

2015 DRAFTING REQUEST

Bill

Received: 1/12/2016 Received By: mshovers
For: Chris Larson (608) 266-7505 Same as LRB: -4642
May Contact: By/Representing: Justin
Subject: Local Gov't - counties Drafter: mshovers
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Larson@legis.wisconsin.gov
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Repeal the changes made in Act 55 relating to the powers of the Milwaukee County Executive and the Board

Instructions:

See attached. Reverse the effect of b0434, as affected by b0582

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mshovers 2/4/2016	wjackson 1/25/2016	_____	lparisi 1/25/2016		Local
/1		wjackson 2/4/2016	_____	sbasford 2/4/2016	sbasford 2/4/2016	Local

FE Sent For:

@
INTRO

<END>

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/P1	mshovers 1/21/2016	wjackson 1/25/2016	_____	lparisi 1/25/2016		Local

11 ME S 2/4/16
 FE Sent For:

Jacketed for (3)

<END>

Justin Sen. Larson 6-7505

2 bills

1) RP; education takeover 2 Mil.
Co. Exec TRK

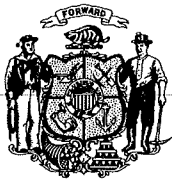
2) RP; expanded powers of Mil. Co. exec.
{ stuff in budget }

EW
60458/2

probably

60434, as app. by
60582

60434/7



LFB:.....Rick Olin – Specify that a county board may not interfere with the administrative duties of a county executive.

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 21**

As amended by b 0582/P1

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

2 **1.** Page 760, line 14: after that line insert:

3 **“SECTION 1907m.** 59.17 (2) (b) 3. of the statutes is renumbered 59.17 (2) (b) 3.
4 (intro.) and amended to read:

5 59.17 (2) (b) 3. (intro.) Exercise the authority under s. 59.52 (6) (a) that would
6 otherwise be exercised by a county board, except that the county board may continue
7 to exercise the authority under s. 59.52 (6) with regard to land that is zoned as a park
8 on or after the effective date of this subdivision ... [LRB inserts date], other than land
9 zoned as a park in the city of Milwaukee that is located within the area west of
10 Lincoln Memorial Drive, south of E. Mason Street, east of N. Van Buren Street, and
11 north of E. Clybourn Avenue. With regard to the sale ~~or~~, acquisition, or lease as

1 landlord or tenant of property, other than certain park land as described in this
2 subdivision, the county executive's action ~~must~~ need not be consistent with
3 established county board policy and ~~must be approved by~~ may take effect without
4 submission to or approval by the county board to take effect. The county board may
5 only approve or reject the contract as negotiated by the county executive. The
6 proceeds of the sale of property as authorized under this subdivision shall first be
7 applied to any debt attached to the property. Before the county executive's sale of
8 county land may take effect, a majority of the following must sign a document, a copy
9 of which will be attached to the bill of sale and a copy of which will be retained by the
10 county, certifying that they believe the sale is in the best interests of the county:

****NOTE: The specificity of the amendment of s. 59.17 (2) (b) 3. (intro.) could make this provision subject to a constitutional challenge as a violation of article IV, section 18, of the Wisconsin Constitution, which prohibits private or local bills from being part of multi-subject legislation.

11 **SECTION 1907n.** 59.17 (2) (b) 3. a. to c. of the statutes are created to read:

12 59.17 (2) (b) 3. a. The county executive or his or her designee.

13 b. The county comptroller or his or her designee.

14 c. An individual who is a resident of the city, village, or town where the property
15 is located, who shall be appointed, at least biennially, by the executive council, as
16 defined in s. 59.794 (1) (d). The individual appointed under this subd. 3. c. may not
17 be an elective official, and he or she must have demonstrable experience in real estate
18 law or real estate sales or development.

****NOTE: This is drafted according to your instructions, but I'm not sure what it means to appoint someone "at least biennially." Also, due to the fact that the appointee must reside in the municipality in which the property is located, it seems as if the individual may lose his or her position every time there's a need for this group to convene, depending on where the properties to be sold are located.

