

Notice of Public Meeting
Tuesday, February 13, 2018
3:00 p.m.

**LEGISLATIVE
COMMITTEE**

*Door County Government Center
Chambers Room (C102), 1st floor
421 Nebraska Street, Sturgeon Bay, WI*

AGENDA

- 1. Call Meeting to Order
- 2. Establish a Quorum ~ Roll Call
- 3. Adopt Agenda / Properly Noticed
- 4. Approve Minutes of January 9, 2018 Legislative Committee Meeting
- 5. Communications
- 6. Public Comment
- 7. Supervisor Response
- 8. Old Business
 - A. United to Amend – Draft Resolution to County Board
 - B. United to Amend – Consideration of County-Wide Referendum
 - C. AG’s Opinion re: County Board Members Attendance at Meetings Which May Cause a Quorum
- 9. New Business
 - A. Review Resolutions from Other Counties and Refer to Appropriate Committees for Recommendation as to Action of the County Board
 - 1. Town of Clay Banks - Supporting Constitutional Amendment to Limit Campaign Contributions
 - 2. Milwaukee – County Executive / County Administrator
 - 3. Adams County – Urging Creation of a Non-Partisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans
 - B. NOAA Marine Sanctuary
 - C. Wetland Bill SB600 / AB547
 - D. WCA Legislative Exchange Conference
- 10. Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee
- 11. Next Meeting Date: tbd
- 12. Meeting Per Diem Code
- 13. Adjourn

Deviation from the order shown may occur

Call Meeting to Order

Chair Susan Kohout called the January 9, 2018 meeting of the Legislative Committee to order at 3:00 p.m. at the Door County Government Center.

Establish a Quorum – Roll Call

Committee members present – Susan Kohout, Roy Englebert, Helen Bacon, and Steve Sohns. David Enigl was excused.

Others present – Administrator Ken Pabich, CC Grant Thomas, County Clerk Jill Lau, Clerk of Court Connie DeFere, United to Amend Dan Powers, and Media.

Adopt Agenda / Properly Noticed

Motion by Bacon, seconded by Englebert to approve the agenda. Motion carried by unanimous voice vote.

"These minutes have **not** been reviewed by the oversight committee and are subject to approval at the next regular committee meeting."

Approve Minutes of October 17, 2017 Legislative Committee Meeting

Motion by Sohns, seconded by Bacon to approve the minutes of October 17, 2017 meeting. Motion carried by unanimous voice vote.

Communications

No communications were presented.

Public Comment

No one from the public commented.

Supervisor Response

N/A.

Old Business

United to Amend – Consideration of County-Wide Referendum

Dan Powers, United to Amend Rep, presented information regarding the most recent municipalities who have adopted resolutions. Fourteen of the nineteen Door County municipalities have now adopted resolutions. The Town of Sevastopol and Town of Washington have declined to place the matter on an agenda. Nine counties have passed this; six by resolution and three by referendum. Two counties have the question on the April ballot. Powers asked the committee to consider bringing a resolution forward to County Board to hold a referendum in November 2018.

CC Thomas explained there are no statutory requirements for the county to hold a referendum vote. Discussion regarding if a referendum or a resolution is a more powerful message to legislators. A referendum question is supposed to be opinion neutral. In the past the county has hired outside counsel to draft a question that is neutral. Discussion of the steps needed to get to the end result. Dan explained the mid goal is to have the state hold a statewide referendum with the end goal of amending the US Constitution. A resolution may be more appropriate and may be able to move through Wisconsin Counties Association for lobbying. The question was asked how the County intended to educate the public in advance of a referendum vote. Discussion on what is the better route to take for this to succeed and discussion of next steps.

Motion by Englebert, seconded by Sohns to draft a resolution asking for a statewide referendum to support a constitutional amendment to the U.S. Constitution and pass on to County Board. CC Thomas will work on drafting the resolution and research what other counties have done and bring the draft to the next Legislative Committee meeting for review prior to sending to County Board. Motion carried by unanimous voice vote.

