved party from an administrative
9 determination by any county official regarding an initial permit, license, right,
10 privilege, or authority, except an alcohol beverage license, for which a person applies
11 through the county.

12 4. Creation of an administrative manual of operating procedures and taking
13 actions under such a manual related to the authority and powers granted to a county
14 executive under the statutes. If an action taken by the county board conflicts with
15 an action taken by a county executive under this subdivision, the county executive's
16 action shall prevail over the county board's action to the extent that the county
17 executive's action and the county board's action conflict.

18 **SECTION 19.** 59.17 (2) (e) of the statutes is created to read:

19 59.17 (2) (e) 1. Notwithstanding s. 63.11 or any authority granted by law to the
20 county board, in a county with a population of at least 750,000, exercise sole
21 authority to determine all of the following for any county employee who is not an
22 elected official:

23 a. Compensation, including compensation plan design, and fringe benefits,
24 including retirement benefits.

25 b. Creation and elimination of positions.

ASSEMBLY BILL 923

1 c. Human resources matters, including hiring, training, job descriptions,
2 classifications, pay ranges, pay range assignments, and number and type of
3 full-time equivalent positions within each department.

4 2. With regard to county employment, notwithstanding any authority granted
5 by law to the county board, in a county with a population of at least 750,000, exercise
6 sole authority to conduct employment bargaining or negotiation or participate in
7 arbitration. The county board may not enact an ordinance or adopt a resolution to
8 limit the authority of the county executive under this paragraph.

9 **SECTION 20.** 59.17 (4) of the statutes is amended to read:

10 59.17 (4) COMPENSATION OF COUNTY EXECUTIVE, DEPUTY, AND STAFF ASSISTANTS.

11 The Subject to s. 59.22, the board shall fix the compensation of the county executive,
12 the county executive's administrative secretary and the county executive's staff
13 assistants, provided that the salary of the county executive shall be established at
14 least 90 days prior to any election held to fill the office.

15 **SECTION 21.** 59.22 (1) (a) 1. of the statutes is amended to read:

16 59.22 (1) (a) 1. The board shall, before the earliest time for filing nomination
17 papers for any elective office to be voted on in the county, other than supervisors and
18 circuit judges, which officer is paid in whole or part from the county treasury,
19 establish the total annual compensation for services to be paid to the officer exclusive
20 of reimbursements for expenses out-of-pocket provided for in sub. (3). If the county
21 executive, county administrator, or administrative coordinator elects under subd. 3.
22 a. that compensation is to be established by a county elective officer compensation
23 commission, the board shall establish at least 3 months before the next closing date
24 for filing nomination papers for any elective office to be voted on in the county other
25 than supervisors and circuit judges that the compensation to be paid to each county

ASSEMBLY BILL 923**SECTION 21**

1 elective officer other than supervisors and circuit judges is identical to the
2 recommendation under subd. 3. d. of the county elective officer compensation
3 commission. Except as provided in subd. 2., the annual compensation ~~may~~ shall be
4 established by ~~resolution or ordinance~~, on a basis of straight salary, fees, or part
5 salary and part fees, and if the compensation established is a salary, or part salary
6 and part fees, it shall be in lieu of all fees, including per diem and other forms of
7 compensation for services rendered, except those specifically reserved to the officer
8 in the ~~resolution or ordinance~~. The compensation established shall not be increased
9 nor diminished during the officer's term and shall remain for ensuing terms unless
10 changed by the board. Court fees shall not be used for compensation for county
11 officers.

12 **SECTION 22.** 59.22 (1) (a) 2. of the statutes is amended to read:

13 59.22 (1) (a) 2. The board shall establish the annual compensation of the sheriff
14 as straight salary by enacting an ordinance. No portion of that salary may include
15 or be based on retention of fees by the sheriff. No portion of that salary may be based
16 on providing food to prisoners under s. 302.37 (1). This subdivision does not prohibit
17 the reimbursement of a sheriff for actual and necessary expenses.

18 **SECTION 23.** 59.22 (1) (a) 3. of the statutes is created to read:

19 59.22 (1) (a) 3. a. The county executive, county administrator, or
20 administrative coordinator may, within 3 months of taking office, elect that a county
21 elective officer compensation commission should make recommendations to the
22 board concerning the compensation for each county elective officer other than
23 supervisor and circuit judge who is paid in whole or part from the county treasury.

24 b. If the county executive, county administrator, or administrative coordinator
25 elects under subd. 3. a. that a county elective officer compensation commission

ASSEMBLY BILL 923

1 should make recommendations to the board, within 60 days of that decision the
2 county executive, county administrator, or administrative coordinator shall appoint
3 2 members to the commission, and within 60 days of that decision the board shall
4 appoint 2 members to the commission. The director of a county department having
5 duties related to human resources and personnel shall also be a member of the
6 commission. Notwithstanding s. 59.10 (4), a person who holds elective office in the
7 federal government, state government, or the governing body of a political
8 subdivision may not be a member of the commission during the person's term of
9 office. The board shall provide the resources and information to the commission that
10 is necessary for the commission to make its recommendations under subd. 3. d.

11 c. If the county has a county executive, the commission under subd. 3. b. shall
12 terminate at the end of the county executive's term. If the county has a county
13 administrator, the commission under subd. 3. b. shall terminate 4 years after the
14 board appoints the county administrator. If the county has an administrative
15 coordinator, the commission under subd. 3. b. shall terminate 4 years after the board
16 designates the administrative coordinator.

17 d. At least 4 months before the next closing date for filing nomination papers
18 for an elective office to be voted on in the county other than supervisors and circuit
19 judges, the commission under subd. 3. b. shall by a vote of 4 members of the
20 commission make a recommendation to the board concerning the compensation for
21 each county elective officer other than supervisor and circuit judge who is paid in
22 whole or part from the county treasury. Any 4 members of the commission under
23 subd. 3. b. shall constitute a quorum.

24 **SECTION 24.** 59.22 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 923

1 59.22 (2) (a) Except as otherwise provided in this paragraph, and except for
2 elective offices included under sub. (1), supervisors and circuit judges, and subject
3 to s. ss. 59.602 (8) and 59.794 (3), the board of any county that does not have a county
4 executive has the powers set forth in this subsection, sub. (3), and s. 59.03 (1) as to
5 any office, department, board, commission, committee, position or employee in
6 county service created under any statute, the salary or compensation for which is
7 paid in whole or in part by the county, and the jurisdiction and duties of which lie
8 within the county or any portion thereof and the powers conferred by this section
9 shall be in addition to all other grants of power and shall be limited only by express
10 language. In any county with a population of at least 750,000, the county executive
11 has the powers set forth in this subsection, sub. (3), and s. 59.03 (1), as described in
12 this subsection.

13 **SECTION 25.** 59.22 (2) (c) 1. (intro.) of the statutes is amended to read:

14 59.22 (2) (c) 1. (intro.) Except as provided in subd. 2. and par. (d), the board of
15 any county that does not have a population of at least 750,000 may, and in any county
16 with a population of at least 750,000, the county executive may, do any of the
17 following:

18 **SECTION 26.** 59.22 (2) (c) 2. of the statutes is amended to read:

19 59.22 (2) (c) 2. No action of the board or of a county executive may be contrary
20 to or in derogation of the rules of the department of children and families under s.
21 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
22 families with dependent children, aid to the blind, or aid to totally and permanently
23 disabled persons or ss. 63.01 to 63.17.

24 **SECTION 27.** 59.22 (2) (d) of the statutes is amended to read:

ASSEMBLY BILL 923

1 59.22 (2) (d) The county executive in any county that has a population of at least
2 750,000, or the county board of any county that does not have a population of at least
3 750,000, or any board, commission, committee or agency to which the board or
4 statutes has delegated the authority to manage and control any institution or
5 department of the county government may contract for the services of employees,
6 setting up the hours, wages, duties and terms of employment for periods not to exceed
7 2 years.

