

**2011 DRAFTING REQUEST**

**Bill**

Received: **11/02/2011**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Senate Chief Clerk**

By/Representing: **Rob Marchant**

May Contact:

Drafter: **mshovers**

Subject: **Local Gov't - counties**

Addl. Drafters: **emueller  
jkuesel**

Extra Copies:

Submit via email: **YES**

Requester's email: **robert.marchant@legis.wisconsin.gov**

Carbon copy (CC:) to: **rick.olin@legis.wisconsin.gov  
panzerpublicaffairs@gmail.com**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Create the office of comptroller for Milwaukee County

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**Instructions:**

See attached. Create elective office of comptroller for Milwaukee County

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**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>
/?	mshovers 11/02/2011	jdye 11/03/2011		_____			Local
/1			jfrantze 11/03/2011	_____	sbasford 11/03/2011	sbasford 11/03/2011	

FE Sent For:

**2011 DRAFTING REQUEST**

**Bill**

Received: 11/02/2011

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May Contact:

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Subject: Local Gov't - counties

Addl. Drafters: emueller  
jkuesel

Extra Copies: JLD

Submit via email: YES

Requester's email: robert.marchant@legis.wisconsin.gov

Carbon copy (CC:) to: rick.glin@legis.wisconsin.gov  
panzerpublicaffairs@gmail.com

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**Pre Topic:**

No specific pre topic given

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Create the office of comptroller for Milwaukee County

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See attached. Create elective office of comptroller for Milwaukee County

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1/?  
1/1 MES 11/2/11  
mshovers  
1 1/2 JLD

FE Sent For:

<END>

NOW!

(To Be Printed for Legislature)

MES: jld:  
Kif

ENGROSSED ~~2005~~ <sup>2011</sup> Senate BILL 259

(Date) November 2 2011 - Printed by direction of Senate CHIEF CLERK

JOINT RULE 63. **Reproduction of engrossed measures.** Upon the finding by the chief clerk of either house that a bill, joint resolution, resolution or major amendment thereto has been amended in the house of origin to a considerable degree, the chief clerk may instruct the legislative reference bureau to prepare and have reproduced an engrossed copy of the measure. In preparing engrossed copy for a bill, joint resolution or resolution the legislative reference bureau shall, if time permits, provide it with a revised analysis. Upon receipt from the legislative reference bureau of the engrossed copy, the chief clerk shall enter that fact in the history file for the measure. Any subsequent amendments to a measure ordered reproduced with all adopted amendments engrossed therein shall be drafted to the reproduced engrossed text.

ADOPTED DOCUMENTS:

Orig     SubAmdt

Amendments to above (if none, write "NONE"): SA1, SA2, SA3, SA4, SA5

Corrections - show date (if none, write "NONE"): 2 CCCs

10/26/11 and 11/1/11; and CCCs in engrossing, 11/2/11  
11/2/11    [Signature]    [Signature]  
Date                      Drafter                      Editor

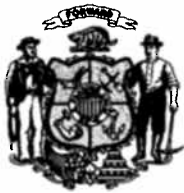
**ELECTRONIC PROCEDURE:** Follow automatic or manual engrossing procedures in *TEXT2000 Reference Guide, Document Specific Procedures, Ch. 20, Engrossing and Enrolling.*

**LEGISLATIVE PROCESSING SPECIALIST:** Give paper copy of engrossed bill to drafter for final check before forwarding.

**Make 15 copies of ENGROSSED BILL:** Enter introductory information on engrossed bill cover sheet corresponding to the house of the chief clerk who directed the engrossed bill printed. Distribute copies and send copy of engrossed bill electronically to DOA for printing.

DISTRIBUTION:

- DIRECTING CHIEF CLERK:
  - Cover sheet and 9 copies + 2 copies of each CCC in engrossing
- LRB:
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  - Drafting attorney ..... 1 copy
  - Legislative editors ..... 1 copy each
  - Bill index librarian ..... 1 copy



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3411?

MES/JTK/EVM.....

ENGROSSED 2011  
SB-259

*Kif + JLD*  
*PMNA*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

\* LPS-Freeze this document please \*

1

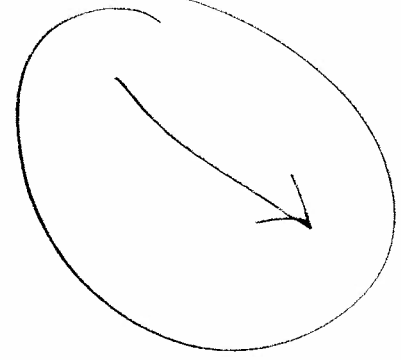
AN ACT ...; relating to: ???

