

2007 DRAFTING REQUEST

Bill

Received: 11/15/2007

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Danielle

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - counties  
Employ Pub - employee benefits

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Tie compensation amounts for county constitutional officers to non-represented employee compensation

Instructions:

See Attached. Adjust compensation for county const. officers based on changes in compensation levels of non-represented employees in the county

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>
/?				_____			Local
/1	mshovers 11/16/2007	jdyer 11/19/2007	rschluet 11/19/2007	_____	lparisi 11/19/2007		Local
/2	mshovers 12/21/2007	jdyer 01/02/2008	nnatzke 01/04/2008	_____	sbasford 01/04/2008		Local
/3	mshovers	jdyer	rschluet	_____	sbasford		Local

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/4	mshovers 02/07/2008	kfollett 02/08/2008	jfrantze 02/08/2008	_____	sbasford 02/08/2008	cduerst 02/14/2008	

FE Sent For:

*at itw  
2/25*

<END>

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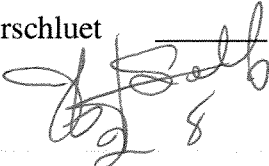
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14 WES 2/7/08

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12 NES 12/21/07

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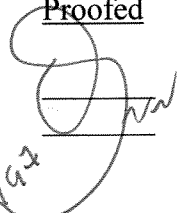
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FE Sent For: 11 <END>

**Shovers, Marc**

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**From:** Wilson, Danielle  
**Sent:** Wednesday, November 14, 2007 5:50 PM  
**To:** Shovers, Marc  
**Subject:** Draft request/inquiry

Hi Marc,

Senator Lassa would like to draft legislation based on the following request by one of her constituents:

The next legislative item is in regards to salaries for constitutional officers. In 2004 the constitution was amended to give all county constitutional officers four year terms. WCA supported this change. However, whether the terms are two years or four years, one problem still remains. County supervisors have concerns with setting the annual wage and fringe benefit adjustments for extended terms. Supervisors must determine the base wage and fringe benefit package before nominations papers are taken out. This has proven to be difficult because of unknown expenditures and revenue limitations for (now) four years into the future and also may set precedents for union contract negotiations.

The Wisconsin County Constitutional Officers (WCCO) and WCA would like to work together to seek legislation that would tie salaries and fringe benefits to those of non-represented employees. Both groups have passed resolutions to this affect. If non-represented employees receive a percent increase in wages and benefits, so will the constitutional offices. WCCO does recognize that if non-represented employees receive a decrease they will also receive that decrease. This legislation will help county supervisors address compensation for county constitutional officers at a time where they have all the necessary information to make such a decision.

Since some constitutional offices will come up for election next fall, it is important to get this statute change as soon as possible.

I am not very familiar with the process of setting wage and fringe benefits for county employees, so I am wondering if this is an issue that is pretty simple that you can go ahead and draft or is it something that you would prefer we set up a meeting to speak with Legislative Council and representatives from WCCO and WCA?

Thank you for your help,

**Danielle Wilson**

*Clerk, Senate Committee on Economic Development*  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3474/1

MES:.....

(RMR) Jld

2007 BILL

O-NOTE

SOON

gen

1

AN ACT ...; relating to: adjusting the method used to set compensation levels of

2

county constitutional officers.



*Analysis by the Legislative Reference Bureau*

Generally under current law a county board is required to establish the total annual compensation level for services to be paid to elective county officials, other than supervisors and circuit judges. The compensation level must be set before the earliest filing deadline for nomination papers for any elective county office.

This compensation level may not be increased or decreased during the officer's term and remains constant unless changed by the board. With regard to county constitutional officers (the sheriff, district attorney, coroner, register of deeds, clerk, treasurer, and surveyor), who are elected to 4 year terms, current law allows their compensation to be adjusted every 4 years.

Under this bill, for county constitutional officers, the county board must adjust the compensation level every 4 years based on the average adjustment in the compensation given to nonrepresented county employees during the previous 4 years. The average adjustment is determined by the county corporation counsel or designee, or by the county clerk.