8 **SECTION 28.** 59.22 (2) (e) of the statutes is amended to read:

9 59.22 (2) (e) The county executive in any county that has a population of at least
10 750,000, or the board of any county that does not have a population of at least
11 750,000, may provide and appropriate money for an employee awards program to
12 encourage and to reward unusual and meritorious suggestions and
13 accomplishments by county employees.

14 **SECTION 29.** 59.22 (3) of the statutes is amended to read:

15 59.22 (3) REIMBURSEMENT FOR EXPENSE. The county executive in any county that
16 has a population of at least 750,000, or the board of any county that does not have
17 a population of at least 750,000, may provide for reimbursement to any elective
18 officer, deputy officer, appointive officer or employee for any out-of-pocket expense
19 incurred in the discharge of that person's duty in addition to that person's salary or
20 compensation, including ~~without limitation because of enumeration~~, traveling
21 expenses, tuition costs incurred in attending courses of instruction clearly related to
22 that person's employment, and the county executive or the board, consistent with the
23 powers granted under this subsection, may establish standard allowances for
24 mileage, room and meals, the purposes for which allowances may be made, and
25 determine the reasonableness and necessity for such reimbursements, and also

ASSEMBLY BILL 923

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

5 **SECTION 30.** 59.22 (3a) of the statutes is amended to read:

6 59.22 (3a) COMMISSION ON AGING. The county executive in any county that has
7 a population of at least 750,000, or the board of any county that does not have a
8 population of at least 750,000, may provide for the payment of expenses and a per
9 diem to persons appointed to a county commission on aging under s. 59.53 (11).

10 **SECTION 31.** 59.255 (2) (a) of the statutes is amended to read:

11 59.255 (2) (a) The comptroller is the chief financial officer of the county, and
12 the administrator of the county's financial affairs. The comptroller shall administer
13 the county's accounts payable, payroll, and accounting. The comptroller shall
14 develop rules and procedures to administer these functions to allow for the efficient
15 processing of payments for contracts authorized under s. 59.17 (2) (d) 2. The
16 comptroller shall oversee all of the county's debt.

17 **SECTION 32.** 59.255 (2) (e) of the statutes is amended to read:

18 59.255 (2) (e) The comptroller shall countersign all contracts with the county,
19 the value of which exceeds \$250,000, if he or she determines that the county has, or
20 will have, the necessary funds to pay the liability that the county may incur under
21 the contract. No such contract is valid until so countersigned.

22 **SECTION 33.** 59.38 (5) of the statutes is amended to read:

23 59.38 (5) MEDICAL EXAMINER; APPOINTMENT IN POPULOUS COUNTIES. In a county
24 with a population of 500,000 or more, the county executive shall appoint the medical
25 examiner in the unclassified service, subject to confirmation by a majority of the

ASSEMBLY BILL 923

1 board ~~and the confirmation provisions under s. 59.17 (2) (b) 1.~~ The medical examiner
2 may be dismissed at any time by the county executive ~~with the concurrence of a~~
3 ~~majority of the members-elect of the board, or by a majority of the members-elect~~
4 ~~of the board with the concurrence of the county executive.~~ If the county executive
5 ~~vetoed an action by the board to dismiss the medical examiner, the board may~~
6 ~~override the veto by a two-thirds vote of the members-elect of the board.~~

7 **SECTION 34.** 59.42 (1) (a) of the statutes is renumbered 59.42 (1) and amended
8 to read:

9 59.42 (1) CORPORATION COUNSEL; CERTAIN COUNTIES. Except as provided under
10 ~~par. (b), in counties not having a population of 500,000 or more sub. (2),~~ the board may
11 employ a corporation counsel, and fix the salary of the corporation counsel. A
12 corporation counsel appointed under this subsection shall have the duties described
13 under sub. (2) (b). The corporation counsel appointed under this ~~paragraph~~
14 subsection may be terminated at any time by a majority vote of all the members of
15 the board.

16 **SECTION 35.** 59.42 (1) (b) and (c) of the statutes are repealed.

17 **SECTION 36.** 59.42 (2) (a) of the statutes is amended to read:

18 59.42 (2) (a) In a county with a ~~population of 500,000 or more~~ county executive
19 or county administrator there is created the office of corporation counsel, and such
20 deputy corporation counsels, assistants, stenographers, and clerks at such salaries
21 as are authorized by the board or county executive under s. 59.17 (2) (e). The
22 corporation counsel and deputy and assistant corporation counsels shall be
23 attorneys at law licensed to practice in this state. All such offices and positions ~~shall~~
24 may be in the classified civil service of the county except the corporation counsel, who
25 is in the unclassified service. ~~The corporation counsel shall be appointed by the~~

ASSEMBLY BILL 923**SECTION 36**

1 county executive, with the concurrence of a majority of the board and shall not serve
2 at the pleasure of the county executive. Any incumbent corporation counsel serving
3 on August 1, 1990, shall retain that position and title until a new appointee is
4 confirmed by the board. The corporation counsel may be dismissed at any time by
5 the county executive with the concurrence of a majority of the members-elect of the
6 board. The corporation counsel may also be dismissed at any time by a majority vote
7 of the board. If the county executive vetoes an action by the board to dismiss the
8 corporation counsel, the board may override the veto by a two-thirds vote of the
9 members-elect of the board. The county executive or county administrator shall
10 appoint the corporation counsel with the concurrence of the majority of the board,
11 unless the board enacts an ordinance that waives the board's confirmation of the
12 corporation counsel. The county executive or county administrator shall supervise
13 the corporation counsel and may dismiss the corporation counsel with the
14 concurrence of the majority of the board. The corporation counsel shall appoint
15 deputies, assistants, and clerical and stenographic help. Deputy corporation
16 counsels shall have, according to their rank and seniority, the powers and duties of
17 the corporation counsel in his or her absence or disability. The corporation counsel
18 and deputy corporation counsels shall take and file the constitutional oath of office.

19 **SECTION 37.** 59.42 (2) (b) 5. of the statutes is amended to read:

20 59.42 (2) (b) 5. Review, for proper form, and countersign all contracts to verify
21 that the contracts comply with all statutes, rules, ordinances, and the county's ethics
22 policy. ~~This subdivision applies only in a county with a population of 750,000 or more,~~
23 the value of which exceeds \$250,000.

24 **SECTION 38.** 59.42 (3) of the statutes is amended to read:

ASSEMBLY BILL 923

1 59.42 (3) CORPORATION COUNSEL; ATTORNEY DESIGNEE. In lieu of employing a
2 corporation counsel under sub. (1) or in addition to employing a corporation counsel
3 under sub. (1) or (2) (a), a board shall under sub. (1) or a county executive or county
4 administrator under sub. (2) may designate an attorney to perform the duties of a
5 corporation counsel as the need arises. Two or more counties may jointly designate
6 an attorney to perform the duties of a corporation counsel. If an attorney has been
7 designated to perform the duties of a corporation counsel, that person may exercise
8 any powers and perform any duties of the corporation counsel.

9 **SECTION 39.** 59.44 (1) (b) of the statutes is amended to read:

10 59.44 (1) (b) In any county with a county executive or a county administrator,
11 if the county creates an abstract department under par. (a), the county executive or
12 county administrator shall appoint and supervise the county abstractor. Such
13 appointment shall be subject to confirmation by the board unless the board, by
14 ordinance, elects to waive confirmation or unless the appointment is made under a
15 civil service system competitive examination procedure established under s. 59.52
16 (8) or ch. 63, and except that in the case of a county with a population of at least
17 750,000, the appointment is subject to the provisions of s. 59.17 (2) (b) 1.

