



ENGROSSED 2013 ASSEMBLY BILL 85

1 **AN ACT to repeal** 59.79 (6), 59.79 (11), 59.79 (12), 59.79 (13) and 806.155; **to**
2 **renumber and amend** 59.10 (2) (c) and 59.17 (2) (b); **to amend** 59.03 (2) (a),
3 59.06 (2), 59.10 (2) (b), 59.12 (2), 59.17 (2) (bm) 1. (intro.), 59.17 (2) (bm) 2., 59.17
4 (2) (br), 59.22 (2) (a), 59.22 (3), 59.52 (6) (a), 59.53 (5) (a), 59.53 (6) (a) 1., 59.53
5 (6) (a) 2., 59.53 (20), 59.53 (21), 59.56 (11), 59.60 (7), 59.698, 59.70 (7), 59.70
6 (8m), 59.70 (12) (a), 59.875 (title), 66.0301 (2) and 289.33 (3) (d); and **to create**
7 59.10 (2) (c) 2., 59.10 (2) (c) 3., 59.10 (2) (c) 4., 59.11 (2) (c), 59.17 (2) (b) 2. to 6.,
8 59.52 (31), 59.52 (32), 59.53 (24), 59.60 (7e), 59.794, 59.875 (3) and 111.70 (1p)
9 of the statutes; **relating to:** changing the compensation structure by which a
10 Milwaukee County supervisor may be paid, changing the term length of a
11 Milwaukee County supervisor, affecting the right of an annuitant under the
12 Milwaukee County Employee's Retirement System to be rehired by Milwaukee
13 County, limiting the authority of Milwaukee County to enter into certain
14 intergovernmental agreements, removing and clarifying some authority of the

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1 Milwaukee County board, increasing and clarifying the authority of the
2 Milwaukee County executive, deleting obsolete statutory references, and
3 requiring a referendum.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 59.03 (2) (a) of the statutes is amended to read:

5 59.03 (2) (a) ~~Except~~ Subject to s. 59.794 (2) and (3) and except as elsewhere
6 specifically provided in these statutes, the board of any county is vested with all
7 powers of a local, legislative and administrative character, including without
8 limitation because of enumeration, the subject matter of water, sewers, streets and
9 highways, fire, police, and health, and to carry out these powers in districts which
10 it may create for different purposes, or throughout the county, and for such purposes
11 to levy county taxes, to issue bonds, assessment certificates and improvement bonds,
12 or any other evidence of indebtedness. The powers hereby conferred may be
13 exercised by the board in any municipality, or part thereof located in the county upon
14 the request of any such municipality, evidenced by a resolution adopted by a majority
15 vote of the members–elect of its governing body, designating the particular function,
16 duty or act, and the terms, if any, upon which the powers shall be exercised by the
17 board or by a similar resolution adopted by direct legislation in the municipality in
18 the manner provided in s. 9.20. The resolution shall further provide whether the
19 authority or function is to be exercised exclusively by the county or jointly by the
20 county and the municipality, and shall also find that the exercise of such power by
21 the county would be in the public interest. Upon the receipt of the resolution, the

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1 board may, by a resolution adopted by a majority vote of its membership, elect to
2 assume the exercise of the function, upon the terms and conditions set forth in the
3 resolution presented by the municipality.

4 **SECTION 2.** 59.06 (2) of the statutes is amended to read:

5 59.06 (2) EFFECT OF TRANSFER. All deeds, contracts and agreements made on
6 behalf of the county under the directions of the board under s. 59.52 (6), or by a county
7 executive acting under s. 59.17 (2) (b) 3., when signed and acknowledged by the clerk
8 and the county seal is attached, are valid and binding on the county to the extent of
9 the terms of the instrument and the right, title and interest which the county has in
10 the property.

11 **SECTION 3.** 59.10 (2) (b) of the statutes is amended to read:

12 59.10 (2) (b) *Election; term.* Supervisors For an election that is held before
13 2016, supervisors shall be elected for 4-year terms at the election to be held on the
14 first Tuesday in April next preceding the expiration of their respective terms, and
15 shall take office on the 3rd Monday in April following their election. For an election
16 that is held in 2016 and thereafter, supervisors shall be elected for 2-year terms at
17 the election to be held on the first Tuesday in April next preceding the expiration of
18 their respective terms, and shall take office on the 3rd Monday in April following
19 their election.

