

2013 DRAFTING REQUEST

Bill

Received:	7/10/2013	Received By:	mshovers
Wanted:	As time permits	Same as LRB:	
For:	Kathleen Bernier (608) 266-9172	By/Representing:	Rep. Bernier
May Contact:	Chad	Drafter:	mshovers
Subject:	Elections - miscellaneous Local Gov't - counties	Addl. Drafters:	jkuesel
		Extra Copies:	EVM

Submit via email: **YES**
 Requester's email: **Rep.Bernier@legis.wisconsin.gov**
 Carbon copy (CC) to: **tracy.kuczynski@legis.wisconsin.gov**
joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Powers and duties of county clerks

Instructions:

See attached. P/C, Rep. Bernier, 9/6/13: Provide that county clerk is the chief election official of the county. In counties where there is a board of election commissioners, county clerk serves as executive director.

Drafting History:

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/?	mshovers 8/9/2013			_____			
/P1	jkuesel	jdyer	jmurphy	_____	sbasford		Local

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	9/10/2013	8/12/2013	8/12/2013	_____	8/12/2013		
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/4		jdyer 12/17/2013	rschluet 12/17/2013	_____	srose 12/17/2013	srose 12/17/2013	Local

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at intro
1/10/14

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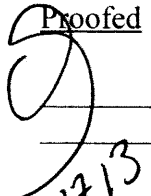
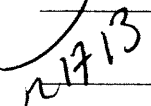
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14 J. Kuwase
11/17/13
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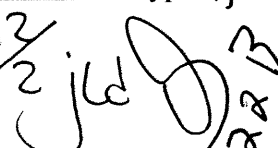
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13 MES 11/27/13

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2013

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	102 NES	9/17/13	Jim 9/18	Jim 9/18			

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Clarification of powers and duties of county clerks

Instructions:

See attached

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1/?	mshovers	PI 8/12 jld					
		PI MES 8/9/13					
			Jim 8/2		Jim 8/12		

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<END>

Note: The intent of this document is to give an **approximation** of statutory wording given the intent of the 59.23 Committee's recommendations. It is by no means a finalized, set-in-stone document. If the recommendations were turned into legislation, Legislative Reference Bureau (LRB) attorneys would make amendments wherever necessary.

Note #2: Words appearing in green are possibly extra verbiage. The committee recommended that LRB attorneys should make a determination on whether or not they are removed.

59.23 Clerk. (1) DEPUTIES; SALARIES; VACANCIES. (a) Every clerk shall, at their pleasure ~~shall will~~ appoint in writing one or more full-time deputies of their choice, who works exclusively in the clerk's office, ~~and file~~ The appointment is filed in the clerk's office. Deputies appointed under this paragraph may only be removed by the clerk. The deputy or deputies shall aid in the performance of the duties of the clerk under the clerk's direction, and in case of the absence or disability of the clerk or of a vacancy in the clerk's office, unless another is appointed therefor as provided in par. (c), shall perform all of the duties of the clerk during the absence or until the vacancy is filled. ~~The board shall provide sufficient staff to perform additional duties, and the board shall will may, at any meeting, provide a salary for the deputy or deputies consistent with county personnel policies for all employees.~~

Eliminate pop. cap

~~(b) In each county having a population exceeding 150,000 according to the last state or national census, the clerk may also appoint the number of assistants that the board authorizes and prescribes, and the assistants shall receive salaries that the board provides and fixes.~~

(c) If a clerk is incapable of discharging the duties of office the board shall ~~may~~ appoint an acting clerk, within three (3) months, who shall serve until the disability is removed. If the board is not in session at the time of the incapacity, the chairperson of the board may appoint an acting clerk, whose term shall not extend beyond the next regular or special meeting of the board. A person appointed as acting clerk or appointed to fill a vacancy in the office of clerk, upon giving an official bond with sureties as required of a clerk, shall perform all of the duties of the office; and thereupon the powers and duties of the deputy of the last clerk shall cease.

(2) DUTIES. Duties listed in this section are vested in the clerk's office. The clerk shall:

(a) *Board proceedings.* Act as clerk of the board at all of the meetings thereof; shall create the agenda under the direction of the county board chair; keep and record ~~in a book~~ therefor true minutes of all the proceedings of the board; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; as custodian of county records, all agendas and minutes for the board and its committees will be filed with the clerk's office; publish ordinances enacted by the board; and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.

*Strike
broaden
there is
in capacity
& then the
3 months
& start*

*Specify that
clerk is clerk
of the county
and clerk of
board's standing
committees*

make city clerk
resp. for election admin.
Add
Abc 33(4)

(b) *Recording of proceedings.* Record at length ~~in a book~~ therefor every resolution adopted, order passed an ordinance enacted by the board.

(ba) *Elections.* County election administration duties pursuant to Wis. stats. Chs. 5-12. (amend definition of county clerk in Ch. 5 to state that the county clerk is the chief election administrator of the county.)

2,

(bb) *Marriage licenses and domestic partnerships.* Administer the marriage license and domestic partnership programs pursuant to Chs. 765 and 770.

(bc) *Dog licenses.* Administer the dog license program and dog fund pursuant to Ch. 174.

(c) *Orders for payment.* Sign all orders for the payment of money directed by the board to be issued, and keep ~~in a book~~ therefor a true and correct account thereof, and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution adopted by the county board under s. 65.90 (5).

(d) *Accounts.* File and preserve in the clerk's office all accounts acted upon by the board, and endorse its action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.

(da) *Financial duties.* Access county financial records and shall sign checks. **59.47 (1) last sentence w/modification** :The clerk shall have free access to such books, accounts, bills 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 examination to the board as deemed necessary

2
Prob. not
need,
goal:
list in
59.23(2)
the duties of
clerk's
that are
specified
in other
stats.

(59.52 (3)(a)) The books, records, papers and accounts of the board shall be deposited with the respective clerks and shall be open without any charge to the examination of all persons.

(59.25 (3)(b)) Pay out all moneys belonging to the county only on the order of the board, signed by the clerk and countersigned by the chairperson, etc

We could use and/or modify the language.

add 59.52(b) to list of clerk's duties

(e) *Reports of receipts and disbursements.* Record ~~in a book~~ therefor the reports of the treasurer of the receipts and disbursements of the county.