18 **SECTION 40.** 59.51 (1) of the statutes is renumbered 59.51 (1) (a).

19 **SECTION 41.** 59.51 (1) (b) of the statutes is created to read:

20 59.51 (1) (b) Any power conferred under this chapter to a county executive or
21 county administrator shall be broadly and liberally construed and limited only by
22 express language. To the extent that an action of the board conflicts with the powers
23 of the county executive or the county administrator, the action of the executive or
24 administrator, to the extent of the conflict, shall prevail.

25 **SECTION 42.** 59.52 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 923

1 59.52 (1) (a) In counties with a population of 500,000 or more, the county may
2 create a department of administration, provide for the appointment by the county
3 executive of a director of such department and assign such administrative functions
4 to the department as it considers appropriate, subject to the limitations of this
5 paragraph. No such function shall be assigned to the department where the
6 performance of the same by some other county office, department, or commission is
7 required by any provision of the constitution or statutes of this state, except that
8 administrative functions under the jurisdiction of the county civil service
9 commission or the county auditor may be so assigned notwithstanding sub. (8) and
10 ss. 59.47, 59.60 and 63.01 to 63.17. Such director shall be appointed by the county
11 executive in the unclassified civil service and is subject to ~~confirmation by the county~~
12 ~~board, as provided in s. 59.17 (2) (bm)~~ the provisions of s. 59.17 (2) (b) 1.

13 **SECTION 43.** 59.52 (1) (b) of the statutes is amended to read:

14 59.52 (1) (b) Any county with a population of less than 500,000 may create a
15 department of administration and assign any administrative function to the
16 department as it considers appropriate, except that no administrative function may
17 be assigned to the department if any other provision of state law requires the
18 performance of the function by any other county office, department or commission
19 unless the administrative function is under the jurisdiction of the county civil service
20 commission or the county auditor, in which case, the function may be assigned to the
21 department notwithstanding sub. (8) and ss. 59.47, 59.60 and 63.01 to 63.17. Except
22 as provided under par. (a), in any county with a county executive or county
23 administrator, the county executive or county administrator shall have the authority
24 to appoint and supervise the head of a department of administration; and except as
25 provided under par. (a), the appointment is subject to confirmation by the county

ASSEMBLY BILL 923

1 board unless the appointment is made under a civil service system competitive
2 examination procedure established under sub. (8) or ch. 63, and except that in the
3 case of a county with a population of at least 750,000, the appointment is subject to
4 the provisions of s. 59.17 (2) (b) 1.

5 **SECTION 44.** 59.52 (3m) of the statutes is created to read:

6 59.52 (3m) PUBLIC CONTRACTS. (a) In this subsection, “contract” means any
7 agreement to which the county is a party that relates to at least one of these areas:

- 8 1. The purchase of services.
- 9 2. The purchase of supplies.
- 10 3. The sale or purchase of real property.
- 11 4. The lease as tenant or landlord of real property.
- 12 5. Construction and public works.

13 (b) In any county with an elective comptroller, the comptroller shall post,
14 monthly, on a county Internet site a list of all contracts in excess of \$5,000. The
15 county executive shall timely provide copies of all contracts to the comptroller. The
16 site shall be readily accessible by any member of the public. The site may be part of
17 the county’s website.

18 **SECTION 45.** 59.52 (9) of the statutes is amended to read:

19 59.52 (9) PURCHASING AGENT. ~~The board~~ county executive may appoint a person
20 or committee as county purchasing agent, and provide compensation for their
21 services, except that if the county does not have a county executive, the board may
22 perform this function. Any county officer or supervisor may be the agent or a
23 committee member. The purchasing agent shall provide all ~~supplies and equipment~~
24 procurement and contracting as provided under sub. (3m) and s. 59.17 (2) (d) for the
25 ~~various county offices and the board chairperson shall promptly sign orders in~~

ASSEMBLY BILL 923

1 ~~payment therefor.~~ The ~~board~~ county executive may require that all purchases
2 procurement and contracting be made in the manner ~~determined by it~~ he or she
3 determines, except that if the county does not have a county executive, the board may
4 perform this function.

5 **SECTION 46.** 59.52 (19) of the statutes is amended to read:

6 59.52 (19) DONATIONS, GIFTS AND GRANTS. The ~~board~~ county executive may
7 accept donations, gifts or grants for any public governmental purpose within the
8 powers of the county.

9 **SECTION 47.** 59.52 (21) of the statutes is amended to read:

10 59.52 (21) COUNTY COMMISSIONS. Except in counties having a population of
11 500,000 or more, the ~~board~~ county executive may fix and pay the compensation of
12 members of the county park commission and the county planning and zoning
13 commission for attendance at meetings at a rate not to exceed the compensation
14 permitted supervisors.

15 **SECTION 48.** 59.52 (24) of the statutes is amended to read:

16 59.52 (24) PARKING AREAS. ~~The board may enact ordinances establishing county~~
17 executive in any county with a population of at least 750,000 may establish by
18 directive areas for parking of vehicles on lands owned or leased by the county; for
19 regulating or prohibiting parking of vehicles on such areas or parts of such areas,
20 including, but not limited to, provision for parking in such areas or parts thereof for
21 only certain purposes or by only certain personnel; for forfeitures for violations
22 thereof, but not to exceed \$50 for each offense; and for the enforcement of such
23 ordinances directives. In all other counties, the board may perform these functions
24 by enacting ordinances.

25 **SECTION 49.** 59.52 (29) (a) of the statutes is amended to read:

ASSEMBLY BILL 923

1 59.52 (29) (a) ~~All~~ Except as provided in par. (am), all public work, including any
2 contract for the construction, repair, remodeling or improvement of any public work,
3 building, or furnishing of supplies or material of any kind where the estimated cost
4 of such work will exceed \$25,000 shall be let by contract to the lowest responsible
5 bidder. Any public work, the estimated cost of which does not exceed \$25,000, shall
6 be let as the board may direct. If the estimated cost of any public work is between
7 \$5,000 and \$25,000, the board shall give a class 1 notice under ch. 985 before it
8 contracts for the work or shall contract with a person qualified as a bidder under s.
9 66.0901 (2). A contract, the estimated cost of which exceeds \$25,000, shall be let and
10 entered into under s. 66.0901, except that the board may by a three-fourths vote of
11 all the members entitled to a seat provide that any class of public work or any part
12 thereof may be done directly by the county without submitting the same for bids.
13 This subsection paragraph does not apply to public construction if the materials for
14 such a project are donated or if the labor for such a project is provided by volunteers.
15 This subsection paragraph does not apply to highway contracts which the county
16 highway committee or the county highway commissioner is authorized by law to let
17 or make.

18 **SECTION 50.** 59.52 (29) (am) of the statutes is created to read:

19 59.52 (29) (am) In a county with a population of at least 750,000, all public
20 work, including any contract for the construction, repair, remodeling or
21 improvement of any public work, building, or furnishing of supplies or material of
22 any kind where the estimated cost of such work will exceed \$50,000 shall be let by
23 contract to the lowest responsible bidder. Any public work, the estimated cost of
24 which does not exceed \$50,000, shall be let as the county executive may direct. If the
25 estimated cost of any public work is between \$5,000 and \$50,000, the county

ASSEMBLY BILL 923

1 executive shall give a class 1 notice under ch. 985 before he or she contracts for the
2 work or shall contract with a person qualified as a bidder under s. 66.0901 (2). A
3 contract, the estimated cost of which exceeds \$25,000, shall be let and entered into
4 under s. 66.0901, except that the county executive may provide that any class of
5 public work or any part of such work may be done directly by the county without
6 submitting the same for bids. This paragraph does not apply to public construction
7 if the materials for such a project are donated or if the labor for such a project is
8 provided by volunteers. This paragraph does not apply to highway contracts that the
9 county highway committee or the county highway commissioner is authorized by law
10 to let or make.