20 **SECTION 4.** 59.10 (2) (c) of the statutes is renumbered 59.10 (2) (c) 1. and
21 amended to read:

22 59.10 (2) (c) 1. Each supervisor shall be paid by the county an annual salary
23 set by the board. The board may provide additional compensation for the
24 chairperson, such that his or her salary may be an amount of up to 150 percent of the
25 salary of a supervisor, and for the chairperson of the board's finance committee, such

ENGROSSED ASSEMBLY BILL 85**SECTION 4**

1 that his or her salary may be an amount of up to 125 percent of the salary of a
2 supervisor. Beginning with the term that commences in April 2016, the total dollar
3 value of the annual salary and benefits that may be paid to a supervisor, other than
4 the board chairperson and finance committee chairperson, may not exceed the
5 annual per capita income of Milwaukee County as most recently determined by the
6 U.S. bureau of the census and may be increased for a new term as provided in subds.
7 2. and 3., subject to the limit specified in subd. 4. Section 66.0505 applies to this
8 paragraph.

9 **SECTION 5.** 59.10 (2) (c) 2. of the statutes is created to read:

10 59.10 (2) (c) 2. The board may increase the salary specified in subd. 1., or as
11 otherwise adjusted under this paragraph, by an amount that does not exceed the
12 percentage increase in the U.S. consumer price index for all urban consumers, U.S.
13 city average, for the period between the time that a supervisor's salary was last set
14 under subd. 1. or by the board, and the year before the year in which the salary
15 increase is to take effect.

16 **SECTION 6.** 59.10 (2) (c) 3. of the statutes is created to read:

17 59.10 (2) (c) 3. The board may increase the salary specified in subd. 1., or as
18 otherwise adjusted under this paragraph, by an amount that exceeds the percentage
19 increase in the U.S. consumer price index for all urban consumers, U.S. city average,
20 for the period between the time that a supervisor's salary was last set under subd.
21 1. or by the board, and the year before the year in which the salary increase is to take
22 effect, except that such an increase may not take effect unless it is ratified by a
23 majority vote of the electors in the county voting in a referendum on the proposed
24 salary increase.

25 **SECTION 7.** 59.10 (2) (c) 4. of the statutes is created to read:

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1 59.10 (2) (c) 4. A supervisor may not receive any other benefits or
2 compensation, including health insurance and pension benefits, not specifically
3 authorized or required by law. The maximum total dollar value of the salary and
4 benefits that a supervisor, other than the chairperson of the board and the
5 chairperson of the finance committee, receives in any year may not exceed the annual
6 per capita income of Milwaukee County as most recently determined by the U.S.
7 bureau of the census.

8 **SECTION 8.** 59.11 (2) (c) of the statutes is created to read:

9 59.11 (2) (c) In a county with a population of 750,000 or more, upon a written
10 request of the county executive delivered to the clerk which must have been approved
11 by the county board chairperson, specifying the time and place of the meeting. The
12 time shall not be less than 48 hours from the delivery of the request. Upon receiving
13 the request and the approval of the county board chairperson, the clerk shall
14 immediately mail to each supervisor notice of the time and place of the meeting. Any
15 special meeting may be adjourned by a vote of a majority of all the supervisors.

16 **SECTION 9.** 59.12 (2) of the statutes is amended to read:

17 59.12 (2) The board at the time of the election of the chairperson shall also elect
18 a member vice chairperson, for the same term, who in case of the absence or disability
19 of the chairperson shall perform the chairperson's duties. The board at the time of
20 the election of the chairperson may also elect a member 2nd vice chairperson, for the
21 same term, who in case of the absence or disability of the chairperson and vice
22 chairperson shall perform the duties of the chairperson. The Except for the board
23 of a county with a population of 750,000 or more, the board may provide for the
24 payment of additional compensation to the vice chairpersons.

