

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 286**

June 12, 2001 – Offered by Representative OWENS.

1 **AN ACT** *to amend* 60.10 (2) (g), 60.323, 60.37 (1), 66.0501 (4), 81.01 (3) (intro.)
2 and 81.01 (3) (b); and *to create* 60.10 (1) (g), 60.10 (2) (L) and 60.37 (4) of the
3 statutes; **relating to:** the method of compensating town elected officers serving
4 as town employees, compatible offices and positions for town elective
5 officeholders, the spending limit for construction and repair of town highways
6 and bridges, and the disposition of town property.

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

7 **SECTION 1.** 60.10 (1) (g) of the statutes is created to read:

8 60.10 (1) (g) *Hourly wage of certain employees.* Establish the hourly wage to
9 be paid under s. 60.37 (4) to a town employee who is also an elected town officer,
10 unless the authority has been delegated to the town board under sub. (2) (L).

11 **SECTION 2.** 60.10 (2) (g) of the statutes is amended to read:

1 60.10 (2) (g) *Disposal of property.* Authorize the town board to dispose of town
2 real property, ~~real or personal~~, other than property donated to and required to be held
3 by the town for a special purpose.

4 **SECTION 3.** 60.10 (2) (L) of the statutes is created to read:

5 60.10 (2) (L) *Hourly wage of certain employees.* Authorize the town board to
6 establish the hourly wage to be paid under s. 60.37 (4) to a town employee who is also
7 an elected town officer, other than a town board supervisor.

8 **SECTION 4.** 60.323 of the statutes is amended to read:

9 **60.323 Compensation when acting in more than one official capacity.**

10 Except for offices combined under s. 60.305, no town may compensate a town officer
11 for acting in more than one ~~official capacity or~~ office of the town at the same time.

12 **SECTION 5.** 60.37 (1) of the statutes is amended to read:

13 60.37 (1) **GENERAL.** The town board may employ on a temporary or permanent
14 basis persons necessary to carry out the functions of town government including
15 subject to sub. (4), any elected officer of the town. The board may establish the
16 qualifications and terms of employment, which may include the residency of the
17 employee. The board may delegate the authority to hire town employees to any town
18 official or employee.

19 **SECTION 6.** 60.37 (4) of the statutes is created to read:

20 60.37 (4) **ELECTED OFFICERS SERVING AS EMPLOYEES.** (a) An elected town officer
21 who also serves as a town employee may be paid an hourly wage for serving as a town
22 employee, not exceeding a total of \$5,000 each year. Amounts that are paid under
23 this paragraph may be paid in addition to any amount that an individual receives
24 under s. 60.32 or as a volunteer fire fighter, emergency medical technician, or first
25 responder under s. 66.0501 (4). The \$5,000 maximum in this paragraph includes

1 amounts paid to a town board supervisor who is acting as superintendent of
2 highways under s. 81.01 (1).

3 (b) 1. Except as provided in subd. 2., the town meeting shall establish the hourly
4 wage to be paid an elected town officer for serving as a town employee.

5 2. If authorized by the town meeting under s. 60.10 (2) (L), the town board may
6 establish the hourly wage to be paid an elected town officer, other than a town board
7 supervisor, for serving as a town employee.

8 **SECTION 7.** 66.0501 (4) of the statutes is amended to read:

9 66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,
10 emergency medical technician, or first responder in a city, village, or town whose
11 annual compensation from one or more of those positions, including fringe benefits,
12 does not exceed \$2,500 may also hold an elected elective office in that city, village,
13 or town. It is compatible with his or her office for an elected town officer to receive
14 wages under s. 60.37 (4) for work that he or she performs for the town.

15 **SECTION 8.** 81.01 (3) (intro.) of the statutes is amended to read:

16 81.01 (3) (intro.) Provide machinery, implements, material, and equipment
17 needed to construct, maintain, and repair said highways and bridges, and for that
18 purpose may acquire by purchase or by condemnation in the manner provided by ch.
19 32 gravel pits and stone quarries, but the total sum spent under this subsection ~~shall~~
20 ~~not exceed \$10,000 in any year for construction, maintenance, and repair of~~
21 highways and bridges may not exceed the product of \$5,000 multiplied by the miles
22 of highway under the jurisdiction of the town measured by the most recent highway
23 mileage for the town, as determined under s. 86.302, unless one of the following
24 occurs:

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

1 81.01 (3) (b) The town board, by resolution, submits to the electors of the town
2 as a referendum at a general or special town election the question of exceeding the
3 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
4 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
5 town on the question. The question shall read as follows:

6 Shall the town of spend \$... \$... over the annual limit of \$10,000 the
7 product of \$5,000 multiplied by the miles of highway under the jurisdiction of the
8 town measured by the most recent highway mileage for the town, as determined
9 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,
10 and repair of its highways and bridges?

11 FOR SPENDING AGAINST SPENDING

12 **SECTION 10. 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)