11 **SECTION 51.** 59.52 (31) of the statutes is repealed.

12 **SECTION 52.** 59.53 (25) of the statutes is amended to read:

13 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board
14 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) and
15 ~~(31)~~, 66.0301, and 66.0607 (2), related to mental health functions, programs, and
16 services.

17 **SECTION 53.** 59.56 (3) (b) of the statutes is amended to read:

18 59.56 (3) (b) *Committee on agriculture and extension education.* If a board
19 establishes a university extension program, it shall create a committee on
20 agriculture and extension education. The board may select as a member of the
21 committee any public school administrator resident in the county. The members of
22 the committee shall receive such compensation and expenses as the board or county
23 executive determines under s. 59.22 (2) (c) and (3). The committee shall meet at such
24 intervals as are considered necessary to properly carry out its functions and
25 responsibilities.

ASSEMBLY BILL 923

1 **SECTION 54.** 59.56 (14) (e) 1. of the statutes is amended to read:

2 59.56 (14) (e) 1. Acquire by deed or lease real estate and make improvements
3 on such real estate.

4 **SECTION 55.** 59.57 (2) (e) 4. of the statutes is amended to read:

5 59.57 (2) (e) 4. The articles of incorporation shall provide for 2 classes of
6 members who shall be designated as county members and public members and shall
7 fix the number of each class, but the county members, at all times, shall constitute
8 not less than a majority of the total authorized members. All members of each class
9 shall be designated by the board and shall hold office at the pleasure of the board,
10 except that in counties having a county executive, the members shall be designated
11 by the county executive subject to confirmation by the board and subject to the
12 confirmation provisions of s. 59.17 (2) (b) 1., and such members serve at the pleasure
13 of the county executive. The agency shall be subject to dissolution and its corporate
14 authority terminated upon resolution adopted by a majority of the board, or of the
15 boards of each county where counties join in the formation of the agency whereupon
16 the members shall proceed immediately to dissolve the agency, wind up its affairs
17 and distribute its remaining assets as provided in this subsection.

18 **SECTION 56.** 59.57 (2) (f) 2. of the statutes is amended to read:

19 59.57 (2) (f) 2. Within the boundaries of the county or the counties joining in
20 the formation of the agency to acquire by purchase, lease or otherwise any real or
21 personal property or any interest therein or mortgage or other lien thereon; to hold,
22 improve, clear and redevelop any such property; to sell, assign, lease, subdivide and
23 make the property available for industrial use and to mortgage or otherwise
24 encumber the property, except that the authority to enter into a lease under this

ASSEMBLY BILL 923

1 subdivision may be exercised only by the county executive, if the county has such an
2 office.

3 **SECTION 57.** 59.58 (1) (c) of the statutes is amended to read:

4 59.58 (1) (c) Operate airport projects or lease such projects in their entirety or
5 in part, and any project may include space designed for leasing to others if the space
6 is incidental to the purposes of the project, except that the authority to enter into a
7 lease under this paragraph may be exercised only by the county executive, if the
8 county has such an office.

9 **SECTION 58.** 59.58 (3) (intro.) of the statutes is amended to read:

10 59.58 (3) PUBLIC TRANSIT IN COUNTIES. (intro.) A board may do any of the
11 following, except that the authority to enter into a lease under this subsection may
12 be exercised only by the county executive, if the county has such an office:

13 **SECTION 59.** 59.60 (1) of the statutes is amended to read:

14 59.60 (1) APPLICATION. The Except as provided in s. 59.602, the provisions of
15 this section shall apply to all counties with a population of 500,000 750,000 or more.
16 ~~Except as provided in sub. (13), any~~ Any county with a county executive or county
17 administrator may elect to be subject to the provisions of this section.

18 **SECTION 60.** 59.60 (12) of the statutes is renumbered 59.60 (12) (a) and
19 amended to read:

20 59.60 (12) (a) ~~No~~ Subject to par. (b), no payment may be authorized or made
21 and no obligation incurred against the county unless the county has sufficient
22 appropriations for payment. ~~No~~ Subject to par. (b), no payment may be made or
23 obligation incurred against an appropriation unless the director first certifies that
24 a sufficient unencumbered balance is or will be available in the appropriation to
25 make the payment or to meet the obligation when it becomes due and payable. An

ASSEMBLY BILL 923

1 obligation incurred and an authorization of payment in violation of this subsection
2 is void, except as provided in par. (b). A county officer who knowingly violates this
3 subsection is jointly and severally liable to the county for the full amount paid. A
4 county employee who knowingly violates this subsection may be removed for cause.
5 This subsection does not prohibit contracting for capital improvements being
6 financed wholly or partly by the issuance of bonds or prevent the making of a contract
7 or lease providing for the payment of funds at a time beyond the end of the fiscal year
8 in which the contract or lease is made. The Subject to par. (b), the board shall make
9 or approve by resolution each contract, lease or other obligation requiring the
10 payment of funds from the appropriations of a later fiscal year or of more than one
11 fiscal year.

12 **SECTION 61.** 59.60 (12) (b) of the statutes is created to read:

13 59.60 (12) (b) With regard to payments and obligations, and multi-year
14 contracts, described under par. (a) that would otherwise be prohibited, such
15 contracts may be validly entered into if at least one of the following applies:

16 1. A contract requires funding from a future unbudgeted fiscal year and the
17 contract contains a clause stating that the payment and performance obligation for
18 a future fiscal year is subject to availability and appropriation of funds, and that if
19 an appropriation is not available to fund the terms of the contract for the duration
20 of the contract, the contract shall be null and void on the last day on which the
21 appropriation to fund the contract is available. With regard to such a contract, board
22 approval of a multi-year contract is not necessary for the contract to take effect if it
23 is signed by the county executive.

24 2. The board approves a budget that is signed by the county executive and
25 contains a continuing appropriation to fully fund a multi-year contract. The board

ASSEMBLY BILL 923**SECTION 61**

1 need not approve the contract more than once for the contract to remain valid
2 throughout the period during which it is fully funded by the continuing
3 appropriation.

4 **SECTION 62.** 59.60 (12) (c) of the statutes is created to read:

5 59.60 (12) (c) The provisions of this subsection apply to budgets adopted under
6 this section and s. 59.602.

7 **SECTION 63.** 59.602 of the statutes is created to read:

8 **59.602 Alternative budget process in certain counties. (1) APPLICATION.**

9 (a) Subject to par. (b), the provisions of this section may be used by any county,
10 including a county with a population of 750,000 or more.

11 (b) To use the provisions of this section, a county must take one of the following
12 actions:

13 1. If the county has a county executive or administrator, the county executive
14 or administrator must issue a written proclamation stating that the county will use
15 the provisions of this section. Once the proclamation is issued, it takes effect. No
16 action by the county board is needed for the proclamation to take effect, and no
17 county board action may stop or repeal the proclamation.

18 2. In any other county, the board must adopt a resolution proclaiming that the
19 county will use the provisions of this section.

20 **(2) DEFINITIONS.** In this section:

21 (a) "Budget director" means the officer or employee of a county, other than the
22 county executive, county administrator, or county administrative coordinator, who
23 is principally responsible for developing and coordinating a county's budget, except
24 that if the county's executive, administrator, or administrative coordinator is

ASSEMBLY BILL 923

1 principally responsible for developing and coordinating a county's budget, that
2 individual is the budget director.

3 (b) "Department" includes all county departments, boards, commissions,
4 institutions, offices, and other agencies of the county government for which funds
5 may be legally appropriated.

6 (c) "Director" means the director of the county department of administration.

7 **(3) FISCAL YEAR.** The fiscal year in every county is the calendar year.