(f) *Recording receipts and disbursements.* Keep a true and accurate account ~~in a book~~ therefor of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep the book at all times open to the inspection of the county board or any member of the board.

(g) *Payments to treasurer.* Keep in the manner prescribed in par. (f) a separate account of all moneys paid the treasurer by the clerk.

2. ~~(h) Books of account.~~ Keep all of the accounts of the county and all books of account ~~as the board directs.~~ Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county. In a manner as the board directs

RP: (j) ~~School taxes, records to department of public instruction.~~ Transmit to the department of public instruction on the last Monday in December in each year certified copies of all resolutions adopted and proceedings of the board passed or had during the preceding year relating to the raising of any money for school purposes, and report the amount to be raised in each town in the county.

RP: (k) ~~Villages, towns; change of name.~~ Immediately transmit to the secretary of state, after the name of any town or village is changed or a new town is organized or the boundaries of any town are altered by the board, a certified copy of the ordinance enacted therefor, indicating such change or changes.

does clerk of courts transmit the info to sec. of state?

clerk of Ct does this

(L) *Duplicate receipts.* Make out and deliver to the treasurer duplicate receipts of all money received by the clerk as clerk, and countersign and file in the clerk's office the duplicate receipts delivered to the clerk by the treasurer of money received by the treasurer.

(m) *Certified copies; oaths and bonds; signatures.* 1. Make and deliver to any person, for a fee that is set by the board under s. 19.35 (3), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.

see where this is

make sure oaths & bonds are executed & filed in clerk's office

2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge therefor the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.

(n) *Taxes; election duties.* Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes. and to the preparation and distribution of ballots and the canvass and return of votes at general, judicial and special elections.

) election is put in a new TP

(o) *Report, receipts and disbursements to board.* Make a full report to the board, at the annual meeting or at any other regular meeting of the board when so stipulated by the board, in writing, verified by the clerk's oath, of all money received and disbursed by the clerk, and separately of all fees received by the clerk; and settle with the board the clerk's official accounts and produce to the board all books, accounts and vouchers relating to the same.

2 woodland tax
law in 1977. 16

(oa) *Timber cutting notices.* Receive timber cutting notices pursuant to Wis. Stat. Ch. 77.

(p) *Proceedings to historical society.* Forward to the historical society, postpaid, within 30 days after their publication a copy of the proceedings of the board, and of all printed reports made under authority of such board or by the authority of other county officers.

(q) *County highway commissioner; notify of election.* ~~Except in counties having a population of 150,000 or more,~~ notify a county commissioner of highways of the commissioner's election within 10 days thereafter.

Ask
AGB return
for pop.
limits?

(r) *County tax for road and bridge fund.* Except in counties having a population of 150,000 or more, notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

(s) *List of local officials municipal officers.* Annually, on the first Tuesday of June, transmit to the secretary of state a ~~typewritten or printed~~ list showing the name, phone number, and post-office address of municipal officials, to include the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and the elected officials of any school district and sanitary district located within the county. The lists will be provided to the clerk by the filing officers of each municipality or district annually by May 1. Such lists shall be placed on file for the information of the public. (will need to change statutes related to duties for the respective filing officers (municipal clerks/school district clerks))

add in
teach. college
board numbers

60.33 (4)(b) Transmit to the county clerk's office within 10 days after election or appointment etc. Also the clerk shall promptly notify the county clerk of any subsequent changes in such offices **I think it's important to have the last sentence reemphasized.**

↑
attest as,
must report to
the indis.
appnt or elect

(t) *General.* Perform all other duties required of the clerk by law.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

Under s. 59.17 (8) [now s. 59.23 (2) (h)], the clerk keeps only those accounts designated by the board. *Harbick v. Marinette County*, 138 Wis. 2d 172, 405 N.W.2d 724 (Ct. App. 1987).

Except for their elected superior's power to appoint and discharge, chief deputies are subject to the Municipal Employment Relations Act, ss. 111.70 to 111.77, and are not excluded from a collective bargaining unit as a matter of law. *Oneida County v. WERC*, 2000 WI App 191, 238 Wis. 2d 763, 618 N.W.2d 891, 00-0466.

Statutory powers of the county clerk with respect to budgeting and record keeping cannot be transferred by the county board to a new position of finance officer. 63 Atty. Gen. 196.

A county board can only grant powers of indirect supervision to a finance director with respect to the accounting or bookkeeping duties of a county clerk. 65 Atty. Gen. 132.

*** 70.63 Apportionment **I think I heard rumblings that others were completing this as oppose to the clerk's**

Webster's Definition:

Shall: Used to indicate simple futurity; used to express; determination or promise; (you shall answer for you misdeeds); inevitability (that day shall come); command; a directive or requirement; to be able to; to have to; must

May: To be allowed or permitted to; used to indicate a certain measure of likelihood or possibility; used to express a desire or fervent wish, used to express contingency, purpose or result ETC

Will: The mental faculty by which one deliberately chooses or decides on a course of action; exercise of will; choice; something desired or decided on by a person of authority or supremacy; deliberate intention or wish; free discretion ETC

I cannot find case law related to will other than a "will" will is generally not used in Statutes – I ask for specific case law or something to hang our hats on if we are going to use will.

add this to list of clerk's duties

Wisconsin County Clerks Association

President - Kathy Brandt, Marinette County

info@wisconsincountyclerks.org

www.wisconsincountyclerks.org



WCCA Summary of recommendations to update Wis. Stat. 59.23

Deputy clerk and office staff:

- Full-time deputy who works exclusively in the clerk's office
- Clerk is the exclusive hiring authority for staff, similar to county executive/county administrator's language for hiring administrative support staff
- Board provides sufficient staff to accomplish workload of office
- Staff are paid consistent with county personnel policies

Duties:

- Vested duties: add that duties listed are vested in the county clerk's office. The word "vested" is a big deal, because in the duty descriptions for both the county executive/county administrator, they can perform duties that are not vested in another elected office. A duty being "vested" in the county clerk's office means that listed duties can't be touched.
- Amend duties language to say that the county clerk is the clerk for the county board and its standing committees. Referring to committee duties: clerk may delegate committee duties to other county staff, in a manner that is prescribed by resolution or ordinance (counties would have to create a resolution or ordinance pertaining to how a clerk would delegate the duties for preparing agendas, meeting notices, and minutes for committees).
- Board secretary: add that a clerk is responsible for creating a county board agenda under the direction of the chair, and as custodian of records the clerk receives all agendas/minutes for the county board and its committees
- Enumerate major duties in 59.23 with statutory references: Elections, Marriage Licenses/Domestic Partnerships, Dog Licenses, and Timber Cutting Notices
- Financial Duties – state that a clerk has access to financial records and signs checks
- Delete sections on School Taxes/records to DPI, and change of name for Villages and Towns
- Add sending a list of local officials to the secretary of state, which includes contact information for municipal officials, school board members, and sanitary district officials, and that it's the filing officer's duty to get that information to county clerks

Other Recommendations:

- Modernize statutory language
-

- Give clerks more flexibility in maintenance and transmission of records to various entities
- Amend definition of county clerk in Chapter 5 and 59.23 to state that county clerks are the chief election administrator for the county, except in counties of 500,000 or more.

Note: The intent of this document is to give an **approximation** of statutory wording given the intent of the 59.23 Committee's recommendations. It is by no means a finalized, set-in-stone document. If the recommendations were turned into legislation, Legislative Reference Bureau (LRB) attorneys would make amendments wherever necessary.

Note #2: Words appearing in green are possibly extra verbiage. The committee recommended that LRB attorneys should make a determination on whether or not they are removed.

59.23 Clerk. (1) DEPUTIES; SALARIES; VACANCIES. (a) Every clerk shall, at their pleasure ~~shall will~~ appoint in writing one or more full-time deputies of their choice, who works exclusively in the clerk's office, ~~and file~~ The appointment is filed in the clerk's office. Deputies appointed under this paragraph may only be removed by the clerk. The deputy or deputies shall aid in the performance of the duties of the clerk under the clerk's direction, and in case of the absence or disability of the clerk or of a vacancy in the clerk's office, unless another is appointed therefor as provided in par. (c), shall perform all of the duties of the clerk during the absence or until the vacancy is filled. ~~The board shall provide sufficient staff to perform additional duties, and the board shall will may, at any meeting,~~ provide a salary for the ~~deputy or~~ deputies consistent with county personnel policies for all employees.

(b) In each county having a population exceeding 150,000 according to the last state or national census, the clerk may also appoint the number of assistants that the board authorizes and prescribes, and the assistants shall receive salaries that the board provides and fixes.

(c) If a clerk is incapable of discharging the duties of office the board shall ~~may~~ appoint an acting clerk, within three (3) months, who shall serve until the disability is removed. If the board is not in session at the time of the incapacity, the chairperson of the board may appoint an acting clerk, whose term shall not extend beyond the next regular or special meeting of the board. A person appointed as acting clerk or appointed to fill a vacancy in the office of clerk, upon giving an official bond with sureties as required of a clerk, shall perform all of the duties of the office; and thereupon the powers and duties of the deputy of the last clerk shall cease.

(2) DUTIES. Duties listed in this section are vested in the clerk's office. The clerk shall:

(a) *Board proceedings.* Act as clerk of the board at all of the meetings thereof; shall create the agenda under the direction of the county board chair; keep and record ~~in a book~~ therefor true minutes of all the proceedings of the board; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present; as custodian of county records, all agendas and minutes for the board and its committees will be filed with the clerk's office; publish ordinances enacted by the board; and perform all duties prescribed by law or required by the board in connection with its meetings and transactions.

(b) *Recording of proceedings.* Record at length ~~in a book~~ therefor every resolution adopted, order passed an ordinance enacted by the board.

(ba) *Elections.* County election administration duties pursuant to Wis. stats. Chs. 5-12. (amend definition of county clerk in Ch. 5 to state that the county clerk is the chief election administrator of the county.)

(bb) *Marriage licenses and domestic partnerships.* Administer the marriage license and domestic partnership programs pursuant to Chs. 765 and 770.

(bc) *Dog licenses.* Administer the dog license program and dog fund pursuant to Ch. 174.

(c) *Orders for payment.* Sign all orders for the payment of money directed by the board to be issued, and keep ~~in a book~~ therefor a true and correct account thereof, and of the name of the person to whom each order is issued; but he or she shall not sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; and shall not sign or issue any such order for the payment of the services of any clerk of court, district attorney or sheriff until the person claiming the order files an affidavit stating that he or she has paid into the county treasury all moneys due the county and personally collected or received in an official capacity; and shall not sign or issue any order for the payment of money for any purpose in excess of the funds appropriated for such purpose unless first authorized by a resolution adopted by the county board under s. 65.90 (5).

2 (d) *Accounts.* File and preserve in the clerk's office all accounts acted upon by the board, and endorse its action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.

(da) *Financial duties.* Access county financial records and shall sign checks. **59.47 (1) last sentence w/modification**: The clerk shall have free access to such books, accounts, bills 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 examination to the board as deemed necessary

59.52 (3)(a) The books, records, papers and accounts of the board shall be deposited with the respective clerks and shall be open without any charge to the examination of all persons.

59.25 (3) 2 b Pay out all moneys belonging to the county only on the order of the board, signed by the clerk and countersigned by the chairperson, etc

We could use and/or modify the language.

(e) *Reports of receipts and disbursements.* Record ~~in a book~~ therefor the reports of the treasurer of the receipts and disbursements of the county.

CP:
59.47 (1)
(d) 2
NOT
REC.

(f) *Recording receipts and disbursements.* Keep a true and accurate account ~~in a book~~ therefor of all money which comes into the clerk's hands by virtue of the clerk's office, specifying the date of every receipt or payment, the person from or to whom the receipt or payment was received or paid, and the purpose of each particular receipt or disbursement, and keep the book at all times open to the inspection of the county board or any member of the board.

(g) *Payments to treasurer.* Keep in the manner prescribed in par. (f) a separate account of all moneys paid the treasurer by the clerk.