*Analysis by the Legislative Reference Bureau*

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

2

(END)





State of Wisconsin  
2011-2012 LEGISLATURE

INS 3-4B

**CORRECTIONS IN:**

**2011 SENATE BILL 259**

Prepared by the Legislative Reference Bureau  
(October 26, 2011)

1. Page 3, line 4: before "No" insert "(a)".

(END)

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State of Wisconsin  
2011-2012 LEGISLATURE

INS 3-4A

**CORRECTIONS IN:**

**2011 SENATE BILL 259**

Prepared by the Legislative Reference Bureau  
(November 1, 2011)

1. Page 3, line 4: delete "COMPTROLLER." and substitute "Comptroller."

(END)

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## 2011 SENATE BILL 259

October 25, 2011 - Introduced by Senators DARLING and TAYLOR, cosponsored by Representatives KOOYENGA, ZAMARRIPA, ZEPNICK, HONADEL, STONE, KAPENGA and CRAIG. Referred to Committee on Transportation and Elections.

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*[Handwritten signature]*

1 AN ACT *to amend* 59.20 (3) (a) and 59.47 (1); and *to create* 59.20 (2) (am), 59.21  
2 (1) (j), 59.255 and 59.42 (2) (b) 5. of the statutes; **relating to:** creating the office  
3 of county comptroller for Milwaukee County. ✓

INS  
ANC ✓

### *Analysis by the Legislative Reference Bureau*

This bill creates the elective office of comptroller in any county with a population of at least 750,000 (currently only Milwaukee County). The comptroller is to be chosen every four years in the spring election, beginning in 2012. An individual must be a licensed or certified public accountant, or must have a master's degree or doctorate degree in accounting or finance, to hold the office of comptroller. Many of the duties and responsibilities of a comptroller as created in this bill are similar to the duties and responsibilities of a city comptroller as specified in current law.

Under the bill, the comptroller is the chief financial officer of the county, the administrator of the county's financial affairs, and the person who oversees all of the county's debt. The comptroller is required to provide the county board and executive with a fiscal note for all proposed legislation and to report, on a regular basis, on the condition of the county's funds, and claims that are payable. He or she must also prepare and distribute an annual certified statement about the receipts and disbursements from each county fund in the preceding fiscal year. Also on an annual basis, the comptroller must prepare and distribute to the board and the executive a five-year financial condition forecast for the county.

At least monthly, the comptroller must examine the county treasurer's accounts. The comptroller is required to perform all audit functions related to county

**SENATE BILL 259**

government and, upon request, provide the board or executive with a fiscal analysis on any matter affecting the county. Generally under the bill, the comptroller is required to countersign all contracts with the county, and no contract is valid until it is countersigned.

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:*

Handwritten notes: ✓, FNS, 2-1, SA4, SA1, SA4

1  
2

**SECTION 1.** 59.20 (2) (am) of the statutes is created to read:

59.20 (2) (am) Beginning in 2012 and quadrennially thereafter, a comptroller shall be chosen at the spring election by the electors of each county having a population of 750,000 or more for the term of 4 years. The regular term of office of each comptroller shall commence on the 3rd Tuesday in April next succeeding his or her election and shall continue 4 years and until his or her successor qualifies.

**SECTION 2.** 59.20 (3) (a) of the statutes is amended to read:

59.20 (3) (a) Every sheriff, clerk of the circuit court, register of deeds, treasurer, comptroller, register of probate, clerk and county surveyor shall keep his or her office at the county seat in the offices provided by the county or by special provision of law; or if there is none, then at such place as the board directs. The board may also require any elective or appointive county official to keep his or her office at the county seat in an office to be provided by the county. All such officers shall keep their offices open during the usual business hours of any day except Sunday, as the board directs. With proper care, the officers shall open to the examination of any person all books and papers required to be kept in his or her office and permit any person so examining to take notes and copies of such books, records, papers or minutes therefrom except as authorized in par. (c) and ss. 19.36 (10) to (12) and 19.59 (3) (d) or under ch. 69.

**SECTION 3.** 59.21 (1) (j) of the statutes is created to read:



SENATE BILL 259

1           59.21 (1) (j) Comptroller, not less than \$5,000 nor more than \$20,000 with not  
2 less than 3 sureties.

3           SECTION 4. 59.255 of the statutes is created to read:

4           59.255 ~~COMPTROLLER~~ (1) ELIGIBILITY. No person may hold the office of  
5 comptroller unless he or she is either a certified public accountant, licensed or  
6 certified under ch. 442, or has a master's degree or a doctorate degree in accounting  
7 or finance from a regionally accredited, nonprofit, post-secondary educational  
8 institution.