8 **(4) ACCOUNTING AND BUDGETING PROCEDURE.** Every accounting and budgeting
9 procedure that is applied under this section shall comply with generally accepted
10 accounting principles for government as promulgated by the governmental
11 accounting standards board or its successor bodies or other authoritative sources.

12 **(5) PUBLICATION OF BUDGET AND PUBLIC HEARING.** The board shall refer the
13 executive's or administrator's budget to the finance committee and such committee
14 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or
15 administrator's budget and comparative figures together with a statement of the
16 county's bonded indebtedness, and shall make available to the general public
17 reprinted copies of the summary as published. The publication shall also state the
18 date, hour, and place of the public hearing to be held by the board on such executive's
19 or administrator's budget. The board shall, not less than 14 days after publication
20 of the summary of the executive's or administrator's budget, and prior to the adoption
21 of the property tax levy, hold a public hearing on such executive's or administrator's
22 budget, at which time county residents may appear and express their opinions. After
23 such public hearing, and on or before the annual meeting, the finance committee
24 shall submit to the board its recommendations for amendments to the executive's or
25 administrator's budget, if any, and the board shall adopt the budget with such

ASSEMBLY BILL 923

1 changes as it considers proper and advisable. A request for an amendment to the
2 budget must be submitted to the comptroller or budget director at least 7 business
3 days before the amendment may be considered by the board or by a committee of the
4 board, and the board or committee may not consider any amendment which is not
5 submitted in conformity with this time frame. Any amendment to the budget shall
6 include an estimate, prepared by the comptroller, of the costs that will be incurred,
7 and the staffing changes that will be required, to implement the amendment during
8 the next 5 fiscal years. If a county does not have a comptroller, the estimate shall be
9 prepared by the county's budget director. The board shall make the amendment and
10 the estimate available to the public, in an electronic format, at least 24 hours before
11 the amendment may be considered by the board or by a committee of the board. The
12 board shall have the budget resolution prepared as it was adopted by the board,
13 incorporating any adopted amendments, before presenting the resolution to the
14 executive. Subject to sub. (6), the board of a county with a population of at least
15 750,000 may not adopt a budget in which the total amount of budgeted expenditures
16 related to the compensation of county board members, and to any other costs that are
17 directly related to the operation and functioning of the county board or committees
18 of the board, including staff, is greater than 0.4 percent of the county portion of the
19 tax levy for that year to which the budget applies. The board of a county with a
20 population of at least 750,000 may not adopt a budget that alters any formula by
21 which fringe benefits, interdepartmental charges for services, depreciation, or debt
22 service are allocated in the executive's budget. An appropriation that is contingent
23 upon additional approval by the board after the adoption of the budget is included
24 in the 0.4 percent budget limitation described in this subsection. When so adopted,

ASSEMBLY BILL 923

1 the sums provided shall, subject to the provisions of sub. (7), constitute legal
2 appropriations and anticipated revenues for the ensuing year.

3 **(6) MILWAUKEE COUNTY BUDGET CAP.** The 0.4 percent budget limitation for a
4 county with a population of at least 750,000 that is described in sub. (5) does not
5 apply to any of the following elements of the county's budget:

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

8 (b) The costs for the salary, health benefits, and pension benefits of county
9 board supervisors and the county board chairperson for any term that begins before
10 April 2018.

11 (c) Any costs associated with duties performed by the county clerk under s.
12 59.23 (2).

13 (d) Any costs associated with a department created under s. 59.52 (32).

14 (e) Space rental that is attributable to the county board.

15 **(7) TRANSFERS OF APPROPRIATIONS.** (a) At the request of the head of any
16 department, and after receiving the recommendation of the county executive or
17 county administrator, the director shall, at any time during the fiscal year, transfer
18 any unencumbered appropriation balance or portion thereof between principal
19 objects of expenditures within a department; but no transfers shall be made of
20 appropriations originating from bond funds unless the purpose for which the bonds
21 were issued has been fulfilled or abandoned. If more than one department is under
22 the jurisdiction of the same board or commission or under the same general
23 management, the group of departments may be considered as though they were a
24 single unit with respect to transfers of appropriations within the group.

ASSEMBLY BILL 923

1 (b) Upon the recommendation of the finance committee in a county without a
2 county executive or county administrator, or upon the recommendation of the county
3 executive or county administrator in other counties, and by resolution adopted by a
4 majority of the members present and voting at any meeting, the board may transfer
5 any unencumbered appropriation balance or portion thereof from one department or
6 account to another.

7 (c) 1. Paragraph (b) does not apply to an appropriation which is irrevocable
8 by law.

9 2. The board may not amend a recommendation under par. (b) to increase the
10 amount to be transferred or to transfer funds to a department other than the
11 department designated as the transferee in the recommendation.

12 3. No transfer may be made under this subsection unless the director certifies
13 that sufficient unencumbered funds are available for transfer.

14 **(8) BUDGETARY PROCEDURES, BEYOND 2017.** (a) For fiscal years that begin after
15 December 31, 2017, a county that chooses under sub. (1) (b) to operate under this
16 section shall adopt a budget that contains the provisions specified in this section.

17 (b) Beginning in 2017, and in every odd-numbered year thereafter, a county
18 shall adopt a biennial budget following the timeline specified in par. (c) that sets forth
19 all of the following items, and no others, for the 2 fiscal years that immediately follow
20 the year in which the budget is adopted:

21 1. The county tax levy.

22 2. Anticipated revenue amounts from all sources.

23 3. Appropriations for all departments and for any other obligations of the
24 county.

25 (c) 1. All departments shall submit their budget requests to the director.

ASSEMBLY BILL 923

1 2. The county executive, county administrator, or, in a county without a county
2 executive or administrator, the finance committee, shall submit his or her, or its,
3 proposed budget to the board, either electronically or in writing, not later than
4 October 1 of an odd-numbered year.

5 3. In a county with a county executive, the board shall approve the budget,
6 engrossed with any amendments, and return it to the county executive no later than
7 November 1 of an odd-numbered year. Any amendment to the budget must be
8 submitted to the comptroller or budget director at least 7 business days before the
9 amendment may be considered by the board or by a committee of the board, and the
10 board or committee may not consider any amendment that is not submitted in
11 conformity with this time frame. An amendment shall also include an estimate,
12 prepared by the comptroller, of the costs that will be incurred, and the staffing
13 changes that will be required, to implement the amendment during the next 5 fiscal
14 years. The board shall make the amendment and the estimate available to the
15 public, in an electronic format, at least 24 hours before the amendment may be
16 considered by the board or by a committee of the board. The board shall have the
17 budget resolution prepared as it was adopted by the board, incorporating any
18 adopted amendments, before presenting the resolution to the executive.

19 4. If a county executive wishes to veto any part of the budget under s. 59.17 (5)
20 or (6), the county executive shall do so no later than November 15 of an
21 odd-numbered year. The board may not schedule a meeting to act on the county
22 executive's vetoes, as described in subd. 5., before it receives the vetoes or November
23 16 of an odd-numbered year, whichever comes first.

ASSEMBLY BILL 923

1 5. The board may act on all of the county executive's vetoes or changes, as
2 described in s. 59.17 (5) and (6), no later than November 19 of an odd-numbered year,
3 or the vetoes or changes shall be considered to be approved by the board.

4 6. In a county without a county executive, the board shall approve the budget.

5 (d) A county that uses the provisions of this section shall utilize fund
6 accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this section.

7 (e) After a biennial budget takes effect, if revenues received or expenses
8 incurred by the county are different from the amounts anticipated, the county
9 executive, county administrator, or, in a county without a county executive or
10 administrator, the finance committee, may increase or decrease appropriation
11 amounts as he or she determines is appropriate to account for the changed revenue
12 or expense amounts that affect the county.