WCA Big Box Legislative Update

Chair Kohout explained this legislation has died and it is not expected to come back next session.

New Business**Review Resolutions from Other Counties and Refer to Appropriate Committees for Recommendation as to Action of the County Board**

Portage County – Opposition to 2017 SB 54 & 2017 AB 94

Village of Sister Bay – Opposition to the Back Forty Mine

Trempealeau County – Opposition to Section 7 of SB387 & AB479

Outagamie County – Nurse Licensure

Outagamie County – Mining

Town of Brussels, Town of Nasewaupée- Supporting Constitutional Amendment to Limit Campaign Contributions

Ashland County – Resolution Opposing the Passage of SB 54 & AB 94

All resolutions were reviewed. No further action taken.

AG's Opinion re: County Board Members Attendance at Meetings Which May Cause a Quorum

Supervisor Sohns requested this agenda item. There needs to be discussion on how to solve this dilemma. CC Thomas noted WCA tapped Attorney Andy Phillips for ideas. Thomas will research and report back. Chair Kohout suggested asking our State Legislators to possibly pressure the Attorney General for a new opinion or to possibly sponsor legislation to fix the problem.

Discussion on State Debt Collection through Clerk of Courts

Clerk of Court Connie DeFere explained this topic came about when she requested a change in collection agents through the Administrative Committee. DeFere noted Door County has approximately \$2M in outstanding fines. Supervisor Virlee suggested the Legislative Committee work with state legislators to draft legislation that suspends licenses such as drivers licenses and DNR licenses for failure of payment of fines. DeFere explained that courts can already suspend DL's for one year for outstanding fines. Administrator Pabich suggested letting this sit for one year before any course of action is taken to determine how the new collection agency is working. There are a lot of tools to use in collections already. No further action was taken.

WCA Legislative Exchange Conference

Supervisor Sohns and Enigl will be attending.

Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee

Nothing new as of this meeting.

Next Meeting Date: tbd

February 13, 2018 – 3:00 p.m.

Meeting Per Diem Code

530.

Adjourn

Motion by Englebert, seconded by Sohns to adjourn. Time 4:16 p.m. Motion carried by voice vote.

Respectfully submitted by Jill M. Lau, County Clerk



DOOR COUNTY

Resolution No. 2018-____

SUPPORTING A CONSTITUTIONAL AMENDMENT TO ALLOW LIMITS ON CAMPAIGN CONTRIBUTIONS

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

| ROLL CALL Board Members | Aye | Nay | Exc. |
|-------------------------|-----|-----|------|
| AUSTAD | | | |
| BACON | | | |
| D. ENGLEBERT | | | |
| R. ENGLEBERT | | | |
| ENIGL | | | |
| FISHER | | | |
| GUNNLAUGSSON | | | |
| HALSTEAD | | | |
| KOCH | | | |
| KOHOUT | | | |
| LIENAU | | | |
| LUNDAHL | | | |
| MOELLER | | | |
| NEINAS | | | |
| ROBILLARD | | | |
| SCHULTZ | | | |
| SITTE | | | |
| SOHNS | | | |
| VIRLEE | | | |
| VLIES WOTACHEK | | | |
| WAIT | | | |
| | | | |

BOARD ACTION
 Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted

1st _____ Defeated

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

FISCAL IMPACT:

1 **WHEREAS**, Free and fair elections are essential to democracy and effective self-governance;
 2 and
 3
 4 **WHEREAS**, The appearance of buying access to candidates or influencing policy, governance,
 5 and judicial decisions because of large outsider donations erodes voter confidence in our elections
 6 and democracy; and
 7
 8 **WHEREAS**, The County of Door has an interest in protecting itself and its citizens against
 9 intrusions on local control by mitigating the influence of money and privileged access in state and
 10 federal government and elections; and
 11
 12 **WHEREAS**, The U.S. Supreme Court's decisions in *Citizens United (2010)* and related cases
 13 allow unlimited spending by certain groups known as Super-PACs to influence local, state, and
 14 federal elections; and
 15
 16 **WHEREAS**, To date, 74% of Door County municipalities (14/19) have called upon the Door
 17 County Board of Supervisors to support their Resolutions Supporting a Constitutional Amendment
 18 to Allow Limits on Campaign Contributions.
 19
 20 **WHEREAS**, The goal is to add an amendment to the Constitution, thereby overturning multiple
 21 Supreme Court cases, which have made it impossible to achieve campaign finance goals through
 22 simple legislation, and
 23
 24 **NOW, THEREFORE, BE IT RESOLVED**, that the Door County Board of Supervisors
 25 supports amending the United States Constitution to provide that corporations are not
 26 entitled to the entirety of protections or "rights" of human beings, specifically so that the
 27 expenditure of corporate money to influence the electoral process is no longer a form of
 28 constitutionally protected speech, and calls on Congress to begin the process of amending
 29 the Constitution. We further call upon the State of Wisconsin Legislature to ratify such
 30 amendment.
 31
 32 **BE IT FURTHER RESOLVED**, the County Clerk is directed to forward a copy of this resolution
 33 to all U.S. Congressmen and Senators from the State of Wisconsin, as well as the State Legislators.

SUBMITTED BY: LEGISLATIVE COMMITTEE

| | | | |
|-------|------------------------|-------|-------------|
| _____ | Susan Kohout, Chairman | _____ | David Enigl |
| _____ | Helen Bacon | _____ | Steve Sohns |
| _____ | Roy Englebert | | |

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 27th day of February, 2018 by the Door County Board of Supervisors.

 Jill M. Lau
 County Clerk, Door County

TOWNSHIP OF CLAY BANKS

Door County, Wisconsin

Myron Johnson, Chairman
Mark Heimbecher, Supervisor
Patrick Olson, Supervisor

Jessica Bongle, Clerk
Candace Kolstad, Treasurer

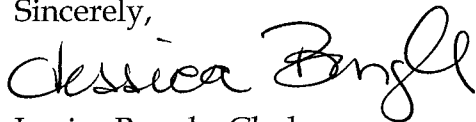
January 10, 2018

Door County Clerk
421 Nebraska Street
Sturgeon Bay, WI 54235

Dear Mrs. Lau:

Enclosed please find a copy of Resolution 17-12-01 - Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions and Conducting a Non-Binding Statewide Referendum passed unanimously by the Town of Clay Banks Board at the monthly Town Board meeting on December 14, 2017. On behalf of the Town of Clay Banks, I urge you to support this Resolution and ask the Wisconsin State Legislature to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution. Thank you for your consideration and time in this matter.

Sincerely,



Jessica Bongle, Clerk
townofclaybanks@gmail.com
(920) 493-7383

Town of Clay Banks
RESOLUTION 17-12-01

**Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions
And
Conducting a Non-Binding Statewide Referendum**

Whereas, free and fair elections are essential to democracy and effective self-governance; and

Whereas, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy; and

Whereas, the U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections; and

Whereas, the above mentioned Supreme Court cases:

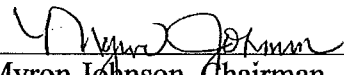
- 1) have granted Corporations, Unions, SuperPACs, and other man-made entities the same Constitutional protections given only to "We the People..." (i.e., individual human beings) by the Framers of the Constitution, and;
- 2) have declared money to be 'free speech'

Now therefore, be it resolved that the Town Board of Clay Banks, Door County, Wisconsin, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and ask the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution stating:

1. Only human beings –not corporations, unions, SuperPACs or similar associations –are endowed with individual constitutional rights, and
2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

Be it further resolved, that the Clerk for the Town of Clay Banks send a copy of this Resolution to the Door County Board and to our State and Federal Representatives with a request to enact resolutions, referenda, and legislation to advance this effort.