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:*

**BILL**

1           **SECTION 1.** 59.22 (1) (a) 1. of the statutes is amended to read:

2           59.22 (1) (a) 1. The board shall, before the earliest time for filing nomination  
3 papers for any elective office to be voted on in the county, other than supervisors and  
4 circuit judges, which officer is paid in whole or part from the county treasury,  
5 establish the total annual compensation for services to be paid to the officer exclusive  
6 of reimbursements for expenses out-of-pocket provided for in sub. (3). With regard  
7 to a sheriff, district attorney, coroner, register of deeds, clerk, treasurer, and  
8 surveyor, the total annual compensation for each such officer shall be adjusted by  
9 taking the compensation of the person currently holding the office and adjusting it  
10 by a percentage equal to the average adjustment in compensation given by the board  
11 to all nonrepresented county employees over the <sup>e 4</sup>four years immediately preceding  
12 the year in which the next election for the officer is held, as determined under subd.  
13 3. Except as provided in subd. 2., the annual compensation may be established by  
14 resolution or ordinance, on a basis of straight salary, fees, or part salary and part fees,  
15 and if the compensation established is a salary, or part salary and part fees, it shall  
16 be in lieu of all fees, including per diem and other forms of compensation for services  
17 rendered, except those specifically reserved to the officer in the resolution or  
18 ordinance. The compensation established shall not be increased nor diminished  
19 during the officer's term and shall remain for ensuing terms unless changed by the  
20 board. Court fees shall not be used for compensation for county officers.

History: 1973 c. 118; 1977 c. 372; 1981 c. 317; 1987 a. 181; 1989 a. 48, 107; 1991 a. 316; 1995 a. 27 ss. 3287, 9126 (19); 1995 a. 201 ss. 257 to 260; Stats. 1995 s. 59.22; 1995 a. 225 s. 146; 1997 a. 35; 1999 a. 83; 2003 a. 33.

21           **SECTION 2.** 59.22 (1) (a) 3. of the statutes is created to read:

22           59.22 (1) (a) 3. The average adjustment in compensation given to  
23 nonrepresented employees shall be determined by the corporation counsel or by an

**BILL**

1 attorney designated to act as corporation counsel under s. 59.42 (3) or, if the county  
2 does not have a corporation counsel or a designee, by the county clerk.

3 (END)

d-note  
↓

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

LRB-3474/1dn

MES:m:....

date

Jld

Senator Lassa:

It seems to me that determining the average compensation given to nonrepresented employees during any 4-year period may be tricky to calculate. Different groups of nonrepresented employees may get different raises, and some employees may receive different raises based on the time they work. Night duty nurses, for example, may get an extra hourly raise because they work at night. I think the statute may work better if a particular individual is given the task of determining what this average is. I selected the corporation counsel because that office is not a constitutional office but, because not every county may have a corp counsel or designee under s. 59.42 (3), I added the county clerk as a backup. Is this consistent with your intent? Please let me know if you'd like any changes made to the draft.

corporation

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

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

LRB-3474/1dn  
MES:jld:rs

November 19, 2007

Senator Lassa:

It seems to me that determining the average compensation given to nonrepresented employees during any 4-year period may be tricky to calculate. Different groups of nonrepresented employees may get different raises, and some employees may receive different raises based on the time they work. Night duty nurses, for example, may get an extra hourly raise because they work at night. I think the statute may work better if a particular individual is given the task of determining what this average is. I selected the corporation counsel because that office is not a constitutional office but, because not every county may have a corporation counsel or designee under s. 59.42 (3), I added the county clerk as a backup. Is this consistent with your intent? Please let me know if you'd like any changes made to the draft.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [marc.shovers@legis.wisconsin.gov](mailto:marc.shovers@legis.wisconsin.gov)



**Shovers, Marc**

---

**From:** Wilson, Danielle  
**Sent:** Thursday, December 06, 2007 2:37 PM  
**To:** Shovers, Marc  
**Subject:** Redraft to LRB 3474/1

**Attachments:** General Base Adjustments for County Constitutional Officers Resolution.pdf

Hi Marc,

I spoke to Monica Groves Batiza from WCA regarding your drafter's note to LRB 3474/1. Apparently all non-elected county department heads receive the same annual wage adjustment through their union, so rather than having "average compensation given to non-represented employees during any 4-year period," they would simply like constitutional officers to have their wage adjustment equivalent to non-elected department heads.

I have attached the resolution passed by WCA which explains this, but if you have any additional questions, please feel free to contact me. You may also call Monica at 608-663-7188 if you think she may be helpful.

Thanks for all of your help,

**Danielle Wilson**  
Clerk, Senate Committee on Economic Development  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
[danielle.wilson@legis.wisconsin.gov](mailto:danielle.wilson@legis.wisconsin.gov)



General Base  
Adjustments for C...

