

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/29/2000

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Tom Harnisch**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters: **fasttn**

Subject: **Munis - miscellaneous  
Transportation - highways**

Extra Copies: **PJH**

**Pre Topic:**

No specific pre topic given

**Topic:**

Disposal of town property, compensation paid to town officers, town highway repairs

**Instructions:**

See attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 12/20/2000 fasttn 12/26/2000 shoveme 12/26/2000 fasttn 12/28/2000 shoveme 12/28/2000	gilfokm 01/06/2001	jfrantze 01/09/2001	_____	lrb_docadmin 01/09/2001		S&L
/2	shoveme 01/17/2001	gilfokm 01/18/2001	rschluet 01/19/2001	_____	lrb_docadmin 01/19/2001		S&L

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/3	shoveme 01/30/2001	gilfokm 02/01/2001	pgreensl 02/01/2001	_____	lrb_docadmin 02/01/2001	lrb_docadminS&L 02/09/2001	

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/2	shoveme 01/17/2001	gilfokm 01/18/2001	rschluet 01/19/2001	_____	lrb_docadmin 01/19/2001		S&L
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*13 MES 11-30-01 KMG*  
FE Sent For:

*2/1*  
*pg*

<END>

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	fasttn 12/26/2000	<i>1/2-1/18-01 King</i>		_____			
	shoveme 12/26/2000			_____			
	fasttn 12/28/2000			_____			
	shoveme 12/28/2000			_____			

*12 MES 1/17/01*

*1-19-1*

*3560 1-19-1*

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1?	shoveme	1-1/Kms 16-01	To 1/6	To / pag 1/29			
/ INES 12/20/00							

FE Sent For:

<END>

11/20

# INSTRUCTIONS

for Rep. Owens by Tom Harnisch

MES

1) Am. s. 00.10 (2) (g) delete "or person"

TWF

2) Am. s. 81.01 (3) change "\$10K in any year" to "\$5,000/mile in any year"

MES

3) Am. s. 60.32 (2) (c) -- make "hourly wages, up to a maximum of \$5,000 each year" X-ref to ensure the \$2,500 is in lieu of any other salary as a town officer

see s. 66.0501 (4) compatibility of office that allows town officers

is the \$2,500 problem implicated?

Also see s. 81.02 -- make sure the \$5,000 limit applies to \$ record under s. 81.02

any other compensation issues? folio search: "town board" paid -> 23 hits -> Am. of 60.13(1)(b)





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1242P  
MES&TNE.../k:...

Due <sup>Tues.</sup> 1/9/01

Handwritten initials in a circle: *Aug*  
*LRB*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*D-NOTE*

*the spending limit for construction  
and repair of town highways  
and bridges, and*

*gen*

- 1 AN ACT relating to: the method of compensating town elective officers,
- 2 compatible offices and positions for city, village, and town elective officeholders,
- 3 the disposition of town property.

*102*

**Analysis by the Legislative Reference Bureau**

*as*

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, as a per diem compensation for each day or part of a day that is devoted to town service, or a combination of the two methods. Under this bill, the compensation may not be paid as a combination of the two other methods. In addition, the 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.

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 also specifies that if an elective officer is paid hourly wages, 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.

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.

Insert *(A)* ✓

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~~, <sup>strike</sup> other than property donated to and required to be held  
4 by the town for a special purpose.

5 History: 1983 a. 532; 1991 a. 39; 1995 a. 34, 201. ✓

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

7 60.13 (1) (b) If the annual town meeting is held in a year when the office of town  
8 board chairperson is filled by election, the person holding the office on the day prior  
9 to the date of the election to fill the office shall preside at the annual town meeting  
10 and is entitled to receive the per diem, or the hourly wage if such a person had been  
11 elected and if the payment of an hourly wage is authorized under s. 60.32 (2) (c),  
12 which is ordinarily paid to the presiding officer. If such person is absent or refuses  
13 to serve as the presiding officer, the presiding officer shall be chosen under par. (a).

14 History: 1983 a. 532.

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

16 60.32 (2) (c) ~~A combination of pars. (a) and (b)~~ <sup>strike space</sup> An hourly wage, up to a  
17 maximum of \$5,000 each year. Amounts that are paid under this paragraph may be  
18 paid in addition to any amount that an individual may receive as a volunteer fire  
19 fighter, emergency medical technician, or first responder under s. 66.0501 (4). ✓

20 History: 1983 a. 532; 1993 a. 246; 1999 a. 150 s. 672.

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

66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,  
emergency medical technician or first responder in a city, village or town whose

1 annual compensation from one or more of those positions, including fringe benefits,  
2 does not exceed \$2,500 may also hold an elected elective office in that city, village or  
3 town.

