

2001 ASSEMBLY BILL 286

April 3, 2001 – Introduced by Representatives OWENS, HUNDERTMARK, F. LASEE, AINSWORTH, GUNDERSON, ALBERS, HUEBSCH and RHOADES, cosponsored by Senators BRESKE and DECKER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 60.10 (2) (g), 60.13 (1) (b), 60.32 (2) (c), 66.0501 (4), 81.01 (3)
2 (intro.) and 81.01 (3) (b); and **to create** 60.32 (2) (d) of the statutes; **relating**
3 **to:** the method of compensating town elective officers, compatible offices and
4 positions for city, village, and town elective officeholders, the spending limit for
5 construction and repair of town highways and bridges, and the disposition of
6 town property.

Analysis by the Legislative Reference Bureau

Under current law, a town meeting or the town board may establish the compensation of elective town offices. The compensation may be paid as an annual salary or as a per diem compensation for each day or part of a day that is devoted to town service, or as a combination of the two methods. This bill creates a third method of payment of compensation. Under the third method, an elective town officer may be paid hourly wages, up to a maximum of \$5,000 each year. Under the bill, the compensation may also be paid as a combination of these three methods.

Also under current law, a volunteer fire fighter, emergency medical technician, or first responder (emergency personnel) in a city, village, or town whose annual compensation, including fringe benefits, does not exceed \$2,500 may also hold elected office in that city, village, or town. This bill clarifies that the \$2,500 limit applies only to compensation received as emergency personnel. The bill specifies that, if an elective officer is paid hourly wages, the receipt of the wages for work that

ASSEMBLY BILL 286

he or she performs for the town is compatible with his or her office, and also specifies that the \$5,000 maximum amount that he or she may be paid is in addition to any amount that such an officer receives as emergency personnel. The \$5,000 maximum amount also applies to amounts received by a town supervisor who is acting as a superintendent of highways.

Also under current law, the annual limit on town spending for construction and repair of town highways and bridges is \$10,000. A town board may exceed this annual limit if the town meeting authorizes an expenditure over the limit or if the voters of the town approve the expenditure by referendum. This bill adds maintenance activities to the annual limit on town spending on highways and bridges. The bill also changes the annual limit from a total sum of \$10,000 for construction and repair of town highways and bridges to a total sum that does not exceed \$5,000 per mile for construction, maintenance, and repair of town highways and bridges. The requirement of a referendum to exceed the annual limit remains unchanged.

Finally, under current law, a town meeting may authorize a town board to dispose of town property, real or personal, other than property donated to and required to be held by the town for a special purpose. This bill repeals a town meeting's authority to authorize a town board to dispose of town personal property.

For further information see the *state and 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.** 60.10 (2) (g) of the statutes is amended to read:

2 60.10 **(2)** (g) *Disposal of property.* Authorize the town board to dispose of town
3 real property, ~~real or personal~~, other than property donated to and required to be held
4 by the town for a special purpose.

5 **SECTION 2.** 60.13 (1) (b) of the statutes is amended to read:

6 60.13 **(1)** (b) If the annual town meeting is held in a year when the office of town
7 board chairperson is filled by election, the person holding the office on the day prior
8 to the date of the election to fill the office shall preside at the annual town meeting
9 and is entitled to receive the per diem, or the hourly wage if such a person had been
10 elected and if the payment of an hourly wage is authorized under s. 60.32 (2) (c).

ASSEMBLY BILL 286

1 which is ordinarily paid to the presiding officer. If such person is absent or refuses
2 to serve as the presiding officer, the presiding officer shall be chosen under par. (a).

3 **SECTION 3.** 60.32 (2) (c) of the statutes is amended to read:

4 60.32 (2) (c) ~~–A combination of pars. (a) and (b) An hourly wage, up to a~~
5 maximum of \$5,000 each year. Amounts that are paid under this paragraph may be
6 paid in addition to any amount that an individual may receive as a volunteer fire
7 fighter, emergency medical technician, or first responder under s. 66.0501 (4). The
8 \$5,000 maximum in this paragraph includes amounts paid to a town supervisor who
9 is acting as a superintendent of highways under s. 81.01 (1).

10 **SECTION 4.** 60.32 (2) (d) of the statutes is created to read:

11 60.32 (2) (d) A combination of pars. (a), (b), and (c).

12 **SECTION 5.** 66.0501 (4) of the statutes is amended to read:

13 66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,
14 emergency medical technician, or first responder in a city, village, or town whose
15 annual compensation from one or more of those positions, including fringe benefits,
16 does not exceed \$2,500 may also hold an elected elective office in that city, village,
17 or town. It is compatible with his or her office for an elective town officer to receive
18 wages under s. 60.32 (2) (c) for work that he or she performs for the town.

19 **SECTION 6.** 81.01 (3) (intro.) of the statutes is amended to read:

20 81.01 (3) (intro.) Provide machinery, implements, material, and equipment
21 needed to construct, maintain, and repair said highways and bridges, and for that
22 purpose may acquire by purchase or by condemnation in the manner provided by ch.
23 32 gravel pits and stone quarries, but the total sum spent under this subsection shall
24 not exceed \$10,000 for construction, maintenance, and repair of highways and

ASSEMBLY BILL 286

1 bridges may not exceed \$5,000 per mile in any year, unless one of the following
2 occurs:

3 **SECTION 7.** 81.01 (3) (b) of the statutes is amended to read:

4 81.01 (3) (b) The town board, by resolution, submits to the electors of the town
5 as a referendum at a general or special town election the question of exceeding the
6 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
7 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
8 town on the question. The question shall read as follows:

9 Shall the town of spend \$... \$.... over the annual limit of \$10,000 \$5,000
10 per mile for the construction, maintenance, and repair of its highways and bridges?

11 FOR SPENDING AGAINST SPENDING

12 **SECTION 8. Initial applicability.**

13 (1) The treatment of section 81.01 (3) (b) of the statutes first applies with
14 respect to referenda called on the effective date of this subsection.

15 (END)