9           (b) No person holding the office of sheriff, undersheriff, circuit judge, district  
10 attorney, clerk of the circuit court, clerk, or member of the board shall be eligible to  
11 hold the office of comptroller or deputy comptroller.

12           (c) This section applies only to a county with a population of 750,000 or more.

13           (2) DUTIES AND RESPONSIBILITIES. (a) The comptroller is the chief financial  
14 officer of the county, and the administrator of the county's financial affairs. The  
15 comptroller shall oversee all of the county's debt.

16           (b) The comptroller shall appoint one deputy to aid the comptroller, under the  
17 comptroller's direction, in the discharge of the duties of the office of comptroller. A  
18 deputy appointed under this paragraph may be removed only for just cause. The  
19 appointment shall be in writing and shall be filed and recorded in the comptroller's  
20 office. Such deputy, in the absence of the comptroller from the comptroller's office  
21 or in case of a vacancy in said office or any disability of the comptroller to perform  
22 the duties of the office of comptroller, unless another is appointed therefor as  
23 provided in par. (c), shall perform all of the duties of the office of comptroller until  
24 such vacancy is filled or such disability is removed. The person so appointed shall  
25 take and file the official oath. The person shall file his or her appointment with the

Handwritten notes: "INS 3-4A" and "INS 3-4B" in circles with arrows pointing to lines 4 and 6 respectively. "CCC2" is written above line 3, and "CCCE1" is written above line 6.

**SENATE BILL 259****SECTION 4**

1 clerk. The board may, at its annual meeting or at any special meeting, provide a  
2 salary for the deputy.

3 (c) If any comptroller is incapable of discharging the duties of the office of  
4 comptroller, the county executive shall appoint a person, subject to confirmation by  
5 the board, comptroller who shall serve until such disability is removed. A person so  
6 appointed or appointed to fill a vacancy in the office of comptroller, upon giving an  
7 official bond with like sureties as are required of such comptroller, shall perform all  
8 the duties of such office, and thereupon the powers and duties of any deputy  
9 performing the duties of the last comptroller shall cease.

10 (d) Each month, at the board's first meeting, the comptroller shall report to the  
11 board and the county executive, in writing, the condition of the county's outstanding  
12 contracts and of each of the county's funds and the claims payable from the funds.  
13 The comptroller shall also file with the the county executive and the board each year  
14 on or before October 1 a certified and detailed statement of the receipts and  
15 disbursements on account of each fund of the county during the preceding fiscal year,  
16 specifying the source of each receipt and the object of each disbursement, and also  
17 an estimate of the receipts and disbursements for the current fiscal year.

18 (e) The comptroller shall countersign all contracts with the county if he or she  
19 determines that the county has, or will have, the necessary funds to pay the liability  
20 that the county may incur under the contract. No contract is valid until so  
21 countersigned.

22 (f) At least monthly the comptroller shall examine the treasurer's accounts as  
23 reported and as kept, and shall report to the county executive and board as to their  
24 correctness and as to any violation by the treasurer of the treasurer's duty in the  
25 manner of keeping accounts or disbursing moneys.

SENATE BILL 259

1 (g) Whenever requested to do so by the county executive or board, the  
2 comptroller shall provide an independent fiscal analysis of any matter affecting the  
3 county, and shall provide the county executive and board with a fiscal note for all  
4 proposed legislation.

5 (h) Annually, the comptroller shall prepare a written 5-year financial condition  
6 forecast for the county, which shall be distributed to the county executive and the  
7 board.

8 (i) The comptroller shall perform all audit functions related to county  
9 government. The comptroller shall also have the duties and all the powers and  
10 responsibilities conferred upon the clerk as auditor under s. 59.47 (1), and shall  
11 perform any additional duties and shall have any additional powers as are imposed  
12 and conferred upon him or her from time to time by resolution adopted by the board.

13 (j) The comptroller shall administer and oversee all shared services contracts.

14 (k) The comptroller may in writing, filed in the office of the clerk, appoint a  
15 deputy who shall act under the comptroller's direction and in the comptroller's  
16 absence or disability, or in case of a vacancy shall perform the comptroller's duties.  
17 The deputy shall receive such compensation as the board provides. The acts of a  
18 deputy shall be covered by official bond as the board directs.