ENGROSSED ASSEMBLY BILL 85**SECTION 10**

1 **SECTION 10.** 59.17 (2) (b) of the statutes is renumbered 59.17 (2) (b) (intro.) and
2 amended to read:

3 59.17 (2) (b) (intro.) In any county with a population of 500,000 750,000 or
4 more, ~~appoint:~~

5 1. Appoint and supervise the heads of all departments except where the
6 statutes provide that the appointment shall be made by a board or commission or by
7 other elected officers. Notwithstanding any statutory provision that a board or
8 commission or the county board or county board chairperson appoint a department
9 head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise
10 the department head. ~~Notwithstanding any~~ Except for a statutory provision which
11 specifies that a board or commission or the county board shall supervise the
12 administration of a department, ~~the department head shall supervise the~~
13 ~~administration of the department~~ county executive shall administer, supervise, and
14 direct all county departments, including any person who negotiates on behalf of the
15 county, and the county board, other board, or commission shall perform any advisory
16 or policy-making function authorized by statute. Any appointment by the county
17 executive under this paragraph subdivision requires the confirmation of the county
18 board unless the county board, by ordinance, elects to waive confirmation. An
19 appointee of the county executive may assume his or her duties immediately,
20 pending board action which shall take place within 60 days after the county
21 executive submits the appointment to the board for confirmation. Any department
22 head appointed by a county executive under this subsection may be removed at the
23 pleasure of the county executive. The county executive shall comply with hiring
24 policies set by the board when making appointments under this paragraph.

25 **SECTION 11.** 59.17 (2) (b) 2. to 6. of the statutes are created to read:

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1 59.17 (2) (b) 2. Establish departments in county government, and sections and
2 divisions within those departments, that the county executive believes are necessary
3 for the efficient administration of the county. Any department or subunit of a
4 department that the county executive creates under this subdivision may not be
5 established unless its creation and funding are approved by a vote of the board. The
6 county executive shall administer, supervise, and direct any department or subunit
7 of a department that is created under this subdivision, and those departments and
8 subunits shall report to the county executive.

9 3. Exercise the authority under s. 59.52 (6) (a) that would otherwise be
10 exercised by a county board. With regard to the sale or lease of property, the county
11 executive's action must be consistent with established county board policy and must
12 be approved by the county board to take effect. The county board may only approve
13 or reject the contract as negotiated by the county executive.

14 4. Sign all contracts, conveyances, and evidences of indebtedness on behalf of
15 the county, to the extent that no other county officer or employee is specifically
16 required to sign such contracts, conveyances, and evidences of indebtedness, and
17 countersign all other contracts, conveyances, and evidences of indebtedness. No
18 contract with the county is valid unless it is signed or countersigned by the county
19 executive and, as provided in ss. 59.255 (2) (e) and 59.42 (2) (b) 5., by the comptroller
20 and corporation counsel.

21 5. Introduce proposed ordinances and resolutions for consideration by the
22 board.

23 6. Hire and supervise the number of employees that the county executive
24 reasonably believes are necessary for him or her to carry out the duties of the county

ENGROSSED ASSEMBLY BILL 85**SECTION 11**

1 executive's office, subject to board approval of the county executive department
2 budget.

3 **SECTION 11e.** 59.17 (2) (bm) 1. (intro.) of the statutes is amended to read:

4 59.17 (2) (bm) 1. (intro.) In any county with a population of ~~500,000~~ 750,000
5 or more, appoint the following persons:

6 **SECTION 12.** 59.17 (2) (bm) 2. of the statutes is amended to read:

7 59.17 (2) (bm) 2. Each appointment under subd. 1. is subject to the confirmation
8 of the county board and is in the unclassified service, serving at the pleasure of the
9 county executive and holding office until a new appointment is made by the county
10 executive and confirmed by the board. An appointee of the county executive may
11 assume his or her duties immediately, pending board action which shall take place
12 within 60 days after the county executive submits the appointment to the board for
13 confirmation. No prior appointee may serve longer than 6 months after the term for
14 which he or she was appointed and confirmed expires, unless reappointed and
15 reconfirmed. The term of each appointment is 4 years or less. The county executive
16 shall comply with hiring policies set by the board when making appointments under
17 subd. 1.

