

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB286)

Received: **05/30/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Don Dyke**

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

Drafter: **shoveme**

May Contact: **Tom Harnish**

Addl. Drafters: **fasttn**

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

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Compensation of town officers; compatibility of town offices; spending limits for town highways and bridges

Instructions:

See Attached. WLC: 0164/1; also, AM; s. 60.323 by striking "official capacity or"

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>
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FE Sent For:

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1?	shoveme		LC revision pg 6/1/01	_____			
11 MES	6/5/01						
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also
Am; 60.323 by
striking "official capacity" 05/24/2001
or "

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

1 **AN ACT** to amend 60.10 (2) (g), 60.37 (1), 66.0501 (4), 81.01 (3) (intro.) and 81.01
2 (3) (b); and to create 60.10 (1) (g), 60.10 (2) (L) and 60.37 (4) of the statutes;
3 relating to: the method of compensating town elective officers serving as town
4 employees, compatible offices and positions for town elective officeholders, the
5 spending limit for construction and repair of town highways and bridges, and the
6 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 be paid
9 under s. 60.37 (4) to a town employee who is also an elected town officer, unless the authority
10 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:
12 60.10 (2) (g) *Disposal of property.* Authorize the town board to dispose of town real
13 property, ~~real or personal~~, other than property donated to and required to be held by the town
14 for a special purpose.

15 **SECTION 3.** 60.10 (2) (L) of the statutes is created to read:
16 60.10 (2) (L) *Hourly wage of certain employees.* Authorize the town board to establish
17 the hourly wage to be paid under s. 60.37 (4) to a town employee who is also an elected town
18 officer, other than a town board supervisor.

1 **SECTION 4.** 60.37 (1) of the statutes is amended to read:

2 **60.37 (1) GENERAL.** The town board may employ on a temporary or permanent basis
3 persons necessary to carry out the functions of town government including, subject to sub. (4),
4 any elected officer of the town. The board may establish the qualifications and terms of
5 employment, which may include the residency of the employee. The board may delegate the
6 authority to hire town employees to any town official or employee.

7 **SECTION 5.** 60.37 (4) of the statutes is created to read:

8 **60.37 (4) ELECTED OFFICERS SERVING AS EMPLOYEES.** (a) An elected town officer who
9 also serves as a town employee may be paid an hourly wage for serving as a town employee,
10 not exceeding a total of \$5,000 each year. Amounts that are paid under this paragraph may
11 be paid in addition to any amount that an individual may receive as a town officer under s.
12 60.32 or as a volunteer firefighter, emergency medical technician, or first responder under s.
13 66.0501 (4). The \$5,000 maximum in this paragraph includes amounts paid to a town board
14 supervisor who is acting as superintendent of highways under s. 81.01 (1).

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

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

20 **SECTION 6.** 66.0501 (4) of the statutes is amended to read:

21 **66.0501 (4) COMPATIBLE OFFICES AND POSITIONS.** A volunteer fire fighter, emergency
22 medical technician, or first responder in a city, village, or town whose annual compensation
23 from one or more of those positions, including fringe benefits, does not exceed \$2,500 may
24 also hold an elected elective office in that city, village, or town.



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2001 ASSEMBLY BILL 286

MONAM
6/11

~~WANTED
SOON
IN: 6/7~~

1 **AN ACT** ^{gen}...; **relating to:** the method of compensating town ^{elected} elective officers serving
2 as town employees, compatible offices and positions for town elective
3 officeholders, the spending limit for construction and repair of town highways
4 and bridges, and the disposition of town property.

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

5 **SECTION 1.** 60.10 (1) (g) [^] of the statutes is created to read:
6 60.10 (1) (g) *Hourly wage of certain employees.* Establish the hourly wage to
7 be paid under s. 60.37 (4) [✓] to a town employee who is also an elected town officer,
8 unless the authority has been delegated to the town board under sub. (2) (L) [✓].

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

strike comma

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.

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2-7

8 **SECTION 4.** 60.37 (1) of the statutes is amended to read:

9 60.37 (1) GENERAL. The town board may employ on a temporary or permanent
10 basis persons necessary to carry out the functions of town government including,
11 subject to sub. (4), any elected officer of the town. The board may establish the
12 qualifications and terms of employment, which may include the residency of the
13 employee. The board may delegate the authority to hire town employees to any town
14 official or employee.

15 **SECTION 5.** 60.37 (4) of the statutes is created to read:

16 60.37 (4) ELECTED OFFICERS SERVING AS EMPLOYEES. (a) An elected town officer
17 who also serves as a town employee may be paid an hourly wage for serving as a town
18 employee, not exceeding a total of \$5,000 each year. Amounts that are paid under
19 this paragraph may be paid in addition to any amount that an individual ~~may~~ receives
20 ~~as a town officer~~ under s. 60.32 or as a volunteer firefighter, emergency medical
21 technician, or first responder under s. 66.0501 (4). The \$5,000 maximum in this
22 paragraph includes amounts paid to a town board supervisor who is acting as
23 superintendent of highways under s. 81.01 (1).

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

①
X

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

4 **SECTION 6.** 66.0501 (4) of the statutes is amended to read:

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

9 or town. ^{no} It is compatible with his or her office for an elected
town officer to receive wages under s. 60.37 (4) for work
that he or she performs for the town.

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

11 81.01 (3) (intro.) Provide machinery, implements, material, and equipment
12 needed to construct, maintain, and repair said highways and bridges, and for that
13 purpose may acquire by purchase or by condemnation in the manner provided by ch.
14 32 gravel pits and stone quarries, but the total sum spent under this subsection ~~shall~~
15 ~~not exceed \$10,000~~ in any year for construction, maintenance, and repair of
16 highways and bridges may not exceed the product of \$5,000 multiplied by the miles
17 of highway in the town as measured by the most recent highway mileage for the town

18 under s. 86.302, unless one of the following occurs:

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

20 81.01 (3) (b) The town board, by resolution, submits to the electors of the town
21 as a referendum at a general or special town election the question of exceeding the
22 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
23 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
24 town on the question. The question shall read as follows:

under the jurisdiction of

as
determined

the product of

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

3 FOR SPENDING AGAINST SPENDING

4 **SECTION 9. Initial applicability.**

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

7 (END)

multiplied by the miles of
highway under the jurisdiction
of the town measured by the
most recent highway mileage
for the town, as determined
under section 86.302[✓] of the
Wisconsin Statutes,
=
=

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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SECTION 1. 60.323 of the statutes is amended to read:

60.323 Compensation when acting in more than one official capacity.

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

History: 1983 a. 532.