



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1488/P3
MES:ahe

DOA:.....Wimmer, BB0193 - County government department consolidation
FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

This bill clarifies that if a unit of government has a responsibility to carry out a certain function, and it enters into an intergovernmental cooperation contract with another unit of government to jointly perform the responsibility, the jointly established entity fulfills the unit of government's responsibility to carry out that function until the contract expires or is terminated. In addition, if two or more units of government enter into such a contract and create a commission to jointly or regionally administer a function or project, the commission shall be considered to be a single entity that represents, and may act on behalf of, the joint interests of the signatories to the contract.

For further information see the *state and 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. 59.52 (7) of the statutes is amended to read:

59.52 (7) JOINT COOPERATION. The board may join with the state, other counties and municipalities in a cooperative arrangement as provided by s. 66.0301, including

the acquisition, development, remodeling, construction, equipment, operation and maintenance of land, buildings and facilities for regional projects, whether or not such projects are located within the county. If a county is required to establish or maintain an agency, department, commission, or any other office or position to carry out a county responsibility, and the county joins with another county or municipality by entering into an intergovernmental cooperation contract under s. 66.0301 to jointly carry out the responsibility, the jointly established or maintained agency, department, commission, or any other office or position to which the contract applies fulfills the county's obligation to establish or maintain such entities or positions until the contract entered into under s. 66.0301 expires or is terminated by the parties. In addition, if 2 or more counties enter into an intergovernmental cooperation contract and create a commission under s. 66.0301 to jointly or regionally administer a function or project, the commission shall be considered to be a single entity that represents, and may act on behalf of, the joint interests of the signatories to the contract entered into under s. 66.0301.

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

66.0301 (2) Subject to s. 59.794 (2), and in addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the

contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state. If a municipality is required to establish or maintain an agency, department, commission, or any other office or position to carry out a municipal responsibility, and the municipality joins with another municipality by entering into an intergovernmental cooperation contract under this subsection to jointly carry out the responsibility, the jointly established or maintained agency, department, commission, or any other office or position to which the contract applies fulfills the municipality's obligation to establish or maintain such entities or positions until the contract entered into under this subsection expires or is terminated by the parties. In addition, if 2 or more municipalities enter into an intergovernmental cooperation contract and create a commission under this section to jointly or regionally administer a function or project, the commission shall be considered to be a single entity that represents, and may act on behalf of, the joint interests of the signatories to the contract entered into under this section.

SECTION 9331. Initial applicability; Local Government.

(1) INTERGOVERNMENTAL COOPERATION CONTRACTS. The treatment of sections 59.52 (7) and 66.0301 (2) of the statutes first applies to contracts entered into on the effective date of this subsection.

(END)