18 **SECTION 12e.** 59.17 (2) (br) of the statutes is amended to read:

19 59.17 (2) (br) In any county with a population of less than ~~500,000~~ 750,000,
20 appoint and supervise the heads of all county departments except those elected by
21 the people and except where the statutes provide that the appointment shall be made
22 by other elected officers. Notwithstanding any statutory provision that a board or
23 commission or the county board or county board chairperson appoint a department
24 head, except s. 17.21, the county executive shall appoint and supervise the
25 department head. Notwithstanding any statutory provision that a board or

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1 commission supervise the administration of a department, the department head
2 shall supervise the administration of the department and the board or commission
3 shall perform any advisory or policy-making function authorized by statute. An
4 appointment by the county executive under this subsection requires the
5 confirmation of the board unless the board, by ordinance, elects to waive
6 confirmation or unless the appointment is made under a civil service system
7 competitive examination procedure established under s. 59.52 (8) or ch. 63. Any
8 department head appointed by a county executive under this subsection may be
9 removed at the pleasure of the county executive unless the department head is
10 appointed under a civil service system competitive examination procedure
11 established under s. 59.52 (8) or ch. 63.

12 **SECTION 13.** 59.22 (2) (a) of the statutes is amended to read:

13 59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and
14 circuit judges, and subject to s. 59.794 (3), the board has the powers set forth in this
15 subsection, sub. (3) and s. 59.03 (1) as to any office, department, board, commission,
16 committee, position or employee in county service created under any statute, the
17 salary or compensation for which is paid in whole or in part by the county, and the
18 jurisdiction and duties of which lie within the county or any portion thereof and the
19 powers conferred by this section shall be in addition to all other grants of power and
20 shall be limited only by express language.

21 **SECTION 14.** 59.22 (3) of the statutes is amended to read:

22 59.22 (3) REIMBURSEMENT FOR EXPENSE. The board may provide for
23 reimbursement to any elective officer, deputy officer, appointive officer or employee
24 for any out-of-pocket expense incurred in the discharge of that person's duty in
25 addition to that person's salary or compensation, including without limitation

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1 because of enumeration, traveling expenses, tuition costs incurred in attending
2 courses of instruction clearly related to that person’s employment, and the board may
3 establish standard allowances for mileage, room and meals, the purposes for which
4 allowances may be made, and determine the reasonableness and necessity for such
5 reimbursements, and also establish in advance a fair rate of compensation to be paid
6 to the sheriff for the board and care of prisoners in the county jail at county expense.
7 Any reimbursement paid under this subsection to an officer or employee of a county
8 with a population of 750,000 or more is subject to the budget limitation described in
9 s. 59.60 (7e).

10 **SECTION 15.** 59.52 (6) (a) of the statutes is amended to read:

11 59.52 (6) (a) *How acquired; purposes.* ~~Take~~ Except as provided in s. 59.17 (2)
12 (b) 3., take and hold land acquired under ch. 75 and acquire, lease or rent property,
13 real and personal, for public uses or purposes of any nature, including without
14 limitation acquisitions for county buildings, airports, parks, recreation, highways,
15 dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal
16 for county institutions, lime pits for operation under s. 59.70 (24), equipment for
17 clearing and draining land and controlling weeds for operation under s. 59.70 (18),
18 ambulances, acquisition and transfer of real property to the state for new collegiate
19 institutions or research facilities, and for transfer to the state for state parks and for
20 the uses and purposes specified in s. 23.09 (2) (d).

21 **SECTION 16.** 59.52 (31) of the statutes is created to read:

22 59.52 (31) PUBLIC CONTRACTS, POPULOUS COUNTIES. (a) In this subsection,
23 “county” means any county with a population of 750,000 or more.

24 (b) 1. Any contract with a value of at least \$100,000, but not more than
25 \$300,000, to which a county is a party and which satisfies any other statutory

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1 requirements, may take effect only if the board's finance committee does not vote to
2 approve or reject the contract within 14 days after the contract is signed or
3 countersigned by the county executive, or as described in subd. 2.

4 2. If a board's finance committee votes to approve a contract described under
5 subd. 1, the contract may take effect. If a board's finance committee votes to reject
6 a contract described under subd. 1., the contract may take effect only if the contract
7 is approved by a vote of the board within 30 days after the board's finance committee
8 votes to reject the contract.

9 (c) Any single contract, or group of contracts between the same parties which
10 generally relate to the same transaction, with a value or aggregate value of more
11 than \$300,000, to which a county is a party and which satisfies any other statutory
12 requirements, may take effect only if it is approved by a vote of the board.