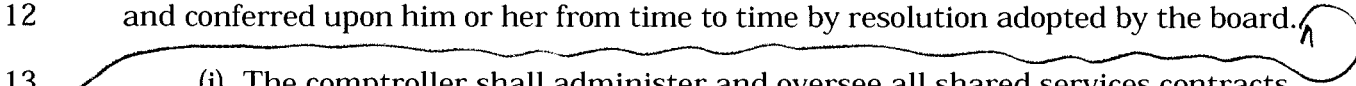
19 SECTION 5. 59.42 (2) (b) 5. of the statutes is created to read:

20 59.42 (2) (b) 5. Review and countersign all contracts to verify that the contracts  
21 comply with all statutes, rules, ordinances, and the county's ethics policy. This  
22 subdivision applies only in a county with a population of 750,000 or more.

23 SECTION 6. 59.47 (1) of the statutes is amended to read:

24 59.47 (1) In every county, except as provided in s. 59.255 (2) (i), the clerk shall  
25 act as auditor, unless a separate office of county auditor is created as provided in sub.

INS  
5-12



**SENATE BILL 259**

**SECTION 6**

1 (2), and, when directed by resolution of the board, shall examine the books and  
2 accounts of any county officer, board, commission, committee, trustees or other  
3 officer or employee entrusted with the receipt, custody or expenditure of money, or  
4 by or on whose certificate any funds appropriated by the board are authorized to be  
5 expended, whether compensated for services by fees or by salary, and all original bills  
6 and vouchers on which moneys have been paid out and all receipts of moneys  
7 received by them. The clerk shall have free access to such books, accounts, bills,  
8 vouchers and receipts as often as may be necessary to perform the duties required  
under this subsection and he or she shall report in writing the results of the  
10 examinations to the board.

(END)

INS 5A30  
6-10  
INS 5A5  
6-11

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2157/5ins  
MES:kjf:rs

INS ANL

***Engrossment information:***

The text of Engrossed 2011 Senate Bill 259, as passed by the senate on November 2, 2011, consists of the following documents adopted in the senate on November 2, 2011: the bill as affected by Senate Amendment 1, Senate Amendment 2, Senate Amendment 3, Senate Amendment 4, and Senate Amendment 5. The text also includes the October 26, 2011, and November 2, 2011, chief clerk's corrections to the bill. In engrossing, SECTION 1 was renumbered SECTION 1m, and SECTION 7m in Senate Amendment 3 was renumbered SECTION 7e, and those sections were relocated to correct the order of the sections.

***Content of Engrossed 2011 Senate Bill 259:***

(end ins)

SECTION 1d in  
Senate Amendment  
1 was renumbered  
SECTION 1e,  
CS



State of Wisconsin  
2011-2012 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO 2011 SENATE BILL 259**

Prepared by the Legislative Reference Bureau  
(November 2, 2011)

In engrossing, the following correction was made:

- 1.** Page 1, line 3: delete “**SECTION 1d**” and substitute “**SECTION 1e**”.

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa1862/1  
JTK:kjf:ph

SENATE AMENDMENT 1,  
TO 2011 SENATE BILL 259

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October 31, 2011 - Offered by Senators TAYLOR and DARLING.

INS  
X

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: before that line insert:

3 "SECTION 1~~h~~. 8.10 (3) (cs) of the statutes is created to read:

4 8.10 (3) (cs) For comptrollers in counties with a population of at least 750,000,  
5 not less than 500 nor more than 1,000 electors."

6 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

7 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa1859/1  
EVM:jld:ph

SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 259

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November 1, 2011 - Offered by Senators TAYLOR, DARLING and CARPENTER.

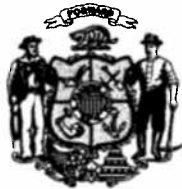
1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 12: after "board." insert "Audit functions under this paragraph  
3 shall be performed in accordance with governmental auditing standards issued by  
4 the comptroller general of the United States and generally accepted auditing  
5 standards."

6 (END)

*INS  
5 ← 12*





State of Wisconsin  
2011-2012 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 3,  
TO 2011 SENATE BILL 259**

Prepared by the Legislative Reference Bureau  
(November 2, 2011)

In engrossing, the following correction was made:

1. Page 1, line 3: delete “**SECTION 7m**” and substitute “**SECTION 7e**”.

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa1880/1  
MES:kjf:rs

SENATE AMENDMENT 3,  
TO 2011 SENATE BILL 259

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November 1, 2011 - Offered by Senators DARLING and TAYLOR.