13 (f) Outside of the budget process, the county executive, county administrator,
14 or, in a county without a county executive or administrator, the finance committee
15 may propose to the board an increase or decrease in any appropriation or revenue
16 amount, subject to the budget amendment procedures under par. (c) 3. To be
17 approved, such a proposal requires the affirmative vote of two-thirds of the
18 members-elect of the board and the proposal may not be amended by the board,
19 except that when such a proposal is made, and voted on by the board, after September
20 30 and before November 16 of any even-numbered year, such a proposal may be
21 approved by a simple majority vote of the members-elect of the board and the board
22 may amend the proposal. Any proposal submitted after September 30 and before
23 October 31 of an even-numbered year shall be voted on by the board before
24 November 16 of that even-numbered year.

ASSEMBLY BILL 923

1 (g) With regard to every county department that has appropriations and
2 expenses contained in a budget that is adopted under this section, the budget
3 provisions that apply to such a department shall contain an appropriation account
4 into which a gift or grant bestowed upon that department shall be deposited. If a
5 department receives such a gift or grant, the department may spend the funds, with
6 the consent of the county executive, county administrator, or, in a county without a
7 county executive or administrator, the finance committee, but without county board
8 approval, for the purposes for which the gift or grant was bestowed.

9 (h) During a biennium, a county board of a county with a county executive may
10 not adopt a resolution to issue a municipal obligation, as defined in s. 67.01 (6), in
11 an amount that is higher than the amount initially proposed by the county executive
12 in his or her proposed budget for that biennium. During a biennium a county
13 executive may propose, outside of the budget process, the issuance of additional
14 municipal obligations, as defined under s. 67.01 (6). The board may approve the
15 county executive's proposal, but may not increase the amount proposed.

16 (i) 1. Subject to subd. 2., the board of a county with a population of at least
17 750,000 may not adopt a budget in which the total amount of budgeted expenditures
18 related to the compensation of county board members, and to any other costs that are
19 directly related to the operation and functioning of the county board or committees
20 of the board, including staff, is greater than 0.4 percent of the county portion of the
21 tax levy for that year to which the budget applies. The board may not alter any
22 formula by which fringe benefits, interdepartmental charges for services,
23 depreciation, or debt service are allocated in the recommended budget. An
24 appropriation that is contingent upon additional approval by the board after the
25 adoption of the budget is included in the 0.4 percent budget limitation described in

ASSEMBLY BILL 923

1 this subdivision. When so adopted, the sums provided shall, subject to the provisions
2 of sub. (7), constitute legal appropriations and anticipated revenues for the ensuing
3 year.

4 2. The 0.4 percent budget limitation for a county with a population of at least
5 750,000 that is described in subd. 1. does not apply to any of the following elements
6 of the county's budget:

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

9 b. The costs for the salary, health benefits, and pension benefits of county board
10 supervisors and the county board chairperson for any term that begins before April
11 2018.

12 c. Any costs associated with duties performed by the county clerk under s. 59.23
13 (2).

14 d. Any costs associated with a department created under s. 59.52 (32).

15 e. Space rental that is attributable to the county board.

16 **SECTION 64.** 59.61 (4) of the statutes is created to read:

17 59.61 (4) FUND ACCOUNTING. (a) A county that is subject to s. 59.60 shall utilize
18 fund accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this
19 subsection.

20 (b) In addition to a general fund, a county may create other governmental
21 funds, proprietary funds, fiduciary funds, and other appropriate funds allowed by
22 government accounting practice, provided that in creating each fund the county
23 describes the sources of revenues that may be deposited into each fund and the types
24 of expenditures that may be made from each fund. Counties may maintain
25 reasonable balances in each such fund to provide the county with necessary working

ASSEMBLY BILL 923

1 capital, based on sound business principles, to avoid cash flow interruptions and the
2 need to engage in short-term borrowing to fund daily operations. In counties with
3 no county executive, the board may create a fund described in this paragraph by
4 ordinance. In counties with a county executive, only the county executive may create
5 a fund described in this paragraph by executive order, and such an executive order
6 may not be modified or otherwise affected by county board action.

7 (c) A county that creates governmental, proprietary, fiduciary, or other funds
8 under this subsection shall develop policies and procedures that apply to each such
9 fund, including all of the following:

- 10 1. Setting a working cash flow target for each fund.
- 11 2. Publishing annual estimates of working cash flow balances.
- 12 3. A description of possible uses of balances in a fund that accumulate above
13 the cash flow target.

14 (d) Each governmental and proprietary fund created under this subsection
15 shall serve as a fiscal and accounting entity with a self-balancing set of accounts.

16 **SECTION 65.** 59.69 (2) (a) 2. of the statutes is amended to read:

17 59.69 (2) (a) 2. If the board in a county with a county executive authorizes the
18 creation of a county planning and zoning commission, designated the county zoning
19 agency, the county executive shall appoint the commission, subject to confirmation
20 by the board and to the confirmation provisions of s. 59.17 (2) (b) 1.

21 **SECTION 66.** 59.69 (2) (a) 3. of the statutes is amended to read:

22 59.69 (2) (a) 3. If a county planning and zoning commission is created under
23 subd. 2., the county executive may appoint, for staggered 3-year terms, 2 alternate
24 members of the commission, who are subject to confirmation by the board, and to the
25 confirmation provisions of s. 59.17 (2) (b) 1. Annually, the county executive shall

ASSEMBLY BILL 923

1 designate one of the alternate members as first alternate and the other as 2nd
2 alternate. The first alternate shall act, with full power, only when a member of the
3 commission refuses to vote because of a conflict of interest or when a member is
4 absent. The 2nd alternate shall act only when the first alternate refuses to vote
5 because of a conflict of interest or is absent, or if more than one member of the
6 commission refuses to vote because of a conflict of interest or is absent.

7 **SECTION 67.** 59.70 (2) (intro.) of the statutes is amended to read:

8 59.70 (2) SOLID WASTE MANAGEMENT. (intro.) The board of any county may
9 establish and operate a solid waste management system or participate in such
10 system jointly with other counties or municipalities. Except in counties having a
11 population of 500,000 or more, the board of a county or the boards of a combination
12 of counties establishing a solid waste management system may create a solid waste
13 management board to operate the system and such board, in a county that does not
14 combine with another county, shall be composed of not less than 9 nor more than 15
15 persons of recognized ability and demonstrated interest in the problems of solid
16 waste management, but not more than 5 of the board members may be appointed
17 from the county board of supervisors. In any combination of counties, the solid waste
18 management board shall be composed of 11 members with 3 additional members for
19 each combining county in excess of 2. Appointments shall be made by the county
20 boards of supervisors of the combining counties in a manner acceptable to the
21 combining counties, but each of the combining counties may appoint to the solid
22 waste management board not more than 3 members from its county board of
23 supervisors. The term of office of any member of the solid waste management board
24 shall be 3 years, but of the members first appointed, at least one-third shall be
25 appointed for one year; at least one-third for 2 years; and the remainder for 3 years.

ASSEMBLY BILL 923

1 Vacancies shall be filled for the residue of the unexpired term in the manner that
2 original appointments are made. Any solid waste management board member may
3 be removed from office by a two-thirds vote of the appointing authority. The solid
4 waste management board may employ a manager for the system. The manager shall
5 be trained and experienced in solid waste management. For the purpose of operating
6 the solid waste management system, the solid waste management board may
7 exercise the following powers, except that the authority to enter into a lease under
8 this subsection may be exercised only by the county executive, if the county has such
9 an office:

10 **SECTION 68.** 59.70 (18) of the statutes is amended to read:

11 59.70 (18) LAND CLEARING AND WEED CONTROL. The board may purchase or
12 accept by gift or grant tractors, bulldozers and other equipment for clearing and
13 draining land and controlling weeds on same, and for such purposes to operate or
14 lease the same for work on private lands, except that the authority to enter into a
15 lease under this subsection may be exercised only by the county executive, if the
16 county has such an office. The board may charge fees for such service and for rental
17 of such equipment on a cost basis.