(h) *Books of account.* Keep all of the accounts of the county and all books of account as the board directs. Books of account shall be maintained on a calendar year basis, which shall be the fiscal year in every county.

~~(j) *School taxes, records to department of public instruction.* Transmit to the department of public instruction on the last Monday in December in each year certified copies of all resolutions adopted and proceedings of the board passed or had during the preceding year relating to the raising of any money for school purposes, and report the amount to be raised in each town in the county.~~

~~(k) *Villages, towns; change of name.* Immediately transmit to the secretary of state, after the name of any town or village is changed or a new town is organized or the boundaries of any town are altered by the board, a certified copy of the ordinance enacted therefor, indicating such change or changes.~~

(L) *Duplicate receipts.* Make out and deliver to the treasurer duplicate receipts of all money received by the clerk as clerk, and countersign and file in the clerk's office the duplicate receipts delivered to the clerk by the treasurer of money received by the treasurer.

(m) *Certified copies; oaths and bonds; signatures.* 1. Make and deliver to any person, for a fee that is set by the board under s. 19.35 (3), a certified copy or transcript of any book, record, account, file or paper in his or her office or any certificate which by law is declared to be evidence.

2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge therefor the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state.

~~(n) *Taxes; election duties.* Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes, and to the preparation and distribution of ballots and the canvass and return of votes at general, judicial and special elections.~~

(o) *Report, receipts and disbursements to board.* Make a full report to the board, at the annual meeting or at any other regular meeting of the board when so stipulated by the board, in writing, verified by the clerk's oath, of all money received and disbursed by the clerk, and separately of all fees received by the clerk; and settle with the board the clerk's official accounts and produce to the board all books, accounts and vouchers relating to the same.

(oa) *Timber cutting notices.* Receive timber cutting notices pursuant to Wis. Stat. Ch. 77.

(p) *Proceedings to historical society.* Forward to the historical society, postpaid, within 30 days after their publication a copy of the proceedings of the board, and of all printed reports made under authority of such board or by the authority of other county officers.

(q) *County highway commissioner; notify of election.* Except in counties having a population of 150,000 or more, notify a county commissioner of highways of the commissioner's election within 10 days thereafter.

(r) *County tax for road and bridge fund.* Except in counties having a population of 150,000 or more, notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

(s) *List of local officials ~~municipal officers~~.* Annually, on the first Tuesday of June, transmit to the secretary of state a ~~typewritten or printed~~ list showing the name, phone number, and post-office address of municipal officials, to include the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and the elected officials of any school district and sanitary district located within the county. The lists will be provided to the clerk by the filing officers of each municipality or district annually by May 1. Such lists shall be placed on file for the information of the public. (will need to change statutes related to duties for the respective filing officers (municipal clerks/school district clerks))

60.33 (4)(b) Transmit to the county clerk's office within 10 days after election or appointment etc, Also the clerk shall promptly notify the county clerk of any subsequent changes in such offices **I think it's important to have the last sentence reemphasized.**

(t) *General.* Perform all other duties required of the clerk by law.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

Under s. 59.17 (8) [now s. 59.23 (2) (h)], the clerk keeps only those accounts designated by the board. *Harbick v. Marinette County*, 138 Wis. 2d 172, 405 N.W.2d 724 (Ct. App. 1987).

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*** 70.63 Apportionment **I think I heard rumblings that others were completing this as oppose to the clerk's**

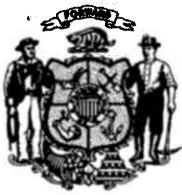
Webster's Definition:

Shall: Used to indicate simple futurity; used to express; determination or promise; (you shall answer for you misdeeds); inevitability (that day shall come); command; a directive or requirement; to be able to; to have to; must

May: To be allowed or permitted to; used to indicate a certain measure of likelihood or possibility; used to express a desire or fervent wish, used to express contingency, purpose or result ETC

Will: The mental faculty by which one deliberately chooses or decides on a course of action; exercise of will; choice; something desired or decided on by a person of authority or supremacy; deliberate intention or wish; free discretion ETC

I cannot find case law related to will other than a "will" will is generally not used in Statutes – I ask for specific case law or something to hang our hats on if we are going to use will.



Handwritten initials: jld, RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

WANTED
Tues
or
Wed.

X

gen

1 AN ACT ...; relating to: modifying the duties of a county clerk. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

2 SECTION 1. 59.23 (1) (a) of the statutes is amended to read: X

3 59.23 (1) (a) Every clerk shall appoint in writing one or more full-time deputies
4 to work exclusively in the clerk's office and shall file the appointment in the clerk's
5 office. A deputy appointed under this paragraph may be removed only by the clerk.

6 The deputy or deputies shall aid in the performance of the duties of the clerk under
7 the clerk's direction, and in case of the absence or disability of the clerk or of a vacancy
8 in the clerk's office, unless another is appointed therefor as provided in par. (c), shall

1 perform all of the duties of the clerk during the absence or until the vacancy is filled.

2 The board ~~may, at any meeting,~~ shall provide a salary for the deputy or deputies.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

****NOTE: I'm not sure what the intent is for a lot of the suggested changes to this paragraph. I did not make a lot of the other suggested changes because they did not seem to have any legal effect. Some just seemed to add unnecessary words, and some changes put an active voice sentence into the passive voice. check Δ

3 SECTION 2. 59.23 (1) (b) of the statutes is amended to read:

4 59.23 (1) (b) In each county having a population exceeding 150,000 according
5 ~~to the last state or national census,~~ the clerk may also appoint the number of
6 assistants that the board authorizes and prescribes, and the assistants shall receive
7 salaries that the board provides and fixes.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

8 SECTION 3. 59.23 (1) (c) of the statutes is amended to read:

9 59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board
10 may shall appoint an acting clerk, ~~who shall~~ within 90 days after the board adopts
11 a resolution finding that the clerk is incapable of discharging the duties of the office.
12 The acting clerk shall serve until the disability is removed. If the board is not in
13 session at the time of the incapacity, the chairperson of the board may appoint an
14 acting clerk, whose term shall not extend beyond the next regular or special meeting
15 of the board. A person appointed as acting clerk or appointed to fill a vacancy in the
16 office of clerk, upon giving an official bond with sureties as required of a clerk, shall
17 perform all of the duties of the office; and thereupon the powers and duties of the
18 deputy of the last clerk shall cease.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

19 SECTION 4. 59.23 (2) (a) of the statutes is amended to read:

20 59.23 (2) (a) *Board proceedings.* Act as clerk of the board at all of the board's
21 regular, special, and standing committee meetings thereof; under the direction of the
22 county board chair create the agenda for board meetings; keep and record in a book

person.