13 (d) With regard to any contract to which a county is a party and which is subject
14 to review by the board or by a committee of the board under this subsection, the
15 board's finance committee is the only committee which has jurisdiction over the
16 contract.

17 **SECTION 16e.** 59.52 (32) of the statutes is created to read:

18 59.52 (32) RESEARCH DEPARTMENT. In any county with a population of 750,000
19 or more, the board may enact an ordinance creating a department in county
20 government to provide independent and nonpartisan research services for the board
21 and the county executive. The department may not consist of more than 4.0 full-time
22 equivalent positions. Employees of the department shall be hired and supervised by
23 the comptroller, and shall serve at the pleasure of the comptroller. Such a
24 department shall respond to requests for services from the board and the county

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1 executive. The authority to create a department under this subsection may not be
2 exercised after the county board enacts its budget for the 2017 fiscal year.

3 **SECTION 17.** 59.53 (5) (a) of the statutes is amended to read:

4 59.53 (5) (a) The board shall contract with the department of children and
5 families to implement and administer the child and spousal support and
6 establishment of paternity and the medical support liability programs provided for
7 by Title IV of the federal social security act, except that in a county with a population
8 of 750,000 or more the county executive shall exercise all of this authority. The board
9 may designate by board resolution any office, officer, board, department or agency,
10 except the clerk of circuit court, as the county child support agency and, in a county
11 with a population of 750,000 or more, the county executive shall administer the
12 designated county child support agency. The board ~~or~~, county child support agency,
13 or county executive of a county with a population of 750,000 or more shall implement
14 and administer the programs in accordance with the contract with the department
15 of children and families. The attorneys responsible for support enforcement under
16 sub. (6) (a), circuit court commissioners and all other county officials shall cooperate
17 with the county and the department of children and families as necessary to provide
18 the services required under the programs. The county shall charge the fee
19 established by the department of children and families under s. 49.22 for services
20 provided under this paragraph to persons not receiving benefits under s. 49.148 or
21 49.155 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

22 **SECTION 18.** 59.53 (6) (a) 1. of the statutes is amended to read:

23 59.53 (6) (a) 1. Except as provided in subd. 2. and in a county with a population
24 of 750,000 or more, each board shall employ or contract with attorneys to provide
25 support enforcement. In a county with a population of 750,000 or more, the county

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1 executive shall hire or contract with attorneys to provide support enforcement under
2 this subdivision. Section 59.42 (1), (2) (a) and (3) does not preclude a board from
3 assigning these support enforcement duties to any attorney employed by the county.

4 **SECTION 19.** 59.53 (6) (a) 2. of the statutes is amended to read:

5 59.53 (6) (a) 2. If on June 1, 1989, a county has 1.0 or more full-time equivalent
6 attorney positions that have primary responsibility for handling cases described in
7 par. (b), as determined by the district attorney of the prosecutorial unit, the county
8 shall establish and maintain a support enforcement office consisting of support
9 enforcement attorneys and office personnel. In counties having a population of less
10 than ~~500,000~~ 750,000, a county budget under s. 65.90 shall list the proposed
11 appropriation under s. 65.90 (2) for the support enforcement office separate from any
12 other office, department or activity. In counties having a population of 500,000
13 750,000 or more, a county budget shall treat a support enforcement office as a
14 department, as defined in s. 59.60 (2) (a), separate from all other departments, and
15 administered by the county executive. If a county ceases to employ 1.0 or more
16 full-time equivalent attorney positions in the office, the county may provide support
17 enforcement under subd. 1.

18 **SECTION 20.** 59.53 (20) of the statutes is amended to read:

19 59.53 (20) WORK CENTERS. The board may establish and operate a work center
20 licensed under s. 104.07 to provide employment for severely handicapped
21 individuals, except that in a county with a population of 750,000 or more, the county
22 executive shall be in charge of the operation of the work center.