18 **SECTION 69.** 59.79 (8) of the statutes is repealed.

19 **SECTION 70.** 59.792 (3) (a) (intro.) of the statutes is amended to read:

20 59.792 (3) (a) (intro.) The county's board may do any of the following, except
21 that the authority to enter into a lease under this paragraph may be exercised only
22 by the county executive, if the county has such an office:

23 **SECTION 71.** 59.84 (2) (d) 8. of the statutes is created to read:

ASSEMBLY BILL 923

1 59.84 (2) (d) 8. Notwithstanding the provisions of subds. 2. and 7., the authority
2 to enter into a lease under this paragraph may be exercised only by the county
3 executive, if the county has such an office.

4 **SECTION 72.** 60.40 (2) of the statutes is amended to read:

5 60.40 (2) PREPARATION. The town board is responsible for preparation of the
6 proposed budget required under s. 65.90, unless the town board chair acts under s.
7 65.30 (2) (b). In preparing the budget, the town board may provide for assistance by
8 any person.

9 **SECTION 73.** 60.40 (3) of the statutes is amended to read:

10 60.40 (3) HEARING. The town board shall conduct the budget hearing required
11 under s. 65.30 or 65.90.

12 **SECTION 74.** 60.40 (5) of the statutes is amended to read:

13 60.40 (5) AMENDMENT. The town budget may be amended by the town board
14 under s. 65.90 (5) or 65.30 (4) or (6).

15 **SECTION 75.** 63.02 (2) of the statutes is amended to read:

16 63.02 (2) The director of personnel shall cause the minutes of its proceedings
17 to be taken and fully transcribed. The original transcribed copy shall be the official
18 minutes of such proceedings and shall be open and available for public inspection.
19 The director of personnel shall preserve all reports made to the commission, keep a
20 record of all examinations held under its direction and perform such other duties as
21 the commission may from time to time prescribe. The director of personnel shall be
22 appointed by the county executive in the unclassified civil service ~~and is subject to~~
23 ~~confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

24 **SECTION 76.** 65.30 of the statutes is created to read:

25 **65.30 Alternative budget procedure. (1) DEFINITIONS.** In this section:

ASSEMBLY BILL 923

1 (a) "Budget director" means the officer or employee of a municipality, other
2 than the chief executive, who is principally responsible for developing and
3 coordinating a municipality's budget, except that if the municipality's chief executive
4 is principally responsible for developing and coordinating a municipality's budget,
5 the chief executive is the budget director.

6 (b) "Chief executive" means a mayor or city manager, a village president, or a
7 town board chairperson.

8 (c) Notwithstanding s. 65.02 (1), "department" means any department, board,
9 commission, or other body under the control of a governing body which expends
10 municipal funds or incurs obligations for a municipality, and unless otherwise
11 expressed refers to the head of such department.

12 (d) "Governing body" means the common council of a city, the village board of
13 a village, or the town board of a town.

14 (e) "Municipality" means any city, village or town.

15 **(2) APPLICATION.** (a) Subject to par. (b), the provisions of this section may be
16 used by any municipality, including a 1st class city.

17 (b) To use the provisions of this section, the municipality's chief executive must
18 issue a written proclamation stating that the municipality will use the provisions of
19 this section instead of the applicable provisions of s. 60.40 or the other provisions of
20 this chapter. Once the proclamation is issued, it takes effect. No action by the
21 governing body is needed for the proclamation to take effect, and no governing body
22 action may stop or repeal the proclamation.

23 **(3) ACCOUNTING AND BUDGETING PROCEDURE.** Every accounting and budgeting
24 procedure that is applied under this section shall comply with generally accepted

ASSEMBLY BILL 923

1 accounting principles for government as promulgated by the governmental
2 accounting standards board or its successor bodies or other authoritative sources.

3 (4) PUBLICATION OF BUDGET AND PUBLIC HEARING. (a) The governing body shall
4 refer the chief executive's or budget director's budget to the finance committee, or
5 similar committee, and such committee shall publish as a class 1 notice, under ch.
6 985, a summary of the chief executive's or budget director's budget and comparative
7 figures together with a statement of the municipality's bonded indebtedness, and
8 shall make available to the general public reprinted copies of the summary as
9 published. The publication shall also state the date, hour, and place of the public
10 hearing to be held by the governing body on such chief executive's or budget director's
11 budget. The governing body shall, not less than 14 days after publication of the
12 summary of the chief executive's or budget director's budget, prior to the adoption
13 of the property tax levy, hold a public hearing on such chief executive's or budget
14 director's budget, at which time the municipality's residents may appear and express
15 their opinions. After such public hearing, and on or before its next meeting on the
16 budget, the finance committee, or similar committee, shall submit to the governing
17 body its recommendations for amendments to the chief executive's or budget
18 director's budget, if any, and the governing body shall adopt the budget with such
19 changes as it considers proper and advisable.

20 (b) A request for an amendment to the budget must be submitted to the
21 comptroller or budget director at least 7 business days before the amendment may
22 be considered by the municipality's governing body or by a committee of the body, and
23 the governing body or committee may not consider any amendment which is not
24 submitted in conformity with this time frame. In any municipality, any amendment
25 to the budget shall include an estimate, prepared by the comptroller, of the costs that

ASSEMBLY BILL 923

1 will be incurred, and the staffing changes that will be required, to implement the
2 amendment during the next 5 fiscal years. If a municipality does not have a
3 comptroller, the estimate shall be prepared by the municipality's budget director.
4 The common council shall make the amendment and the estimate available to the
5 public, in an electronic format, at least 24 hours before the amendment may be
6 considered by the common council or by a committee of the common council. The
7 common council shall have the budget resolution prepared as it was adopted by the
8 common council, incorporating any adopted amendments, before presenting the
9 resolution to the mayor.

10 (5) TRANSFERS OF APPROPRIATIONS. (a) At the request of the head of any
11 department, and after receiving the recommendation of the chief executive, the
12 budget director shall, at any time during the fiscal year, transfer any unencumbered
13 appropriation balance or portion thereof between principal objects of expenditures
14 within a department; but no transfers shall be made of appropriations originating
15 from bond funds unless the purpose for which the bonds were issued has been
16 fulfilled or abandoned. If more than one department is under the jurisdiction of the
17 same board or commission or under the same general management, the group of
18 departments may be considered as though they were a single unit with respect to
19 transfers of appropriations within the group.

20 (b) Upon the recommendation of the chief executive, and by resolution adopted
21 by a majority of the members present and voting at any meeting, the governing body
22 may transfer any unencumbered appropriation balance or portion thereof from one
23 department or account to another.

24 (c) 1. Paragraph (b) does not apply to an appropriation which is irrevocable
25 by law.

ASSEMBLY BILL 923

1 2. The governing body may not amend a recommendation under par. (b) to
2 increase the amount to be transferred or to transfer funds to a department other than
3 the department designated as the transferee in the recommendation.

4 3. No transfer may be made under this subsection unless the budget director
5 certifies that sufficient unencumbered funds are available for transfer.

6 **(6) BUDGETARY PROCEDURES, BEYOND 2017.** (a) For fiscal years that begin after
7 December 31, 2017, a municipality which chooses under sub. (1) (b) to operate under
8 this section shall adopt a budget that contains the provisions specified in this section.

9 (b) Beginning in 2017, and in every odd-numbered year thereafter, a
10 municipality shall adopt a biennial budget following the timeline specified in par. (c)
11 that sets forth all of the following items, and no others, for the 2 fiscal years that
12 immediately follow the year in which the budget is adopted:

13 1. The municipal tax levy.