1 ~~therefor~~ true minutes of all the proceedings of the board; [✓] file in the clerk's office
 2 copies of agendas and minutes of board meetings and committee meetings; make
 3 regular entries of the board's resolutions and decisions upon all questions; record the
 4 vote of each supervisor on any question submitted to the board, if required by any
 5 member present; and perform all duties prescribed by law or required by the board
 6 in connection with its meetings and transactions.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

* ~~U~~ **NOTE:** I did not add to par. (a) a requirement that the clerk "publish ordinances enacted by the board" as requested in the instructions. This is already required of the clerk under s. 59.14 (1); the title of that section is "Publication of ordinances and proceedings."

7 **SECTION 5.** 59.23 (2) (b) [✓] of the statutes is amended to read:
 8 59.23 (2) (b) *Recording of proceedings.* Record at length [✓] ~~in a book therefor~~ every
 9 resolution adopted, order passed and ordinance enacted by the board.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

10 **SECTION 6.** 59.23 (2) (c) [✓] of the statutes is amended to read:
 11 59.23 (2) (c) *Orders for payment.* Sign all orders for the payment of money
 12 directed by the board to be issued, and keep ~~in a book therefor~~ a true and correct
 13 account ~~thereof~~ of such orders, [✓] and of the name of the person to whom each order is
 14 issued; but he or she shall not sign or issue any county order except upon a recorded
 15 vote or resolution of the board authorizing the same; and shall not sign or issue any
 16 such order for the payment of the services of any clerk of court, district attorney or
 17 sheriff until the person claiming the order files an affidavit stating that he or she has
 18 paid into the county treasury all moneys due the county and personally collected or
 19 received in an official capacity; and shall not sign or issue any order for the payment
 20 of money for any purpose in excess of the funds appropriated for such purpose unless
 21 first authorized by a resolution adopted by the county board under s. 65.90 (5).

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

22 **SECTION 7.** 59.23 (2) (cm) of the statutes is created to read:

1 59.23 (2) (cm) *Apportionment of taxes.* ✓ Apportion taxes and carry out other
2 responsibilities as specified in s. 70.63 (1). ✓

3 SECTION 8. 59.23 (2) (d) (title) of the statutes is amended to read:

4 59.23 (2) (d) (title) *Accounts, access to financial records.* ✓

5 History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 14, 15; 1997 a. 27; 1999 a. 9.
SECTION 9. 59.23 (2) (d) of the statutes is renumbered 59.23 (2) (d) 1.

6 SECTION 10. 59.23 (2) (d) 2. of the statutes is created to read:

7 59.23 (2) (d) 2. Have free access to the books, accounts, bills, vouchers, and
8 receipts as described in s. 59.47 (1), ✓ as often as may be necessary to perform the
9 duties required under this section and the duties described under s. 59.47 (1), ✓ and
10 the clerk shall report in writing the results of the examinations conducted under s.
11 59.47 (1) ✓ to the board.

12 SECTION 11. 59.23 (2) (de) ✓ of the statutes is created to read:

13 59.23 (2) (de) *Property.* ✓ To the extent authorized by the board, ✓ exercise the
14 authority under s. 59.52 (6).

15 SECTION 12. 59.23 (2) (dg) ✓ of the statutes is created to read:

16 59.23 (2) (dg) *Dogs.* ✓ Perform the responsibilities relating to dog licensing, ✓ that ✓ *which*
17 are assigned to the clerk under ch. 174, ✓ and the dog fund specified in ch. 174.

18 SECTION 13. 59.23 (2) (di) ✓ of the statutes is created to read:

19 59.23 (2) (di) *Marriage licenses, domestic partnerships.* ✓ Administer the
20 program for issuing marriage licenses as provided in ch. 765 ✓ and the program for
21 forming and terminating domestic partnerships as provided in ch. 770. ✓

22 SECTION 14. 59.23 (2) (e) of the statutes is amended to read:

1 59.23 (2) (e) *Reports of receipts and disbursements.* Record [✓] in a book therefor
2 the reports of the treasurer of the receipts and disbursements of the county.

3 History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

3 **SECTION 15.** 59.23 (2) (f) of the statutes is amended to read:

4 59.23 (2) (f) *Recording receipts and disbursements.* Keep a true and accurate
5 account ~~in a book therefor~~ [✓] of all money which comes into the clerk's hands by virtue
6 of the clerk's office, specifying the date of every receipt or payment, the person from
7 or to whom the receipt or payment was received or paid, and the purpose of each
8 particular receipt or disbursement, and keep the book at all times open to the
9 inspection of the county board or any member of the board.

10 History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

10 **SECTION 16.** 59.23 (2) (h) of the statutes is amended to read:

11 59.23 (2) (h) *Books of account.* Keep all of the accounts of the county and all
12 books of account as in a manner that [✓] the board directs. Books of account shall be
13 maintained on a calendar year basis, which shall be the fiscal year in every county.

14 History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 ~~to~~ 150; 1997 a. 27; 1999 a. 9.

14 **SECTION 17.** 59.23 (2) (j) of the statutes is repealed.

15 **SECTION 18.** 59.23 (2) (k) [✓] of the statutes is repealed.

****NOTE: I don't believe that there will be any unreported name changes if s. 59.23 (2) (k) is repealed, but you may wish to double check with DOA's Incorporation Review Board.

16 **SECTION 19.** 59.23 (2) (m) 2. of the statutes is amended to read:

17 59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths
18 and bonds of all county officers and upon request shall certify under the clerk's
19 signature and seal the official capacity and authority of any county officer so filing
20 and charge ~~therefor~~ [✓] the statutory fee. Upon the commencement of each term every

{ ^(CS) ~~***~~ NOTE: You may wish to check with PPI to see if they agree that this statute may be repealed.