23 **SECTION 21.** 59.53 (21) of the statutes is amended to read:

24 59.53 (21) OPERATION OF RELIEF PROGRAMS. The board may establish and operate
25 a program of relief for a specific class or classes of persons residing in that county,

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1 except that in a county with a population of 750,000 or more, the county executive
2 shall be in charge of the operation of the program of relief. The county may set such
3 eligibility criteria to obtain relief, and may provide such services, commodities or
4 money as relief, as the county determines to be reasonable and necessary under the
5 circumstances. The program may include work components. The county may enact
6 any ordinances necessary or useful to the operation of a relief program under this
7 subsection. Counties may use vehicle registration information from the department
8 of transportation in determining eligibility for relief programs under this subsection.

9 **SECTION 21e.** 59.53 (24) of the statutes is created to read:

10 59.53 (24) GOVERNMENT RELATIONS. In any county with a population of 750,000
11 or more, if the county has an office of intergovernmental relations or a department
12 or subunit of a department that provides lobbying services for the county, that office,
13 department, or subunit shall employ one individual who is responsible for
14 representing the interests of, and reports to, the county executive and one individual
15 who is responsible for representing the interests of, and reports to, the county board.

16 **SECTION 22.** 59.56 (11) of the statutes is amended to read:

17 59.56 (11) FISH AND GAME. The board may establish, maintain, and operate fish
18 hatcheries and facilities for raising game birds, except that in a county with a
19 population of 750,000 or more, the county may own the hatcheries and facilities, but
20 must lease the hatcheries and facilities to another person who will maintain and
21 operate them.

22 **SECTION 23.** 59.60 (7) of the statutes is amended to read:

23 59.60 (7) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the
24 executive's or administrator's budget to the finance committee and such committee
25 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or

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1 administrator's budget and comparative figures together with a statement of the
2 county's bonded indebtedness, in the 2 daily newspapers having the largest
3 circulation in the county, and shall make available to the general public reprinted
4 copies of the summary as published. The publication shall also state the date, hour,
5 and place of the public hearing to be held by the board on such executive's or
6 administrator's budget. The board shall, not less than 14 days after publication of
7 the summary of the executive's or administrator's budget, but not later than the first
8 Monday in November of each year and prior to the adoption of the property tax levy,
9 hold a public hearing on such executive's or administrator's budget, at which time
10 citizens may appear and express their opinions. After such public hearing, and on
11 or before the annual meeting, the finance committee shall submit to the board its
12 recommendations for amendments to the executive's or administrator's budget, if
13 any, and the board shall adopt the budget with such changes as it considers proper
14 and advisable. Subject to sub. (7e), the board of a county with a population of at least
15 750,000 may not adopt a budget in which the total amount of budgeted expenditures
16 related to the compensation of county board members, and to any other costs that are
17 directly related to the operation and functioning of the county board, including staff,
18 is greater than 0.4 percent of the county portion of the tax levy for that year to which
19 the budget applies. When so adopted, the sums provided shall, subject to the
20 provisions of sub. (8), constitute legal appropriations and anticipated revenues for
21 the ensuing year.

22 **SECTION 24.** 59.60 (7e) of the statutes is created to read:

23 59.60 (7e) MILWAUKEE COUNTY BUDGET CAP. The 0.4 percent budget limitation
24 for a county with a population of at least 750,000 that is described in sub. (7) does
25 not apply to any of the following elements of the county's budget:

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1 (a) Any costs related to pension and health care payments for retired county
2 officers, employees, and their families.

3 (b) The costs for the salary, health benefits, and pension benefits of county
4 board supervisors and the county board chairperson for any term that begins before
5 April 2016.

6 (c) Any costs associated with duties performed by the county clerk under s.
7 59.23 (2).

8 (d) Any costs associated with a department created under s. 59.52 (32).

9 (e) Space rental that is attributable to the county board.

10 **SECTION 25.** 59.698 of the statutes is amended to read:

11 **59.698 Zoning, building inspector.** Except as provided under s. 59.69 (2)
12 (bm), for the enforcement of all laws, ordinances, rules and regulations enacted
13 under s. 59.69, the board may appoint a building inspector, define the building
14 inspector's duties and fix the building inspector's term of office and compensation.
15 This section does not apply to a county with a population of 750,000 or more.

16 **SECTION 26.** 59.70 (7) of the statutes is amended to read:

17 59.70 (7) SOIL CONSERVATION. The board of any county with a population of less
18 than 750,000 may contract to do soil conservation work on privately owned land
19 either directly or through a committee designated by it.

