

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

LRB-4156/1dn  
MES:kmg:kjf

November 1, 2001

Representative Friske:

Please review this bill carefully to ensure that it meets your intent. As I drafted the bill, I discovered that current law s. 60.32 (3) seems to conflict with s. 60.32 (4). Basically, s. 60.32 (3) says that subject to sub. (4), a change in an elective officer's compensation may take effect during the term of office and sub. (4) states that such a change may not apply to an elective officer's current term. It is my guess that if a lawsuit were filed based on these conflicting provisions a court would probably hold that sub. (4) takes precedence over sub. (3) and that an elective officer's compensation change would not apply to his or her current term of office.

To address this confusion, I amended s. 60.32 (3) and (4) to make the law clear that, other than in the case of town board supervisors and subject to certain automatic salary schedule adjustments based on fluctuations in the cost of living (see s. 66.0507), compensation changes for elective officers do not apply to the officer's current term. I drafted the bill in this way based on my reading of ss. 60.32 (3) and (4), 61.32, 62.09 (6), 66.0505, and 66.0507. Under these statutes, current law provides that, generally, salary increases of elective officers do not apply to their current terms. Is this OK?

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