19 ~~**SECTION 1907o.** 59.17 (2) (d) of the statutes is created to read:~~

1 59.17 (2) (d) In any county with a population of 750,000 or more, the county
2 executive shall have sole authority over the following administrative actions, which
3 may take effect without any review or approval of the board:

4 1. Procurement, including requests for proposals or information, negotiation,
5 approval, amendment, execution, administration, and payment.

6 2. Contracting, including negotiation, requests for proposals or information,
7 approval, amendment, execution, administration, and payment.

8 3. Administrative review of appeals of the denial in whole or in part of a contract
9 award, an initial permit, license, right, privilege, or authority, except an alcohol
10 beverage license, for which a person applies through the county.

11 4. Actions taken under the administrative manual of operating procedures
12 related to the authority and powers granted to a county executive under the statutes
13 and under county ordinances. If an action taken by the county board conflicts with
14 an action taken by a county executive under this subdivision, the county executive's
15 action shall prevail over the county board's action to the extent that the county
16 executive's action and the county board's action conflict."

17 **2.** Page 763, line 2: after that line insert:

18 "SECTION 1912r. 59.51 (3) of the statutes is created to read:

19 59.51 (3) POPULOUS COUNTIES, LIMITATIONS ON POWERS. The board of any county
20 with a population of 750,000 or more may not enact an ordinance or adopt a
21 resolution or policy that conflicts or interferes, in form or function, with the statutory
22 authority of a county executive.

23 SECTION 1912t. 59.52 (6) (intro.) of the statutes is amended to read:

1 59.52 (6) PROPERTY. (intro.) ~~The~~ Except as provided in s. 59.17 (2) (b) 3., the
2 board may:

3 **SECTION 1912tc.** 59.52 (6) (a) of the statutes is amended to read:

4 59.52 (6) (a) *How acquired; purposes.* ~~Except as provided in s. 59.17 (2) (b) 3.,~~
5 ~~take~~ Take and hold land acquired under ch. 75 and acquire, lease or rent property,
6 real and personal, for public uses or purposes of any nature, including without
7 limitation acquisitions for county buildings, airports, parks, recreation, highways,
8 dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal
9 for county institutions, lime pits for operation under s. 59.70 (24), equipment for
10 clearing and draining land and controlling weeds for operation under s. 59.70 (18),
11 ambulances, acquisition and transfer of real property to the state for new collegiate
12 institutions or research facilities, and for transfer to the state for state parks and for
13 the uses and purposes specified in s. 23.09 (2) (d).”.

14 **3.** Page 763, line 6: after that line insert:

15 ~~“SECTION 1914e. 59.52 (31) (b) of the statutes is repealed.~~

16 **SECTION 1914f.** 59.52 (31) (c) of the statutes is repealed.

17 **SECTION 1914g.** 59.52 (31) (d) of the statutes is amended to read:

18 59.52 (31) (d) With regard to any contract to which a county is a party and
19 ~~which is subject to review by the board or by a committee of the board under this~~
20 ~~subsection, the board’s finance committee is the only committee which has~~
21 ~~jurisdiction over the contract,~~ the board shall have no role in the review of the
22 contract and the contract may take effect without approval by the board.”.

XNS
4-27

23 **4.** Page 796, line 22: after that line insert:

24 ~~“SECTION 2012m. 68.14 (1) of the statutes is amended to read:~~



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 21

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 584, line 24: delete that line.

3 **2.** Page 585, line 1: delete lines 1 to 16.

4 **3.** Page 588, line 8: delete lines 8 to 12.

5 **4.** Page 589, line 20: delete lines 20 to 25.

6 **5.** Page 590, line 1: delete lines 1 to 2 and substitute:

7 **SECTION 1914h.** 59.52 (31) (e) of the statutes is created to read:

8 59.52 (31) (e) With regard to any transaction to which s. 59.17 (2) (b) 3. applies,
9 such a transaction is not subject to the provisions of pars. (b), (c), and (d).".

