

**2001 DRAFTING REQUEST**

**Bill**

Received: **10/30/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tom**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies: **JTK, RJM**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Allow mid-term salary increases for town board supervisors

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**Instructions:**

See Attached. Allow town meeting or, for towns w/ village powers, town boards, to increase the salary of town board supervisors during a current term, for that term. Such increases are subject to approval in a referendum that must occur at a regular (April or November) election

---

**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 10/31/2001	gilfokm 10/31/2001	kfollet 11/01/2001	_____	lrb_docadmin 11/01/2001	lrb_docadminLocal 11/30/2001	

FE Sent For:

<END>

*LA intro.*

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1?	shoveme	1-10/31	KJ	KJ/IF			
11 MES	10/31	KMG	10/31	10/31			

FE Sent For:

<END>

MAR 2 -

Tim from Rep Fiske's office called  
around 10 am. They want a  
bill "allowing town board members  
to get pay raises in their current  
terms provided the local community  
approves at a referendum scheduled  
at a regular election (April or  
November)." And they want it  
fast.

PG

tel 1.66.8505  
46.0507

60.10 (1) (b)  
(2) (1)  
60.32



RME

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

wanted  
Fri AM  
1/2

D-note

gen

- 1 AN ACT ~~...~~; relating to: changing the compensation of town board supervisors
- 2 during their term of office.

**Analysis by the Legislative Reference Bureau**

Generally under current law, a town meeting establishes the compensation of the members of the town board of supervisors (board) and other elective town officers, except that the town meeting may authorize the board to establish the salaries of elective town officers other than the members of the board. Also under current law, a board that is authorized to exercise village powers may establish the compensation of the members of the board. Current law indicates that a change in compensation of elective town officers may not take place during the current term of office. Current law also specifies that an elected official of any city, village, town, or county who, by virtue of the office held by that official, is entitled to participate in the establishment of the salary for that office may not, during term of office, collect salary in excess of the salary provided at the time of that official's taking office.

his or her

This bill makes clear that, other than in the case of town board supervisors or certain automatic salary adjustments in a salary schedule based on cost-of-living fluctuations, a change in the compensation of an elective town officer by the town meeting or the board may not take effect during the elective officer's current term of office. Under this bill, a town meeting or a town board exercising village powers may adopt a resolution or enact an ordinance increasing the compensation of the members of the town board of supervisors, which may take effect during the current term of the members of the town board. Such a resolution or ordinance may not take effect, however, unless it is approved in a referendum of the electors of the town.

For further information see the *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. 60.32 (3) of the statutes is renumbered 60.32 (3) (a) and amended  
2 to read:

3           60.32 (3) (a) ~~CHANGES DURING TERM~~ Subject to sub. (4) Except as provided in  
4 pars. (b) and (c) and s. 66.0507, the town meeting or, if authorized to establish  
5 compensation, the town board may make a change in the compensation of an elective  
6 town office to which <sup>change</sup> may not take effect during the term of office.

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

7           SECTION 2. 60.32 (3) (b) of the statutes is created to read:

8           60.32 (3) (b) Subject to approval in a referendum as described under par. (c),  
9 town meeting may adopt a resolution or the town board, exercising authority under  
10 s. 61.32, may enact an ordinance to increase the compensation of a town supervisor  
11 to take effect during the supervisor's current term of office.

12          SECTION 3. 60.32 (3) (c) of the statutes is created to read:

13          60.32 (3) (c) 1. If the town meeting adopts a resolution or the town board enacts  
14 an ordinance under par. (b), the town board shall call a referendum for the purpose  
15 of submitting the resolution or ordinance to the electors of the town for approval or  
16 rejection. The referendum may only be held at the next succeeding spring election  
17 or general election to be held not earlier than 42 days after the adoption of the  
18 resolution or enactment of the ordinance. The town board shall file the resolution  
19 or ordinance to be submitted to the electors as provided in s. 8.37.

1           2. The town clerk shall publish type A, B, C, D, and E notices of the referendum  
2 under s. 10.01 (2). Section 5.01 (1) applies in the event of failure to comply with the  
3 notice requirements of this subdivision.

4           3. The referendum shall be held in accordance with chs. 5 to 12. The town board  
5 shall provide the election officials with all necessary election supplies. The form of  
6 the ballot shall correspond substantially with the standard form for referendum  
7 ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The  
8 question shall be submitted substantially as follows: "Do you approve of the action  
9 of the .... (town meeting or town board) which increases the compensation of the  
10 members of the town board of supervisors and which ~~..~~ (does or does not) take effect  
11 during the current term of the members of the board of supervisors."