14 2. Anticipated revenue amounts from all sources.

15 3. Appropriations for all departments and for any other obligations of the
16 municipality.

17 (c) 1. All departments shall submit their budget requests to the budget director.

18 2. The chief executive shall submit his or her proposed budget to the governing
19 body, either electronically or in writing, not later than October 1 of an odd-numbered
20 year.

21 3. The governing body shall approve the budget, engrossed with any
22 amendments, and return it to the chief executive no later than November 1 of an
23 odd-numbered year. Any amendment to the budget adopted by the common council
24 of a 1st class city must be submitted to the comptroller at least 7 business days before
25 the amendment may be considered by the governing body or by a committee of the

ASSEMBLY BILL 923

1 body, and the governing body or committee may not consider any amendment that
2 is not submitted in conformity with this time frame. An amendment shall also
3 include an estimate, prepared by the comptroller, of the costs that will be incurred,
4 and the staffing changes that will be required, to implement the amendment during
5 the next 5 fiscal years. A governing body shall make the amendment and, if required,
6 the estimate, available to the public, in an electronic format, at least 24 hours before
7 the amendment may be considered by the governing body or by a committee of the
8 governing body. The governing body shall have the budget resolution prepared as
9 it was adopted by the governing body, incorporating any adopted amendments,
10 before presenting the resolution to the chief executive.

11 4. If a mayor wishes to veto any part of the budget under s. 62.09 (8) (c), the
12 mayor shall do so no later than November 15 of an odd-numbered year. The common
13 council may not schedule a meeting to act on the mayor's vetoes, as described in subd.
14 5., before it receives the vetoes or November 16 of an odd-numbered year, whichever
15 comes first.

16 5. The common council may act on all of the mayor's vetoes or changes, as
17 described in s. 62.09 (8) (c), no later than November 19 of an odd-numbered year, or
18 the vetoes or changes shall be considered to be approved by the common council.

19 (d) After a biennial budget takes effect, if revenues received or expenses
20 incurred by the municipality are different from the amounts anticipated, the chief
21 executive may increase or decrease appropriation amounts as he or she determines
22 is appropriate to account for the changed revenue or expense amounts that affect the
23 municipality.

24 (e) Outside of the budget process, the chief executive may propose to the
25 governing body an increase or decrease in any appropriation or revenue amount,

ASSEMBLY BILL 923

1 subject to the budget amendment procedures under par. (c) 3. To be approved, such
2 a proposal requires the affirmative vote of two-thirds of the members-elect of the
3 governing body, as defined in s. 66.10015 (1) (bs), and the proposal may not be
4 amended by the governing body, except that when such a proposal is made and voted
5 on by the governing body after September 30 and before November 16 of any
6 even-numbered year, such a proposal may be approved by a simple majority vote of
7 the members-elect of the governing body and the governing body may amend the
8 proposal.

9 (f) With regard to every municipal department that has appropriations and
10 expenses contained in a municipality's budget that is adopted under this section, the
11 budget provisions that apply to such a department shall contain an appropriation
12 account into which a gift or grant bestowed upon that department shall be deposited.
13 If a department receives such a gift or grant, the department may spend the funds,
14 with the consent of the chief executive, but without the approval of the governing
15 body, for the purposes for which the gift or grant was bestowed.

16 (g) During a biennium, a governing body may not adopt a resolution to issue
17 a municipal obligation, as defined in s. 67.01 (6), in an amount that is higher than
18 the amount initially proposed by the chief executive in his or her proposed budget for
19 that biennium. During a biennium a chief executive may propose, outside of the
20 budget process, the issuance of additional municipal obligations, as defined under
21 s. 67.01 (6). The governing body may approve the chief executive's proposal, but may
22 not increase the amount proposed.

23 **SECTION 77.** 68.14 (1) of the statutes is amended to read:

24 68.14 (1) The seeking of a review pursuant to s. 68.10 or 68.13 does not preclude
25 a person aggrieved from seeking relief from the governing body of the municipality

ASSEMBLY BILL 923

1 or any of its boards, commissions, committees, or agencies ~~which~~ that may have
2 jurisdiction, except that the authority under this section of a county board is subject
3 to the limitations in s. 59.17 (2) (d).

4 **SECTION 78.** 83.01 (1) (b) of the statutes is amended to read:

5 83.01 (1) (b) In counties having a population of 500,000 or more, the county
6 highway commissioner shall also be the director of public works. The person holding
7 the position of county highway commissioner and director of public works, under the
8 classified service, on June 16, 1974, shall continue in that capacity under civil
9 service status until death, resignation, or removal from such position. Thereafter the
10 county executive shall appoint as successor a director of transportation who shall
11 assume the duties of county highway commissioner and director of public works ~~and~~
12 ~~is subject to confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

13 **SECTION 79.** 200.11 (8) of the statutes is amended to read:

14 200.11 (8) SOLID WASTE MANAGEMENT. The district may engage in solid waste
15 management and shall for such purposes have all powers granted to county
16 executives or county boards under s. 59.70 (2), except acquisition of land by eminent
17 domain, if each county board having jurisdiction over areas to be served by the
18 district has adopted a resolution requesting or approving the involvement of the
19 district in solid waste management. County board approval shall not be required for
20 the management by the district of such solid wastes as are contained within the
21 sewage or storm water transmitted or treated by the district or as are produced as
22 a by-product of sewerage treatment activities.

23 **SECTION 80.** 289.33 (3) (d) of the statutes is amended to read:

24 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
25 authorization, approval, variance or exception or any restriction, condition of

ASSEMBLY BILL 923

1 approval or other restriction, regulation, requirement or prohibition imposed by a
2 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
3 a town, city, village, county or special purpose district, including without limitation
4 because of enumeration any ordinance, resolution or regulation adopted under s.
5 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
6 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
7 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
8 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
9 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
10 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
11 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
12 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8), and
13 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,
14 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,
15 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
16 91.

SECTION 81. Nonstatutory provisions.

17 (1) COUNTY EXECUTIVE STAFF. Notwithstanding the provisions of section 59.17
18 (2) (b) 6. of the statutes, if a county board reduced or eliminated the staff authorized
19 by the county executive for operating the office of the county executive, or reduced
20 or eliminated the appropriations for the staff and operations of the office of the
21 county executive at any time after March 31, 2016, the county board shall restore the
22 staff levels and appropriation levels to their levels as of April 1, 2016.

24 (2) CONFIRMED APPOINTEES. Any department head appointee of a county
25 executive who has been confirmed by a county board, or whose confirmation has been

ASSEMBLY BILL 923

1 waived by the board, on the effective date of this subsection does not need to be
2 reconfirmed, or confirmed, by the board as long as the appointee continues in
3 uninterrupted service in that position.

SECTION 82. Initial applicability.

4
5 (1) INTERNET SITE FOR PUBLIC CONTRACTS. The treatment of section 59.52 (3m)
6 of the statutes first applies to a contract that is entered into on the first day of the
7 7th month beginning after the effective date of this subsection.

8 (2) PUBLIC WORKS CONTRACTS. The treatment of section 59.52 (29) (am) of the
9 statutes first applies to public contracts that are let on the effective date of this
10 subsection.

11 (3) COMPENSATION FOR CERTAIN COUNTY ELECTIVE OFFICERS. The treatment of
12 sections 59.10 (1) (a), (2) (c) 5., (3) (f), (i), and (k), and (5) and 59.22 (1) (a) 1., 2., and
13 3. of the statutes first applies to the establishment of the salary or compensation of
14 supervisors and the establishment of the compensation of county elective officers
15 other than supervisors and circuit judges for the terms of office beginning after the
16 spring election in 2020.

17 (END)