20 **SECTION 27.** 59.70 (8m) of the statutes is amended to read:

21 59.70 (8m) HARBOR IMPROVEMENT. The board may establish, own, operate,
22 lease, equip, and improve harbor facilities on land owned by the county that is
23 located in this state or in another state, subject to the laws of the state in which the
24 land is located, and may appropriate money for the activities specified in this

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1 subsection, except that in a county with a population of 750,000 or more, the county
2 executive shall be in charge of the operation of the harbor facilities.

3 **SECTION 28.** 59.70 (12) (a) of the statutes is amended to read:

4 59.70 (12) (a) A county or 2 or more contiguous counties may establish a district
5 to control mosquitoes, upon a majority vote of each board, except that the board of
6 a county with a population of 750,000 or more may not take any action under this
7 subsection or sub. (13).

8 **SECTION 29.** 59.79 (6) of the statutes is repealed.

9 **SECTION 30.** 59.79 (11) of the statutes is repealed.

10 **SECTION 31.** 59.79 (12) of the statutes is repealed.

11 **SECTION 32.** 59.79 (13) of the statutes is repealed.

12 **SECTION 33.** 59.794 of the statutes is created to read:

13 **59.794 Milwaukee County; limitations on board authority and on**
14 **intergovernmental cooperation, shared services. (1) DEFINITIONS.** In this
15 section:

16 (a) “Agreement” means an intergovernmental cooperation agreement under s.
17 66.0301, or a contract to provide consolidated services under s. 59.03 (2) (e), entered
18 into by a county and another local governmental unit that is located wholly within
19 that county.

20 (b) “Board” means the board of a county.

21 (c) “County” means a county with a population of 750,000 or more.

22 (d) “Executive council” means a body that consists of the mayor of a 1st class
23 city, and the elected executive officer of every city and village that is wholly located
24 within the county and who is also a member of the executive council as described in
25 s. 200.23 (2) (b).

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1 (e) “Local governmental unit” has the meaning given in s. 66.0131 (1) (a).

2 (2) LIMITATION ON AGREEMENTS. (a) Subject to par. (b), before an agreement may
3 take effect and become binding on a county, it must be approved by the executive
4 council. If the county enters into an agreement, the executive council shall meet as
5 soon as practicable to vote on the agreement.

6 (b) With regard to an intergovernmental cooperation agreement under s.
7 66.0301, the requirements under par. (a) apply only to any single contract, or group
8 of contracts between the same parties which generally relate to the same
9 transaction, with a value or aggregate value of more than \$300,000.

10 (3) LIMITATIONS ON BOARD AUTHORITY. (a) Notwithstanding the provisions of s.
11 59.51, the board may not exercise day-to-day control of any county department or
12 subunit of a department. Such control may be exercised only by the county executive
13 as described in s. 59.17.

14 (b) A board may require, as necessary, the attendance of any county employee
15 or officer at a board meeting to provide information and answer questions. Except
16 as provided in par. (d), for the purpose of inquiry, or to refer a specific constituent
17 concern, the board and its members may deal with county departments and subunits
18 of departments solely through the county executive, and no supervisor may give
19 instructions or orders to any subordinate of the county executive that would conflict
20 with this section.

21 (c) The board may not create any county department or subunit of a
22 department, except as provided in s. 59.17 (2) (b) 2.

23 (d) The board may use the legal services of the corporation counsel under s.
24 59.42 (2).

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1 (e) The board may not terminate, lower the salary or benefits of, or eliminate
2 the position of, any county employee who works in the office of the county executive
3 unless a similar change is made which affects county employees, on a countywide
4 basis, in all other county departments. This paragraph does not apply after the
5 county board supervisors who are elected in the 2016 spring election take office.

6 **SECTION 34.** 59.875 (title) of the statutes is amended to read:

7 **59.875 (title) Payment of contributions in and employment of**
8 **annuitants under an employee retirement system of populous counties.**

9 **SECTION 35.** 59.875 (3) of the statutes is created to read:

10 59.875 (3) No individual who is receiving an annuity under an employee
11 retirement system of a county and who is reemployed by the county may continue to
12 receive the annuity if a similarly situated individual who is receiving an annuity
13 under the Wisconsin Retirement System and who was reemployed by a participating
14 employer under that system would be required to terminate the annuity.