12           4. Within 14 days after the referendum, the town clerk shall certify the results  
13 of the referendum to the secretary of state. If the compensation increases are  
14 approved by a referendum under this paragraph, the increases shall take effect upon  
15 the certification specified in this subdivision.

16           **SECTION 4.** 60.32 (4) of the statutes is amended to read:

17           60.32 (4) WHEN ESTABLISHED. ~~Compensation~~ Subject to sub. (3), compensation  
18 under this section shall be established prior to the latest date and time for filing  
19 nomination papers for the office. After that date and time, no change may be made  
20 in the compensation of the office that applies to the current term of office, except as  
21 provided in sub. (3).

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

23           **SECTION 5.** 61.32 of the statutes is amended to read:

24           **61.32 Village board; meeting; salaries.** The trustees of each village shall  
constitute a board designated the "Village Board of" (name of village) in which shall

1 be vested all the powers of the village not specifically given some other officer. A  
2 majority of the members—elect shall constitute a quorum, but a less number may  
3 adjourn from time to time. The president shall preside at all meetings when present.  
4 In the president's absence the board may select another trustee to preside. Regular  
5 meetings shall be held at such time as may be prescribed by their bylaws. Special  
6 meetings may be called by any 2 trustees in writing, filed with the clerk, who shall  
7 thereupon seasonably notify all the trustees of the time and place thereof in the  
8 manner directed by the bylaws. All meetings shall be open to the public. The board  
9 shall keep a record of all its proceedings, and if there is a newspaper published in any  
10 village, the board shall cause the proceedings to be published therein as a class 1  
11 notice, under ch. 985. The proceedings for the purpose of publication shall include  
12 the substance of every official action taken by the governing body. If there is no  
13 newspaper published in the village, the board may cause the proceedings to be  
14 published in a newspaper having general circulation in the village, posted in several  
15 public places or publicized in some other fashion, in such manner as the board  
16 directs. Nothing herein shall be construed as requiring the republication of any  
17 proceeding, ordinance or other matter or thing which has already been published  
18 according to law, nor shall anything herein be construed to relieve any village from  
19 publishing any proceeding, ordinance or other matter or thing required by law to be  
20 published. Notwithstanding the provisions of s. 985.08 (4), the fee for any such  
21 publication shall not exceed the rates specified in s. 985.08 (1). The board has power  
22 to preserve order at its meetings, compel attendance of trustees and punish  
23 nonattendance and it shall be judge of the election and qualification of its members.  
24 The president and board of trustees of any village, whether operating under general  
25 or special law, may by a three-fourths vote of all the members of the village board



1 determine that an annual salary be paid the president and trustees. Salaries  
2 heretofore established shall so remain until changed by ordinance and shall not be  
3 increased or diminished during their terms of office, except in the case of a town  
4 board exercising village powers and acting under s. 60.32 (3). ✓

5 History: 1991 a. 316.

5 **SECTION 6.** 66.0505 of the statutes is amended to read:

6 **66.0505 Compensation of governing bodies.** An Except in the case of a  
7 town board acting under s. 60.32 (3), an elected official of any county, city, town or ✓  
8 village, who by virtue of the office held by that official is entitled to participate in the  
9 establishment of the salary attending that office, shall not during the term of the  
10 office collect salary in excess of the salary provided at the time of that official's taking  
11 office. This provision is of statewide concern and applies only to officials elected after ✓  
12 October 22, 1961. ✓

13 History: 1991 a. 316; 1993 a. 213; 1999 a. 150 s. 312; Stats. 1999 s. 66.0505.

(END)

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

LRB-4156/7dn

MES.....  
*King*

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?

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

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

LRB-4156/1dn  
MES:kmg:kjf

November 1, 2001

Representative Friske:

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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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

STEPHEN R. MILLER  
CHIEF

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

*Marc Shovers*  
*6-3561*  
*LRB*  
*Drafter*

November 1, 2001

### MEMORANDUM

*Do not*  
*Jacket This!*

To: Representative Friske

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-4156/1 Allow mid-term salary increases for town board supervisors

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.

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Thursday, December 13, 2001 11:20 AM  
**To:** Rep.Friske  
**Subject:** LRB-4156/1 (attached) (requested by Tim)



01-4156/1



01-4156/1dn