1  
for 12, make the %  
adjustment = the %  
average adjustment given  
to all dept. heads in yr  
before the election -  
per Danielle

12/21/07



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3474/1

MES:jld:rs

*RMR*

2007 BILL

~~NOTE~~

SAV  
X-REF ✓

*regen*

1 AN ACT *to amend* 59.22 (1) (a) 1.; and *to create* 59.22 (1) (a) 3. of the statutes;  
2 **relating to:** adjusting the method used to set compensation levels of county  
3 constitutional officers.

***Analysis by the Legislative Reference Bureau***

Generally under current law a county board is required to establish the total annual compensation level for services to be paid to elective county officials, other than supervisors and circuit judges. The compensation level must be set before the earliest filing deadline for nomination papers for any elective county office.

This compensation level may not be increased or decreased during the officer's term and remains constant unless changed by the county board. With regard to county constitutional officers (the sheriff, district attorney, coroner, register of deeds, clerk, treasurer, and surveyor), who are elected to four-year terms, current law allows their compensation to be adjusted every four years.

Under this bill, for county constitutional officers, the county board must adjust the compensation level every four years based on the average adjustment in the compensation given to nonrepresented county employees during the previous four years. The average adjustment is determined by the county corporation counsel or designee, or by the county clerk.

✓ all county department heads ✓

*NO*  
*4* in the year immediately preceding the year in which the next election for such an officers is held

**BILL**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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9 taking the compensation of the person currently holding the office and adjusting it  
10 by a percentage equal to the average adjustment in compensation given by the board  
11 to all ~~nonrepresented county employees~~ <sup>department heads in</sup> over the ~~4~~ <sup>8</sup> years immediately preceding the  
12 year in which the next election for the officer is held, as determined under subd. 3.

13 Except as provided in subd. 2., the annual compensation may be established by  
14 resolution or ordinance, on a basis of straight salary, fees, or part salary and part fees,  
15 and if the compensation established is a salary, or part salary and part fees, it shall  
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20 board. Court fees shall not be used for compensation for county officers.

21           **SECTION 2.** 59.22 (1) (a) 3. of the statutes is created to read:



**Shovers, Marc**

**From:** Kreye, Joseph  
**Sent:** Thursday, January 31, 2008 10:10 AM  
**To:** Shovers, Marc  
**Subject:** FW: constitutional officers salary LRB 3474

By the way, Cindy wants the draft to allow an annual compensation adjustment, which I'm not sure is allowed under Art IV (I talked a bit with Rick about this). Hence Cindy's response.

**Joseph T. Kreye**  
Senior Legislative Attorney  
Legislative Reference Bureau  
(608) 266-2263

*Note to file -  
There is no constitutional  
problem w/ adjusting the  
salaries of county officers  
annually. Art. IV § 26 does  
not apply to counties -  
only to officers  
who are paid  
out of the state  
treasury.*

**From:** Wilson, Danielle  
**Sent:** Wednesday, January 30, 2008 2:04 PM  
**To:** Kreye, Joseph  
**Subject:** FW: constitutional officers salary LRB 3474

Hi Joe,

Here is the response from Cindy regarding her thoughts on the constitutionality of the draft.

Thanks!

**Danielle Wilson**  
Clerk, Senate Committee on Economic Development  
Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov

*See  
Sieb v. City of Racine  
176 Wis. 617 (1922),  
also Dandoy v. Mil. Co., 214 Wis. 586  
(1934), Columbia County v.  
Wis. Retirement Fund, 17 Wis. 2d  
310, 326 (1961)  
& various AG opinions*

**From:** Cindy Wisinski [mailto:Wisinskc@co.portage.wi.us]  
**Sent:** Wednesday, January 30, 2008 1:44 PM  
**To:** Wilson, Danielle  
**Subject:** Fw: constitutional officers salary LRB 3474

Danielle,  
The below email lists the reasons why I am having trouble understanding why this would be a constitutional change. I have an incorrect email for Joe. Could you please forward the below email to him on my behalf?

Thank you for your help.  
Cindy

\*\*\*\*\*

Good afternoon Joe.

I've been diving into this issue regarding constitutional officers salary being a constitutional change. I don't agree and here are some of the items that are causing me to feel this way.

- Article IV of the Wisconsin Constitution addresses the legislature and judges not local county officials
- Article IV(2) refers to public officer which is defined under 939.22(30) of the WI State Statutes. This description is under the 'crimes' heading. Again doesn't deal with local county officials.
- Article 6 deals with election, removal, termination of local elected. No where in there does it address salaries.
- Repeal of 66.197 took place under Wisconsin Act 150-1999. If this is a constitutional item, how can you repeal something without going through the legislature twice and allowing the public to vote on it.
- Act 201-1995 also made changes to the language in 59.22(1) and (2). No constitutional change.
- All of the following Attorney Generals Opinions referring to constitutional officers salary refer to only the state statutes with no mention of a constitutional change.

OAG 1-80;OAG 28-76;OAG 17-92;OAG 103-77. These are just a few. Other opinions are also referred to in these OAGs.

As I explained to you yesterday, if this isn't a constitutional change we would like to amend this statute. It is difficult for county boards to predict 4 years in advance as to what someone should be making. County boards also feel that if they agree to an increase four years out, that they are setting a precedence for other non salary employees and unions. If they are not suppose to adjust salaries during the term how can they adjust fringe benefits (i.e. health insurance)?

I know that you had planned on talking to another gentleman that deals with constitutional issues, if you could keep me posted on how that discussion goes I would appreciate it.

Regarding LRB 3479, you and I also talked about this the other day on the phone. You had mentioned that revisions were made to this. Could you please forward me a revised copy?

Thank you for help. I appreciate it.

Cindy Wisinski  
Portage County Register of Deeds  
wisinskc@co.portage.wi.us  
715/346-1483

**Shovers, Marc**

---

**From:** Wilson, Danielle  
**Sent:** Monday, January 28, 2008 10:16 AM  
**To:** Shovers, Marc  
**Subject:** Re-draft request of LRB 3474/2 - rush

Hi Marc,

Unfortunately it appears that the new language still does not meet our constituent's needs because she would like the county board to adjust compensation levels annually, rather than every four years. She thought it may be helpful if you spoke to her directly regarding this issue as she would strongly like to move this legislation forward this session. Her name is Cindy Wisinski and she is the Portage County Register of Deeds. You may reach her at 715 346-1428.

Thank you so much for your help. Please let me know if you have any questions.

**Danielle Wilson**

*Clerk, Senate Committee on Economic Development*

Office of Senator Julie Lassa

P.O. Box 7882

Madison, WI 53707-7882

(608) 266-3123

[danielle.wilson@legis.wisconsin.gov](mailto:danielle.wilson@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3474/2  
MES:jld:nwn

RMP

2007 BILL

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Regen

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3 constitutional officers.

*Analysis by the Legislative Reference Bureau*

Generally under current law a county board is required to establish the total annual compensation level for services to be paid to elective county officials, other than supervisors and circuit judges. The compensation level must be set before the earliest filing deadline for nomination papers for any elective county office.

This compensation level may not be increased or decreased during the officer's term and remains constant unless changed by the county board. With regard to county constitutional officers (the sheriff, district attorney, coroner, register of deeds, clerk, treasurer, and surveyor), who are elected to four-year terms, current law allows their compensation to be adjusted every four years.

Under this bill, for county constitutional officers, the county board must adjust the compensation level ~~every four years~~ based on the average adjustment in the compensation given to all county department heads in the year immediately preceding the year ~~in which the next election for such officers is held~~. The adjustment amount is determined by the county corporation counsel or designee, or by the county clerk.

clerk of court

annually

current



**BILL**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

*Except for a sheriff, district attorney, coroner, register of deeds, clerk, treasurer, and surveyor, the*  
**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**  
*clerk of court,*

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**SECTION 1.** 59.22 (1) (a) 1. of the statutes is amended to read:

59.22 (1) (a) 1. ~~The~~ board shall, before the earliest time for filing nomination papers for any elective office to be voted on in the county, other than supervisors and circuit judges, which officer is paid in whole or part from the county treasury, establish the total annual compensation for services to be paid to the officer exclusive of reimbursements for expenses out-of-pocket provided for in sub. (3). With regard to a sheriff, district attorney, coroner, register of deeds, clerk, treasurer, and surveyor, the total annual compensation for each such officer shall be adjusted by taking the compensation of the person currently holding the office and adjusting it by a percentage equal to the average adjustment in compensation given by the board to all department heads in the year immediately preceding the year in which the next election for the officer is held, as determined under subd. 3. Except as provided in subd. 2., the annual compensation may be established by resolution or ordinance, on a basis of straight salary, fees, or part salary and part fees, and if the compensation established is a salary, or part salary and part fees, it shall be in lieu of all fees, including per diem and other forms of compensation for services rendered, except those specifically reserved to the officer in the resolution or ordinance. Except as otherwise provided in this subdivision, the compensation established shall not be increased nor diminished during the officer's term and shall remain for ensuing terms unless changed by the board. Court fees shall not be used for compensation for county officers.