4 History: 1979 c. 110; 1987 a. 27, 403; 1991 a. 316; 1993 a. 246; 1999 a. 56; 1999 a. 150 s. 267; Stats. 1999 s. 66.0501.

(END)

Insert 3-3 ✓

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1242/7dn  
MES/TMD.....

1  
img

Your instructions stated that the \$5,000 compensation limit created in s. 60.32 (2) (c) should apply to amounts received by a town superintendent of highways. I did not execute this instruction because s. 60.32 applies only to elective town officers and a highway superintendent under s. 81.02 is an appointed official. Do you want to make highway superintendents under s. 81.02 elective, or do you want to amend s. 60.32 so that it applies to appointive officers as well as elective officers? If you want s. 60.32 to apply to appointive officers, do you want it to apply to all appointive town officers, only to some appointive officers, or only to highway superintendents? Please let me know how you would like to proceed and I will redraft the bill to accomplish your intent.

①

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

Insert 3-3 (page 1 of 3) ✓

Section #. 81.01 (3) (intro.) of the statutes is amended to read:

81.01 (3) (intro.) Provide machinery, implements, material and equipment needed to construct and repair said highways and bridges, and for that purpose may acquire by purchase or by condemnation in the manner provided by ch. 32 gravel pits and stone quarries, but the total sum spent under this subsection ~~shall not exceed \$10,000~~ in any year, unless one of the following occurs:

History: 1975 c. 381; 1977 c. 29 s. 1654 (8) (c); 1981 c. 175; 1983 a. 484; 1991 a. 316; 1999 a. 182.

for construction and repair of highways and bridges  
may not exceed \$5,000 per mile

Insert 3-3 (page 2 of 3)

Section #. 81.01 (3) (b) of the statutes is amended to read:

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

Shall the town of ~~...~~ spend \$~~...~~ <sup>.....</sup> over the annual limit of \$10,000 <sup>.....</sup> for the construction and repair of its highways and bridges?

FOR SPENDING <sup>j</sup> AGAINST SPENDING <sup>j</sup>

History: 1975 c. 381; 1977 c. 29 s. 1654 (8) (c); 1981 c. 175; 1983 a. 484; 1991 a. 316; 1999 a. 182.

\$5,000 per mile

*LPS: These should be boyes.*

Nonstat File Sequence: **EEE**

LRB 1242 / 1

TNF : : :

**INITIAL APPLICABILITY**

- 1. In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #** 93 . **Initial applicability,** .....

( #1 ) NA .....

81.01(3)(b) ✓ The treatment of sections ..

..... of the statutes first applies to with respect to referenda called on the effective date of this subsection.

(end of insert)

- 1. In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_ . **Initial applicability,** .....

( #1 ) ( ) ..... This act first

applies to .....

Insert (A) ✓

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 changes the annual limit from \$10,000 to a total. The requirement of a referendum to exceed the annual limit remains unchanged.

¶ Finally,

a total sum of

sum that does not exceed \$5,000 per mile



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1242/1dn  
MES:kmg:jf

January 6, 2001

Your instructions stated that the \$5,000 compensation limit created in s. 60.32 (2) (c) should apply to amounts received by a town superintendent of highways. I did not execute this instruction because s. 60.32 applies only to elective town officers and a highway superintendent under s. 81.02 is an appointed official. Do you want to make highway superintendents under s. 81.02 elective, or do you want to amend s. 60.32 so that it applies to appointive officers as well as elective officers? If you want s. 60.32 to apply to appointive officers, do you want it to apply to all appointive town officers, only to some appointive officers, or only to highway superintendents? Please let me know how you would like to proceed and I will redraft the bill to accomplish your intent.

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Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1242/2  
MES&TNF:kmg:jf

WANTED SOON  
(turned in 1/18/01)

RMR

2001 BILL

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) of the statutes; relating to: the method of  
3 compensating town elective officers, compatible offices and positions for city,  
4 village, and town elective officeholders, the spending limit for construction and  
5 repair of town highways and bridges, and the disposition of 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. Under ~~the~~ bill, the compensation may <sup>also</sup> be paid as a combination of <sup>those three</sup> ~~the two other~~ methods. <sup>to</sup> ~~the~~ <sup>this</sup> 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.