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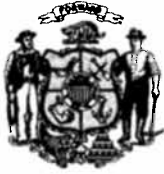
1 At the locations indicated, amend the bill as follows:

2 1. Page 6, line 10: after that line insert:

3 "SECTION 7<sup>0 2 ← 5</sup>. 59.85 (2) (d) 2. (intro.) of the statutes is amended to read:

4 59.85 (2) (d) 2. (intro.) Annually, the county comptroller under s. 59.255 shall  
5 submit to the governor, the department of revenue, and the department of  
6 administration, and to the chief clerk of each house of the legislature, for distribution  
7 to the legislature under s. 13.172 (2), a report that includes all of the following:"

8 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa1897/1  
JTK:wlj:jf

SENATE AMENDMENT 4,  
TO 2011 SENATE BILL 259

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INS  
2-1  
P. 1083

November 1, 2011 - Offered by Senators TAYLOR and DARLING.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: before that line insert:

3 "SECTION 1c. 5.58 (2) and (3) of the statutes are amended to read:

4 5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY  
5 EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY SUPERVISORS. There shall be one  
6 separate ballot for state superintendent, judicial officers, county executive under s.  
7 59.17, and county supervisor, except as authorized in s. 5.655. In counties having a  
8 population of 750,000 or more, the ballot shall also include the office of comptroller  
9 and in counties having a population of 500,000 or more, the ballot also shall also  
10 include those offices under s. 8.11 (2) (b) and (2m). The arrangement of names of  
11 candidates for state superintendent, justice, court of appeals judge, and circuit court  
12 judge shall be determined by the board in the manner specified in s. 5.60 (1) (b).  
13 Arrangement of the names of candidates for county executive, county comptroller,

1 and county supervisor shall be determined by the county clerk or by the executive  
2 director of the county board of election commissioners in the manner specified in s.  
3 5.60 (1) (b).

4 **(3) NAMES ON SPRING BALLOT.** Only 2 candidates for state superintendent, for  
5 any judicial office, for any elected seat on a metropolitan sewerage commission or  
6 town sanitary district commission, in counties having a population of 750,000 or  
7 more, only 2 candidates for the office of comptroller, in counties having a population  
8 of 500,000 or more only 2 candidates for member of the board of supervisors within  
9 each district, in counties having a population of less than 500,000 only 2 candidates  
10 for each member of the county board of supervisors from each district or numbered  
11 seat or only 4 candidates for each 2 members of the county board of supervisors from  
12 each district whenever 2 supervisors are elected to unnumbered seats from the same  
13 district, in 1st class cities only 2 candidates for any at-large seat and only 2  
14 candidates from any election district to be elected to the board of school directors, in  
15 school districts electing school board members to numbered seats, or pursuant to an  
16 apportionment plan or district representation plan, only 2 school board candidates  
17 for each numbered seat or within each district, and twice as many candidates as are  
18 to be elected members of other school boards or other elective officers receiving the  
19 highest number of votes at the primary shall be nominees for the office at the spring  
20 election. Only their names shall appear on the official spring ballot.

21 **SECTION 1d.** 5.60 (1) (title) and (ag) of the statutes are amended to read:

22 5.60 **(1)** (title) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE; COUNTY  
23 COMPTROLLER; AND COUNTY SUPERVISORS.

24 (ag) There shall be one separate ballot for state superintendent, judicial  
25 officers, county executive, county comptroller in counties having a population of

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750,000 or more, and county supervisor, except as authorized in s. 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement of the names of candidates for county executive, county comptroller, county supervisor, and municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by the county clerk or the executive director of the county board of election commissioners determining ballot arrangement under s. 5.58 (1c), in the manner prescribed in par. (b).

**SECTION 1g.** 8.11 (2) of the statutes is renumbered 8.11 (2) (b).

**SECTION 1h.** 8.11 (2) (a) of the statutes is created to read:

8.11 (2) (a) A primary shall be held in counties having a population of 750,000 or more whenever there are more than twice the number of candidates to be elected to the office of comptroller.

**2.** Page 2, line 1: delete "**SECTION 1**" and substitute "**SECTION 1m**".

(END)



**SENATE AMENDMENT 5,  
TO 2011 SENATE BILL 259**

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6-11

November 1, 2011 – Offered by Senators TAYLOR and DARLING.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 10: after that line insert:

3 **“SECTION 7m. Nonstatutory provisions.**

4 (1) Upon the enactment of the 2012 fiscal year budget for Milwaukee County,  
5 the county executive shall certify to the secretary of administration the amount of  
6 the total aggregate appropriations for the functions of the Milwaukee County  
7 treasurer and the Milwaukee County comptroller, as created in this act, that are  
8 derived from property tax and sales tax revenues, and from fees paid to the treasurer  
9 or comptroller. In paying for the functions of the treasurer and the comptroller  
10 during the county’s 2012 fiscal year, Milwaukee County may not exceed the amount  
11 certified.”.

12 (END)