10 **6.** Page 644, line 21: delete lines 21 to 24.

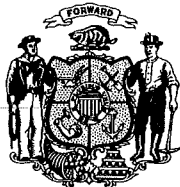
INS
4-22

1

7. Page 645, line 1: delete lines 1 and 2.

2

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4453/P1

MES:...

9/14

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

wanted
Fri. or Mon.

gjm

1 AN ACT ...; relating to: reduces certain powers of the Milwaukee county

2 executive and increases certain powers of the Milwaukee county board,

reducing authority
increasing
in the area of land transactions
in that area

Analysis by the Legislative Reference Bureau

With regard to certain land transactions in Milwaukee county, this bill requires that the county executive's actions to sell or lease certain property must be consistent with county board policy and must be approved by the board before they may take effect. Under the bill, the board may only approve or reject the contract negotiated by the county executive. Under current law, as affected by the 2015-2017 state budget, Wisconsin Act 55, the county executive was empowered to engage in such land transaction in a way that does not need to be consistent with county board policy and could take effect without county board approval, subject to a limitation.

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:

3 SECTION 1. 59.17 (2) (b) 3. (intro.) of the statutes, as affected by 2015 Wisconsin
4 Act 55, is renumbered 59.17 (2) (b) 3. and amended to read:

5 59.17 (2) (b) 3. Exercise the authority under s. 59.52 (6) (a) that would
6 otherwise be exercised by a county board, ~~except that the county board may continue~~

bill
STB

the actions

as

to take effect

is

1 to exercise the authority under s. 59.52 (6) with regard to land that is zoned as a park
2 on or after July 14, 2015, other than land zoned as a park in the city of Milwaukee
3 that is located within the area west of Lincoln Memorial Drive, south of E. Michigan
4 Street, east of N. Van Buren Street, and north of E. Clybourn Avenue. With regard
5 to the sale, acquisition, or lease as landlord or tenant of property, other than certain
6 park land as described in this subdivision, the county executive's action need not
7 must be consistent with established county board policy and may take effect without
8 submission to or approval by must be approved by the county board. The proceeds
9 of the sale of property as authorized under this subdivision shall first be applied to
10 any debt attached to the property. Before the county executive's sale of county land
11 may take effect, a majority of the following must sign a document, a copy of which
12 will be attached to the bill of sale and a copy of which will be retained by the county,
13 certifying that they believe the sale is in the best interests of the county: to take
14 effect. The county board may only approve or reject the contract as negotiated by the
15 county executive.

History: 1975 c. 264; 1977 c. 257, 259; 1979 c. 260; 1981 c. 217, 314, 329; 1981 c. 391 s. 210; 1983 a. 148; 1983 a. 192 ss. 116, 303 (2); 1983 a. 239, 484; 1985 a. 29 ss. 1150 to 1158, 1160, 3200 (56), 3202 (56); 1985 a. 135 s. 85; 1985 a. 176; 1989 a. 273; 1991 a. 269, 274, 316; 1995 a. 16 s. 2; 1995 a. 201 s. 101; Stats. 1995 s. 59.17; 2013 a. 14; 2015 a. 55.

16 **SECTION 2.** 59.17 (2) (b) 3. a. to c. of the statutes, as created by 2015 Wisconsin
17 Act 55, are repealed.

18 **SECTION 3.** 59.52 (6) (intro.) of the statutes, as affected by 2015 Wisconsin Act
19 55, is amended to read:

20 **59.52 (6) PROPERTY.** (intro.) ~~Except as provided in s. 59.17 (2) (b) 3., the~~ The
21 board may:

History: 1995 a. 201 ss. 104, 111 to 115, 117 to 122, 124, 127, 134, 139, 140, 157, 174, 181, 185, 186, 190, 238, 242, 252 to 256, 354, 356 to 360, 414 to 419, 432; 1995 a. 225 s. 135; 1997 a. 35, 237; 1999 a. 9, 83; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 22, 59; 2007 a. 20 ss. 1846, 9121 (6) (a); 2009 a. 369; 2011 a. 32; 2013 a. 14; 2013 a. 173 s. 33; 2015 a. 55.