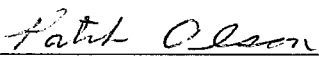
Adopted this 14th day of December 2017.



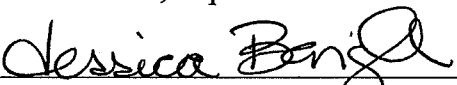
Myron Johnson, Chairman



Mark Heimbecher, Supervisor



Patrick Olson, Supervisor



Attest: Jessica Bongle, Clerk

Theodore LIPSCOMB

Milwaukee County Board Chairman
County Supervisor, 1st District

February 1, 2018

George Christenson
Milwaukee County Clerk
901 N. 9th Street, Room 105
Milwaukee, WI 53233

RE: Draft Legislation Potentially Impacting County Government (LRB 5135/1)

Dear Clerk Christenson,

I was recently made aware of legislation circulating—but not yet introduced—that would affect the balance of power between county executives/county administrators and county boards in nearly every county in the state. The Milwaukee County Board opposes this legislation, as does the Wisconsin Counties Association. While our conversations—and those of WCA—with some members of the legislature indicate that this legislation is not likely to advance, I wanted to make you aware of the proposal given its potential statewide impacts.

According to the title of the bill, the legislation is designed to “increas[e] the authority of a county executive and reduc[e] the authority of a county board.” As noted, the language of this bill is not specific to Milwaukee County; rather, it affects every county with an elected county executive and most other counties with unelected county administrators.

As you are likely aware, Milwaukee County has recently been the target of similar legislation, but the proposed legislation goes even further than the statutes to which Milwaukee County is currently subject. For instance, the legislation authorizes the following provisions:

- Allows every county executive to exercise the powers currently granted to the Milwaukee County Executive, including, but not limited to
 - The sale of land and other property without county board review or approval
 - The execution of most contracts without county board review or approval, and
 - A prohibition on the board that supervisors may not deal directly with county departments except through the county executive, unless on a constituent inquiry
- Allows the county executive to control all aspects of transportation in the county, including possibly all budgetary decisions, without county board review or approval,
- Allows the county executive to determine compensation and benefit levels for all employees,
- Allows the county executive to determine, without consultation from the county board, whether to utilize biennial budgeting,



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- Allows the county executive to unilaterally issue debt on behalf of the county without notification to or approval by the county board,
- Allows the county executive to enter into all contracts (including procurement contracts) without county board approval,
- Prohibits the county board from adopting a budget that includes any item other than: (a) the tax levy; (b) anticipated revenue amounts from all sources; and (c) appropriations for all departments, and for any other obligations of the county, and
- Allows the county executive to unilaterally increase or decrease appropriation amounts, as he or she deems necessary, in the event revenues or expenses of the county are different from the amounts anticipated, and
- ***Finally, just to make sure there is no illusions about the true purpose of this legislation, it directs that all conflicts (otherwise known as policy disagreements) between a county executive/county administrator and the county board shall be resolved in favor of the county executive/county administrator.***

There are many other provisions of the legislation that substantially deviate from county operations as they currently exist. It has been our experience in Milwaukee County that such substantial changes to government operations have led to greater conflict, not less. Even if adopted in a moderated form, these types of changes would disrupt the important checks and balances between the three branches of government that we expect to be in place at all levels of our American representative democracy.

Enclosed with this letter is a summary document, a copy of the full draft legislative text, and a resolution the Milwaukee County Board of Supervisors adopted unanimously today opposing this draft legislation and anything similar to it. Contrary to our position against it, Milwaukee County Executive Chris Abele is in favor of this draft legislation, to amass even greater power for himself, and has contracted several lobbyists to assist his efforts.