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 also specifies that if an elective officer is paid hourly wages 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.

**BILL**

*adds maintenance activities to the annual limit on town spending on highways and bridges. The bill also*

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 changes the annual limit from a total sum of \$10,000 to a total sum that does not exceed \$5,000 per mile. The requirement of a referendum to exceed the annual limit remains unchanged.

*for construction, maintenance, and repair of town highways and bridges*

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.

*for construction and repair of town highways and bridges*

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

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2 60.10 (2) (g) *Disposal of property.* Authorize the town board to dispose of town  
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4 by the town for a special purpose.

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

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

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

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15 maximum of \$5,000 each year. Amounts that are paid under this paragraph may be

**BILL** { sec#; CR; 60.32(2)(d) }  
60.32(2)(d) A combination of pars. (a), (b), and (c).

1 paid in addition to any amount that an individual may receive as a volunteer fire  
2 fighter, emergency medical technician, or first responder under s. 66.0501 (4).

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

4 66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,  
5 emergency medical technician or first responder in a city, village or town whose  
6 annual compensation from one or more of those positions, including fringe benefits,  
7 does not exceed \$2,500 may also hold an elected elective office in that city, village or  
8 town.

9 **SECTION 5.** 81.01 (3) (intro.) of the statutes is amended to read:

10 81.01 (3) (intro.) Provide machinery, implements, material and equipment  
11 needed to construct <sup>and maintain</sup> said highways and bridges, and for that purpose may  
12 acquire by purchase or by condemnation in the manner provided by ch. 32 gravel pits  
13 and stone quarries, but the total sum spent under this subsection shall not exceed  
14 \$10,000 for construction <sup>and maintenance</sup> and repair of highways and bridges may not exceed \$5,000  
15 per mile in any year, unless one of the following occurs:

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

17 81.01 (3) (b) The town board, by resolution, submits to the electors of the town  
18 as a referendum at a general or special town election the question of exceeding the  
19 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as  
20 provided in s. 8.37. The board shall abide by the majority vote of the electors of the  
21 town on the question. The question shall read as follows:

22 Shall the town of ... .. spend \$... \$.... over the annual limit of \$10,000 \$5,000  
23 per mile for the construction <sup>and maintenance</sup> and repair of its highways and bridges?

LPS: center  
24 this → FOR SPENDING  AGAINST SPENDING

25 **SECTION 7. Initial applicability.**

• The \$5,000 maximum in this paragraph includes amounts paid to a town supervisor who is acting as a superintendent of highways under s. 81.01 (1)





3  
RMR

2001 BILL

~~STATE~~

Fri WANTED AM

refer

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**

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① that the receipt of the wages for work he or she performs compatible with his or her office, and for the town is also specifies that

**BILL**

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.

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12 to serve as the presiding officer, the presiding officer shall be chosen under par. (a).

**BILL**

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

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

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

9           60.32 (2) (d) A combination of pars. (a), (b), and (c).

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

11          66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,  
12          emergency medical technician<sup>✓</sup>, or first responder in a city, village<sup>✓</sup>, or town whose  
13          annual compensation from one or more of those positions, including fringe benefits,

14          does not exceed \$2,500 may also hold an elected elective office in that city, village<sup>(2)</sup> or  
15          town. → elective town officer to receive wages under D. 60.32(2)(c)  
for work he or she performs for the town.

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

17          81.01 (3) (intro.) <sup>that</sup> Provide machinery, implements, material<sup>✓</sup>, and equipment  
18          needed to construct, maintain, and repair said highways and bridges, and for that  
19          purpose may acquire by purchase or by condemnation in the manner provided by ch.  
20          32 gravel pits and stone quarries, but the total sum spent under this subsection shall  
21          ~~not exceed \$10,000~~ for construction, maintenance, and repair of highways and  
22          bridges may not exceed \$5,000 per mile in any year, unless one of the following  
23          occurs:

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

It is compatible with his or her office for an







STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 1, 2001

### MEMORANDUM

To: Representative Owens

From: Marc F. Shovers, Senior Legislative Attorney

Re: LRB-1242 Disposal of town property, compensation paid to town officers, town highway repairs

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.