22 **SECTION 4.** 59.52 (6) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is amended to read:

Shovers, Marc

From: LRB.Legal
Sent: Wednesday, February 03, 2016 4:04 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB -4453/P1



Hi Marc, Could you please make this a /1 with a note on the request sheet when it comes through to us? Thanks much!

Lori

From: Sen.Larson
Sent: Wednesday, February 03, 2016 3:58 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -4453/P1

Please jacket this for introduction in Senate.

From: LRB.Legal
Sent: Monday, January 25, 2016 11:36 AM
To: Sen.Larson <Sen.Larson@legis.wisconsin.gov>
Subject: Draft review: LRB -4453/P1

Following is the PDF version of draft LRB -4453/P1.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4453/F1
MES:wlj

(RMR)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*today
no
changes*

*Jacket for
(S)*

repeal

1 AN ACT *to repeal* 59.17 (2) (b) 3. a. to c. and 59.52 (31) (e); *to renumber and*
2 *amend* 59.17 (2) (b) 3. (intro.); and *to amend* 59.52 (6) (intro.) and 59.52 (6) (a)
3 of the statutes; **relating to:** reducing certain authority of the Milwaukee
4 County executive in the area of land transactions and increasing certain
5 authority of the Milwaukee County Board in that area.

Analysis by the Legislative Reference Bureau

With regard to certain land transactions in Milwaukee County, this bill requires that the county executive's actions to sell or lease certain property must be consistent with county board policy and must be approved by the board before the actions may take effect. Under the bill, the board may only approve or reject the contract as negotiated by the county executive. Under current law, as affected by the 2015 state budget bill, Act 55, the county executive is empowered to engage in such land transaction in a way that does not need to be consistent with county board policy and could take effect without county board approval, subject to a limitation.

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:

SECTION 1

1 **SECTION 1.** 59.17 (2) (b) 3. (intro.) of the statutes, as affected by 2015 Wisconsin
2 Act 55, is renumbered 59.17 (2) (b) 3. and amended to read:

3 59.17 (2) (b) 3. Exercise the authority under s. 59.52 (6) (a) that would
4 otherwise be exercised by a county board, ~~except that the county board may continue~~
5 ~~to exercise the authority under s. 59.52 (6) with regard to land that is zoned as a park~~
6 ~~on or after July 14, 2015, other than land zoned as a park in the city of Milwaukee~~
7 ~~that is located within the area west of Lincoln Memorial Drive, south of E. Michigan~~
8 ~~Street, east of N. Van Buren Street, and north of E. Clybourn Avenue. With regard~~
9 ~~to the sale, acquisition, or lease as landlord or tenant of property, other than certain~~
10 ~~park land as described in this subdivision, the county executive's action need not~~
11 ~~must be consistent with established county board policy and may take effect without~~
12 ~~submission to or approval by~~ must be approved by the county board. ~~The proceeds~~
13 ~~of the sale of property as authorized under this subdivision shall first be applied to~~
14 ~~any debt attached to the property. Before the county executive's sale of county land~~
15 ~~may take effect, a majority of the following must sign a document, a copy of which~~
16 ~~will be attached to the bill of sale and a copy of which will be retained by the county,~~
17 ~~certifying that they believe the sale is in the best interests of the county: to take~~
18 ~~effect. The county board may only approve or reject the contract as negotiated by the~~
19 county executive.

20 **SECTION 2.** 59.17 (2) (b) 3. a. to c. of the statutes, as created by 2015 Wisconsin
21 Act 55, are repealed.

22 **SECTION 3.** 59.52 (6) (intro.) of the statutes, as affected by 2015 Wisconsin Act
23 55, is amended to read:

24 59.52 (6) PROPERTY. (intro.) ~~Except as provided in s. 59.17 (2) (b) 3., the~~ The
25 board may:

