

1999 SENATE BILL 174

May 25, 1999 – Introduced by Senators WELCH, DARLING and PANZER, cosponsored by Representatives HAHN, HUNDERTMARK, STONE, MUSSER, ALBERS, OLSEN, KREIBICH, SYKORA and GROTHMAN. Referred to Committee on Economic Development, Housing and Government Operations.

1 **AN ACT** *to renumber and amend* 66.11 (4); and *to create* 66.11 (4) (a) to (c) of
 2 the statutes; **relating to:** the compatibility of the offices of elected member of
 3 a local governing body and employe of a certain department of that unit of
 4 government.

Analysis by the Legislative Reference Bureau

In general, under a number of state supreme court decisions, the doctrine of compatibility holds that one person cannot hold two offices if one office is superior to another in some respect and that the superior office makes decisions about the other office such that the duties exercised under each might conflict to the public detriment. The doctrine applies “where the nature and duties of town offices were such as to render it improper from considerations of public policy for one person to discharge the duties of both” (*Martin v. Smith*, 239 Wis. 314, 326 (1941)), and prohibits a person from holding both a public office and an incompatible position of public employment.

A specific statutory exception to the doctrine authorizes a volunteer fire fighter or emergency medical technician in a city, village or town whose annual compensation, including fringe benefits, does not exceed \$2,500 to simultaneously hold an elected office in that city, village or town.

This bill creates a similar statutory exception for an employe of a local recreation department. Under the bill, such an employe of a city, village or town whose annual compensation, including fringe benefits, does not exceed \$2,500 may simultaneously hold an elected office in that city, village or town.