**SECTION 2.** 59.22 (1) (a) 3. of the statutes is created to read:





State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3474/3  
MES:jld:rs

4  
RMR

2007 BILL

wanted  
Fri.

open

ejf

1 AN ACT *to amend* 59.22 (1) (a) 1.; and *to create* 59.22 (1) (a) 3. of the statutes;  
2 relating to: adjusting the method used to set compensation levels of county  
3 constitutional officers.

certain

**Analysis by the Legislative Reference Bureau**

certain

Generally under current law a county board is required to establish the total annual compensation level for services to be paid to elective county officials, other than supervisors and circuit judges. The compensation level must be set before the earliest filing deadline for nomination papers for any elective county office.

This compensation level may not be increased or decreased during the officer's term and remains constant unless changed by the county board. With regard to county constitutional officers (the sheriff, ~~district attorney~~, coroner, register of deeds, clerk, clerk of court, treasurer, and surveyor), who are elected to four-year terms, current law allows their compensation to be adjusted every four years.

Under this bill, for county constitutional officers, the county board must adjust the compensation level annually based on the average adjustment in the compensation given to all county department heads in the year immediately preceding the current year. The adjustment amount is determined by the county corporation counsel or designee, or by the county clerk.

**BILL**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 59.22 (1) (a) 1. of the statutes is amended to read:

2           59.22 (1) (a) 1. The Except for a sheriff, ~~district attorney~~, coroner, register of  
3 deeds, clerk, clerk of court, treasurer, and surveyor, the board shall, before the  
4 earliest time for filing nomination papers for any elective office to be voted on in the  
5 county, other than supervisors and circuit judges, which officer is paid in whole or  
6 part from the county treasury, establish the total annual compensation for services  
7 to be paid to the officer exclusive of reimbursements for expenses out-of-pocket  
8 provided for in sub. (3). With regard to a sheriff, ~~district attorney~~, coroner, register  
9 of deeds, clerk, clerk of court, treasurer, and surveyor, the total annual compensation  
10 for each such officer shall be adjusted annually by taking the compensation of the  
11 person currently holding the office and adjusting it by a percentage equal to the  
12 average adjustment in compensation given by the board to all department heads in  
13 the year immediately preceding the current year, as determined under subd. 3.  
14 Except as provided in subd. 2., the annual compensation may be established by  
15 resolution or ordinance, on a basis of straight salary, fees, or part salary and part fees,  
16 and if the compensation established is a salary, or part salary and part fees, it shall  
17 be in lieu of all fees, including per diem and other forms of compensation for services  
18 rendered, except those specifically reserved to the officer in the resolution or  
19 ordinance. The Except as otherwise provided in this subdivision, the compensation  
20 established shall not be increased nor diminished during the officer's term and shall

**BILL**

1 remain for ensuing terms unless changed by the board. Court fees shall not be used  
2 for compensation for county officers.

3 **SECTION 2.** ~~59.22 (1) (a) 3. of the statutes is created to read:~~

4 ~~59.22 (1) (a) 3. The average annual adjustment in compensation given to all~~  
5 ~~department heads shall be determined by the corporation counsel or by an attorney~~  
6 ~~designated to act as corporation counsel under s. 59.42 (3) or, if the county does not~~  
7 ~~have a corporation counsel or a designee, by the county clerk.~~

8

(END)

**Duerst, Christina**

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**From:** Supple, Ryan  
**Sent:** Thursday, February 14, 2008 1:14 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-3474/4 Topic: Tie compensation amounts for county constitutional officers to non-represented employee compensation

Please Jacket LRB 07-3474/4 for the SENATE.

My apologies if this is a repeat request, I can't remember if I've sent this yet.

Thanks,

**Ryan Supple**  
Office of Senator Julie Lassa  
State Capitol, Room 323 - South  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123