We really need to stand united against such attacks on basic balance of power issues within county government in Wisconsin. Should you have question, please do not hesitate to contact me.

Sincerely,



Theodore Lipscomb Sr., Chairman
Milwaukee County Board of Supervisors

Enclosures.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5135/1
MES/JK/KP:amn/klm/wlj/kjf

2017 BILL

1 **AN ACT to repeal** 59.17 (2) (bm) and (br), 59.42 (1) (b) and (c), 59.52 (31) and 59.79
 2 **(8); to renumber** 59.17 (2) (a) and 59.51 (1); **to renumber and amend** 59.42
 3 (1) (a) and 59.60 (12); **to amend** 43.17 (4), 43.58 (4), 46.21 (1m) (a), 46.21 (1m)
 4 (am), 59.06 (2), 59.10 (1) (a), 59.10 (3) (f), 59.10 (3) (i), 59.10 (5), 59.17 (2) (b)
 5 (intro.), 59.17 (2) (b) 1., 59.17 (2) (b) 3. (intro.), 59.17 (2) (b) 3. c., 59.17 (2) (b) 4.,
 6 59.17 (2) (b) 6., 59.17 (2) (c), 59.22 (1) (a) 1., 59.22 (1) (a) 2., 59.22 (2) (a), 59.22
 7 (2) (c) 1. (intro.), 59.22 (2) (c) 2., 59.22 (2) (d), 59.22 (2) (e), 59.22 (3), 59.22 (3a),
 8 59.255 (2) (a), 59.255 (2) (e), 59.38 (5), 59.42 (2) (a), 59.42 (2) (b) 5., 59.42 (3),
 9 59.44 (1) (b), 59.52 (1) (a), 59.52 (1) (b), 59.52 (2), 59.52 (8) (a), 59.52 (8) (b)
 10 (intro.), 59.52 (8) (c), 59.52 (9), 59.52 (19), 59.52 (21), 59.52 (24), 59.52 (29) (a),
 11 59.53 (25), 59.56 (3) (b), 59.56 (14) (e) 1., 59.57 (2) (e) 4., 59.57 (2) (f) 2., 59.58
 12 (1) (c), 59.58 (3) (intro.), 59.60 (1), 59.69 (2) (a) 2., 59.69 (2) (a) 3., 59.69 (10) (b)
 13 2., 59.70 (2) (intro.), 59.70 (18), 59.792 (3) (a) (intro.), 60.40 (2), 60.40 (3), 60.40
 14 (5), 63.02 (2), 68.14 (1), 83.01 (1) (b), 200.11 (8) and 289.33 (3) (d); and **to create**

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1 59.10 (2) (c) 5., 59.10 (3) (k), 59.17 (2) (b) 3m., 59.17 (2) (d), 59.17 (2) (e), 59.22
 2 (1) (a) 3., 59.51 (1) (b), 59.52 (3m), 59.52 (8) (d), 59.52 (29) (c), 59.60 (12) (b), 59.60
 3 (12) (c), 59.602, 59.61 (4), 59.84 (2) (d) 8. and 65.30 of the statutes; relating to:
 4 increasing the authority of a county executive and reducing the authority of a
 5 county board, budgeting procedures for populous counties, certain other
 6 counties, and cities, villages, and towns, and the method for establishing the
 7 compensation of county supervisors and county elective officers.

Analysis by the Legislative Reference Bureau

Powers and duties of a county executive

This bill, generally, allows all county executives to exercise the powers and duties assigned under current law to a county executive of any county with a population of 750,000 or more (populous county). Generally, the bill provides that any power conferred to a county executive or county administrator must be broadly and liberally construed and limited only by express language. To the extent that a conflict exists between county board action and county executive or county administrator action, the bill provides that the action of the executive or administrator shall prevail, to the extent of the conflict. The bill also allows a county executive to exercise some of the authority that would otherwise be exercised by the county board for matters regarding property. Such authority includes providing public liability and property damage insurance, providing fire and casualty insurance for county property, examining and settling all accounts of the county and all claims, and purchasing publications. In addition, the bill gives the county executive sole authority to exercise the powers granted to the county board with regard to the form and keeping of public records, establishing parking areas, acceptance of donations, gifts, and grants, and transportation.