1 clerk shall file the clerk's signature and the impression of the clerk's official seal in
2 the office of the secretary of state.

3 **History:** 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

SECTION 20. 59.23 (2) (q) of the statutes is amended to read:

4 59.23 (2) (q) *County highway commissioner; notify of election.* ~~Except in~~
5 ~~counties having a population of 150,000 or more, notify~~ Notify a county commissioner
6 of highways of the commissioner's election within 10 days thereafter.

7 **History:** 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

SECTION 21. 59.23 (2) (r) of the statutes is amended to read:

8 59.23 (2) (r) *County tax for road and bridge fund.* ~~Except in counties having~~
9 ~~a population of 150,000 or more, notify~~ Notify the proper town officers of the levy and
10 rate of any tax for the county road and bridge fund.

11 **History:** 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

SECTION 22. 59.23 (2) (s) of the statutes is amended to read:

12 59.23 (2) (s) *List of municipal officers local officials.* Annually, on the first
13 Tuesday of June, transmit to the secretary of state a ~~typewritten or printed~~ list
14 showing the name, phone number, and post-office address of local officials, including
15 the chairperson, mayor, president, clerk, treasurer, council and board members, and
16 assessor of each municipality, and of the elective officials of any school district,
17 technical college district, and sanitary district that is located wholly or partly within
18 the county. Such lists shall be placed on file for the information of the public. The
19 clerk, secretary, or other administrative officer of a local governmental unit, as
20 defined in s. 66.0137 (1) (c), shall provide the county clerk the information he or she
21 needs to complete the requirements of this paragraph.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

****NOTE: Would you like to include email address among the items that must be included on the list?

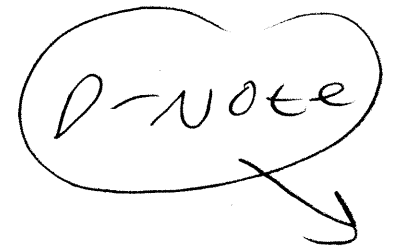
22 **SECTION 23.** 889.04 of the statutes is amended to read:

1 **889.04 County and municipal ordinances.** Matter entered or recorded in
2 any ordinance ~~or~~, record book, or other format authorized[✓] under ss. 59.23 (2) (b),
3 60.33 (1) and (2), 61.25 (3) and 62.09 (11) (c) or printed in any newspaper, book,
4 pamphlet, or other form purporting to be so published, entered or recorded by any
5 county, town, city or village in this state as a copy of its ordinance, bylaw, resolution
6 or regulation, is prima facie evidence thereof; and after 3 years from the date of such
7 publication, entry or recording such book or pamphlet shall be conclusive proof of the
8 regularity of the adoption and publication of the ordinance, bylaw, resolution or
9 regulation.

History: 1975 c. 114; 1983 a. 532 s. 36; 1995 a. 201.

10

(END)



D-note

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

LRB-2666/P1dn

MES ***A***

date

JLd

Rep. Bernier:

Please review this draft carefully to ensure it meets your intent. ✓ I was not able to complete all of the requested changes in this version of the draft. Some of the items are mentioned in ****NOTES in the body of the bill. Others, I'll mention here.

I was not able to make the requested change to make the county clerk responsible for the administration of elections, and the associated change in s. 59.23 (2) (n). ✓ I talked to my colleague, Jeff Kuesel, who drafts in the area of elections and he said that such a request would be a major undertaking that would take a considerable amount of time. ✓ If you would like to pursue this part of your request, Jeff suggests that it be pursued as separate legislation due to its scope and complexity. Please contact Jeff directly at 266-6778 if you'd like to pursue this idea. *to complete*

I did not add the provision regarding a clerk's duty to receive timber notices. I looked through ch. 77 ✓ and I could not find a statute that relates to county clerk notification of timber cutting. I did find a reference to the clerk being notified about some things related to the woodland tax law in s. 77.16 ✓ stats., but nothing about timber cutting. Consequently, it did not make sense to add the proposed s. 59.23 (2) (oa). If I missed something in ch. 77, please let me know and I'll add this provision in the next version of the bill.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2666/P1dn
MES:jld:jm

August 12, 2013

Rep. Bernier:

Please review this draft carefully to ensure it meets your intent. I was not able to complete all of the requested changes in this version of the draft. Some of the items are mentioned in ****NOTES in the body of the bill. Others, I'll mention here.

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

Shovers, Marc

From: Zuleger, Chad
Sent: Tuesday, September 17, 2013 4:35 PM
To: Shovers, Marc
Subject: RE: clerks duties - LRB 2666/P1 - notes and instructions

Nope. I spoke with Jeff and resolved my question and, according to my notes, I've addressed all the drafter's notes from the /P1 draft. If you concur, then I think we are ready for editing. Thanks!

Chad

Chad Zuleger
Office of State Representative Kathy Bernier
68th Assembly District
(608) 266-9172

From: Shovers, Marc
Sent: Tuesday, September 17, 2013 4:29 PM
To: Zuleger, Chad
Subject: RE: clerks duties - LRB 2666/P1 - notes and instructions

I created s. 59.23 (2) (nm) to add a reference to timber harvesting notices under s. 26.03 (1m) (a) 2.; there are no other references to "clerk" in ch. 26 other than in s. 26.03 (1m) (a) 1. and 2.

So would you like me to put the draft into editing, or are you still waiting to hear from Jeff about something? Thanks.

Marc

From: Zuleger, Chad
Sent: Tuesday, September 17, 2013 4:21 PM
To: Shovers, Marc
Subject: FW: clerks duties - LRB 2666/P1 - notes and instructions

Hi Marc,

Yes, DPI gave the ok to delete that statute. I did have one question regarding the timber statute (see below).

I did speak with Jeff regarding the note below and he confirmed that he addressed this in his part of the draft. Once you confirm that there are no other references to clerks in chapter 26 relating to timber or other items, we should be ready for the /P2.

Thanks.

Chad

Chad Zuleger

Office of State Representative Kathy Bernier

68th Assembly District

(608) 266-9172

From: Zuleger, Chad

Sent: Thursday, September 12, 2013 6:37 PM

To: Shovers, Marc

Subject: clerks duties - LRB 2666/P1 - notes and instructions

Hi Marc --

I have a couple more drafting instruction regarding your notes on LRB 2666/P1.

1. Wisc. Stat. 59.23 (2) (j) is ok to delete. DPI confirmed this statute was valid in the past but is no longer used.
2. The Timber cutting notices statutes referred to in the initial drafting instruction is found in Wisc. Stat. 26.03 (1m) 1. & 2.
 - a. Question: Wisc. Stat. 26.03 (1r) relates to 'harvesting upon recording' but refers to register of deeds. While this reference wouldn't apply to county clerks would you confirm that there are not any further references to county clerk duties/responsibilities in Chapt. 26?

I still have to touch base with Jeff K. regarding the election officials instruction he was working on but let's talk about the status of your notes and ensure that we've addressed all your notes to the /P1 draft.

Thanks!

Chad

Chad Zuleger

Office of State Representative Kathy Bernier

68th Assembly District

(608) 266-9172

in 46B-2666/P 2...

59.23(2)(h)

make the change to par(h) - re: elections
 & create a new # that repeats what
 is removed -- ~~the~~ par. ~~(h)~~ should
 just deal w/ taxes, & a new
 par. (key ck; (ba)), should
 copy the delete lang into a new #

timber cutting:

see D. 26.03 (1m) (2)



JJK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

pmf

SOON

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(repeals)
AN ACT ~~to repeal 59.23 (2) (j) and 59.23 (2) (k); to renumber 59.23 (2) (d); to amend 59.23 (1) (a), 59.23 (1) (b), 59.23 (1) (c), 59.23 (2) (a), 59.23 (2) (b), 59.23 (2) (c), 59.23 (2) (d) (title), 59.23 (2) (e), 59.23 (2) (f), 59.23 (2) (h), 59.23 (2) (m) 2., 59.23 (2) (q), 59.23 (2) (r), 59.23 (2) (s) and 889.04; and to create 59.23 (2) (cm), 59.23 (2) (d) 2., 59.23 (2) (de), 59.23 (2) (dg) and 59.23 (2) (di) of the~~

statutes; **relating to:** modifying the duties of a county clerk *and staffing of the board of election commissioners in populous counties*

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

INS ANAL JJK

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

SECTION 1. 59.23 (1) (a) of the statutes is amended to read:

59.23 (1) (a) Every clerk shall appoint in writing one or more full-time deputies to work exclusively in the clerk's office and shall file the appointment in the clerk's

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1 office. A deputy appointed under this paragraph may be removed only by the clerk.

2 The deputy or deputies shall aid in the performance of the duties of the clerk under
3 the clerk's direction, and in case of the absence or disability of the clerk or of a vacancy
4 in the clerk's office, unless another is appointed ~~therefor~~ as provided in par. (c), shall
5 perform all of the duties of the clerk during the absence or until the vacancy is filled.

6 The board ~~may, at any meeting,~~ shall provide a salary for the deputy or deputies.

****NOTE: I'm not sure what the intent is for a lot of the suggested changes to this
paragraph. I did not make a lot of the other suggested changes because they did not seem
to have any legal effect. Some just seemed to add unnecessary words, and some changes
put an active voice sentence into the passive voice.

7 **SECTION 2.** 59.23 (1) (b) of the statutes is amended to read:

8 59.23 (1) (b) In each county ~~having a population exceeding 150,000 according~~
9 ~~to the last state or national census,~~ the clerk may also appoint the number of
10 assistants that the board authorizes and prescribes, and the assistants shall receive
11 salaries that the board provides and fixes.

12 **SECTION 3.** 59.23 (1) (c) of the statutes is amended to read:

13 59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board
14 ~~may~~ shall appoint an acting clerk, ~~who shall~~ within 90 days after the board adopts
15 a resolution finding that the clerk is incapable of discharging the duties of the office.
16 The acting clerk shall serve until the disability is removed. If the board is not in
17 session at the time of the incapacity, the chairperson of the board may appoint an
18 acting clerk, whose term shall not extend beyond the next regular or special meeting
19 of the board. A person appointed as acting clerk or appointed to fill a vacancy in the
20 office of clerk, upon giving an official bond with sureties as required of a clerk, shall
21 perform all of the duties of the office; and thereupon the powers and duties of the
22 deputy of the last clerk shall cease.

23 **SECTION 4.** 59.23 (2) (a) of the statutes is amended to read:

1 59.23 (2) (a) *Board proceedings.* Act as clerk of the board at all of the board's
 2 regular, special, and standing committee meetings thereof; under the direction of the
 3 county board chairperson, create the agenda for board meetings; keep and record in
 4 a book therefor true minutes of all the proceedings of the board; file in the clerk's
 5 office copies of agendas and minutes of board meetings and committee meetings;
 6 make regular entries of the board's resolutions and decisions upon all questions;
 7 record the vote of each supervisor on any question submitted to the board, if required
 8 by any member present; ^{publish ordinances as provided in s. 59.14(1);} and perform all duties prescribed by law or required by the
 9 board in connection with its meetings and transactions.

***NOTE: I did not add to par. (a) a requirement that the clerk "publish ordinances enacted by the board," as requested in the instructions. This is already required of the clerk under s. 59.14 (1); the title of that section is "Publication of ordinances and proceedings."

10 **SECTION 5.** 59.23 (2) (b) of the statutes is amended to read:

11 59.23 (2) (b) *Recording of proceedings.* Record at length ~~in a book therefor~~ every
 12 resolution adopted, order passed and ordinance enacted by the board.

13 **SECTION 6.** 59.23 (2) (c) of the statutes is amended to read:

14 59.23 (2) (c) *Orders for payment.* Sign all orders for the payment of money
 15 directed by the board to be issued, and keep ~~in a book therefor~~ a true and correct
 16 account ~~thereof~~ of such orders, and of the name of the person to whom each order is
 17 issued; but he or she shall not sign or issue any county order except upon a recorded
 18 vote or resolution of the board authorizing the same; and shall not sign or issue any
 19 such order for the payment of the services of any clerk of court, district attorney or
 20 sheriff until the person claiming the order files an affidavit stating that he or she has
 21 paid into the county treasury all moneys due the county and personally collected or
 22 received in an official capacity; and shall not sign or issue any order for the payment

1 of money for any purpose in excess of the funds appropriated for such purpose unless
2 first authorized by a resolution adopted by the county board under s. 65.90 (5).

3 **SECTION 7.** 59.23 (2) (cm) of the statutes is created to read:

4 59.23 (2) (cm) *Apportionment of taxes.* Apportion taxes and carry out other
5 responsibilities as specified in s. 70.63 (1).

6 **SECTION 8.** 59.23 (2) (d) (title) of the statutes is amended to read:

7 59.23 (2) (d) (title) *Accounts, access to financial records.*

8 **SECTION 9.** 59.23 (2) (d) of the statutes is renumbered 59.23 (2) (d) 1.

9 **SECTION 10.** 59.23 (2) (d) 2. of the statutes is created to read:

10 59.23 (2) (d) 2. Have free access to the books, accounts, bills, vouchers, and
11 receipts as described in s. 59.47 (1), as often as may be necessary to perform the
12 duties required under this section and the duties described under s. 59.47 (1), and
13 the clerk shall report in writing the results of the examinations conducted under s.
14 59.47 (1) to the board.

15 **SECTION 11.** 59.23 (2) (de) of the statutes is created to read:

16 59.23 (2) (de) *Property.* To the extent authorized by the board, exercise the
17 authority under s. 59.52 (6).

18 **SECTION 12.** 59.23 (2) (dg) of the statutes is created to read:

19 59.23 (2) (dg) *Dogs.* Perform the responsibilities relating to dog licensing,
20 which are assigned to the clerk under ch. 174, and the dog fund specified in ch. 174.

21 **SECTION 13.** 59.23 (2) (di) of the statutes is created to read:

22 59.23 (2) (di) *Marriage licenses, domestic partnerships.* Administer the
23 program for issuing marriage licenses as provided in ch. 765 and the program for
24 forming and terminating domestic partnerships as provided in ch. 770.

25 **SECTION 14.** 59.23 (2) (e) of the statutes is amended to read:

1 59.23 (2) (e) *Reports of receipts and disbursements.* Record ~~in a book therefor~~
2 the reports of the treasurer of the receipts and disbursements of the county.

3 **SECTION 15.** 59.23 (2) (f) of the statutes is amended to read:

4 59.23 (2) (f) *Recording receipts and disbursements.* Keep a true and accurate
5 account ~~in a book therefor~~ of all money which comes into the clerk's hands by virtue
6 of the clerk's office, specifying the date of every receipt or payment, the person from
7 or to whom the receipt or payment was received or paid, and the purpose of each
8 particular receipt or disbursement, and keep the book at all times open to the
9 inspection of the county board or any member of the board.

10 **SECTION 16.** 59.23 (2) (h) of the statutes is amended to read:

11 59.23 (2) (h) *Books of account.* Keep all of the accounts of the county and all
12 books of account as in a manner that the board directs. Books of account shall be
13 maintained on a calendar year basis, which shall be the fiscal year in every county.

14 **SECTION 17.** 59.23 (2) (j) of the statutes is repealed.

***NOTE: You may wish to check with DPI to see if they agree that this statute may
be repealed.

15 **SECTION 18.** 59.23 (2) (k) of the statutes is repealed.

***NOTE: I don't believe that there will be any unreported name changes if s. 59.23
(2) (k) is repealed, but you may wish to double check with DOA's Incorporation Review
Board.

16 **SECTION 19.** 59.23 (2) (m) 2. of the statutes is amended to read:

17 59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths
18 and bonds of all county officers and upon request shall certify under the clerk's
19 signature and seal the official capacity and authority of any county officer so filing
20 and charge ~~therefor~~ the statutory fee. Upon the commencement of each term every
21 clerk shall file the clerk's signature and the impression of the clerk's official seal in
22 the office of the secretary of state.

✓
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→ INSERT 5-22 ←

1 SECTION 20. 59.23 (2) (q) of the statutes is amended to read:

2 59.23 (2) (q) *County highway commissioner; notify of election.* ~~Except in~~
3 ~~counties having a population of 150,000 or more, notify~~ Notify a county commissioner
4 of highways of the commissioner's election within 10 days thereafter.

5 SECTION 21. 59.23 (2) (r) of the statutes is amended to read:

6 59.23 (2) (r) *County tax for road and bridge fund.* ~~Except in counties having~~
7 ~~a population of 150,000 or more, notify~~ Notify the proper town officers of the levy and
8 rate of any tax for the county road and bridge fund.

9 SECTION 22. 59.23 (2) (s) of the statutes is amended to read:

10 59.23 (2) (s) ~~List of municipal officers~~ local officials. Annually, on the first
11 Tuesday of June, transmit to the secretary of state a typewritten or printed list
12 showing the name, phone number, and post-office address of local officials, including
13 the chairperson, mayor, president, clerk, treasurer, council and board members, and
14 assessor of each municipality, and of the elective officials of any school district,
15 technical college district, and sanitary district that is located wholly or partly within
16 the county. Such lists shall be placed on file for the information of the public. The
17 clerk, secretary, or other administrative officer of a local governmental unit, as
18 defined in s. 66.0137 (1) (ae), shall provide the county clerk the information he or she
19 needs to complete the requirements of this paragraph. *gs*

***NOTE: Would you like to include e-mail address among the items that must be
included on the list? *Yes*

20 SECTION 23. 889.04 of the statutes is amended to read:

21 889.04 **County and municipal ordinances.** Matter entered or recorded in
22 any ordinance ~~or,~~ record book, or other format authorized under ss. 59.23 (2) (b),
23 60.33 (1) and (2), 61.25 (3) and 62.09 (11) (c) or printed in any newspaper, book,

1 pamphlet, or other form purporting to be so published, entered or recorded by any
2 county, town, city or village in this state as a copy of its ordinance, bylaw, resolution
3 or regulation, is prima facie evidence thereof; and after 3 years from the date of such
4 publication, entry or recording such book or pamphlet shall be conclusive proof of the
5 regularity of the adoption and publication of the ordinance, bylaw, resolution or
6 regulation.

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(END)