15 **SECTION 36.** 66.0301 (2) of the statutes is amended to read:

16 66.0301 (2) ~~In~~ Subject to s. 59.794 (2), and in addition to the provisions of any
17 other statutes specifically authorizing cooperation between municipalities, unless
18 those statutes specifically exclude action under this section, any municipality may
19 contract with other municipalities and with federally recognized Indian tribes and
20 bands in this state, for the receipt or furnishing of services or the joint exercise of any
21 power or duty required or authorized by law. If municipal or tribal parties to a
22 contract have varying powers or duties under the law, each may act under the
23 contract to the extent of its lawful powers and duties. A contract under this
24 subsection may bind the contracting parties for the length of time specified in the
25 contract. This section shall be interpreted liberally in favor of cooperative action

ENGROSSED ASSEMBLY BILL 85**SECTION 36**

1 between municipalities and between municipalities and Indian tribes and bands in
2 this state.

3 **SECTION 38n.** 111.70 (1p) of the statutes is created to read:

4 111.70 (1p) COUNTY EMPLOYEES IN A COUNTY WITH A POPULATION OF 750,000 OR MORE.

5 With respect to municipal employees who are employed by a county with a population
6 of 750,000 or more, the county executive is responsible for the municipal employer
7 functions under this subchapter.

8 **SECTION 39.** 289.33 (3) (d) of the statutes is amended to read:

9 289.33 (3) (d) “Local approval” includes any requirement for a permit, license,
10 authorization, approval, variance or exception or any restriction, condition of
11 approval or other restriction, regulation, requirement or prohibition imposed by a
12 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
13 a town, city, village, county or special purpose district, including without limitation
14 because of enumeration any ordinance, resolution or regulation adopted under s.
15 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
16 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
17 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
18 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
19 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
20 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
21 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
22 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), ~~(6)~~, (7), (8),
23 and (10) and ~~(11)~~, 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77,
24 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30,

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1 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
2 91.

3 **SECTION 40.** 806.155 of the statutes is repealed.

4 **SECTION 41. Nonstatutory provisions.**

5 (1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or
6 before February 18, 2014, there shall be submitted to a vote of the electors of each
7 county with a population of at least 750,000 at the spring election to be held on
8 April 1, 2014, the following question: “Shall that portion of 2013 Wisconsin Act
9 (this act) which limits the compensation of members of the board of supervisors of
10 (name of county) other than the chairperson of the board and chairperson of the
11 finance committee to receipt of an annual salary of not more than the annual per
12 capita income of this county, which in 2012 was \$24,051, and which limits the
13 compensation of the chairperson of the board to not more than 150 percent of that
14 amount and the chairperson of the finance committee to not more than 125 percent
15 of that amount, subject to limitations and adjustments specified by law; and which
16 prohibits supervisors from receiving any compensation or benefits not specifically
17 authorized or required by law become effective in this county on April 18, 2016?”

18 (b) If the question under paragraph (a) is approved by a majority of all votes
19 cast on the question at the election in the county, the portions of this act specified in
20 paragraph (a) shall take effect in that county; otherwise, the portions of this act
21 specified in paragraph (a) shall not take effect in that county.

22 (2) Notwithstanding section 59.52 (25) of the statutes, the Milwaukee County
23 board of supervisors may not schedule a referendum to be held on April 1, 2014, with
24 respect to any matter that is subject to the approval of the electors of the county on
25 that date under subsection (1).

ENGROSSED ASSEMBLY BILL 85**SECTION 42****1 SECTION 42. Initial applicability.**

2 (1) COLLECTIVE BARGAINING. The treatment of section 111.70 (1p) of the statutes
3 first applies to employees covered by a collective bargaining agreement that is in
4 effect on the effective date of this subsection upon the expiration, extension, renewal,
5 or modification of the agreement.

6 (2) EMPLOYMENT OF ANNUITANTS IN POPULOUS COUNTIES. The treatment of section
7 59.875 (title) and (3) of the statutes first applies to employees of a populous county
8 who terminate employment on the effective date of this subsection.

9 (END)