Current law allows a county executive of a populous county to hire and supervise the number of employees that the county executive reasonably believes are necessary for him or her to carry out the duties of the county executive's office. The bill allows all county executives to take such action. In addition, the bill provides that the county board may neither reduce nor eliminate the staff authorized by the county executive for operating the office of the county executive, nor reduce or eliminate the appropriations for the staff and operations of the office. The bill also gives the county executive sole authority to determine the compensation, fringe benefits, human resources, hiring, creation and elimination of positions, pay ranges, expense reimbursements, and classifications for county employees. If the county does not have a county executive, such authority remains with the board.

Under current law, the county executive of any county has the authority to coordinate and direct all administrative and management functions of the county

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that are not vested in other elected officers. This bill specifies that, with regard to any county executive, the executive has sole authority over administrative actions with regard to procurement, including an appeals process, contracting, administrative review of appeals regarding the denial of certain applications, and the actions taken under the administrative manual of operating procedures related to the authority and powers of a county executive. Under the bill, any such action taken by a county executive is not subject to submission to or approval by the county board.

Civil service, employees, appointees

Currently, the board may establish a civil service system that may be made applicable to all county personnel, except the members of the board, constitutional officers, and members of boards and commissions. The board may also suspend, demote, and discipline county law enforcement personnel based on its own investigation or charges filed by the sheriff or others, provided that the board determines there is just cause. Under the bill, authority in these areas is transferred to the county executive of any county that has a county executive. If there is no county executive, the authority remains with the board. Except as otherwise required by current law civil service statutes, the bill also authorizes the county executive to modify a civil service system.

Current law requires the creation of the office of corporation counsel for any county with a population of 500,000 or more. Under current law, a corporation counsel is appointed by the county executive with the concurrence of a majority of the county board. A counsel may be dismissed at any time by the county executive with the concurrence of the board or may be dismissed at any time by a majority vote of the board. The bill requires the creation of the office of corporation counsel for any county with a county executive or county administrator. Under the bill, a corporation counsel is appointed by the executive or administrator with the concurrence of a majority of the county board, unless the board enacts an ordinance that waives the board's confirmation. The bill provides that the corporation counsel is under the supervision of the county executive or county administrator and may be dismissed by the executive or administrator with the board's concurrence.

Generally, the bill changes the method of board confirmation of county executive appointees. Under the bill, an appointee confirmed by the board for a particular position does not need to be reconfirmed to continue in that position, and interim appointees do not require board confirmation. The bill also changes the current law provision requiring the comptroller to countersign all county contracts. Under the bill, the requirement applies only to contracts valued at more than \$250,000.

Public contracts, bonding

Generally under current law, subject to various bidding requirements, public contracts are let by the board. Also under current law, the board is authorized to enter into leases related to items including industrial development projects, solid waste management, land clearing and weed control, public transit, and leases for airport property. Generally under the bill, the authority to enter into public contracts and leases is transferred to the county executive, if the county has that office.

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Generally under current law, a county must let a public contract having an estimated cost of more than \$25,000 to the lowest responsible bidder. Under this bill, the amount above which a county must let a contract to the lowest responsible bidder is raised to \$50,000.

The bill creates a requirement that any county with an elective comptroller must create an Internet site, which may be part of the county's website, on which it posts a list of certain contracts to which the county is a party if the contract relates to the purchase of goods or services, or the lease, sale, or purchase of real property. This provision first applies approximately six months after the bill takes effect.

Under current law, if the payment of obligations is provided by revenue bonds, the governing body of a city, village, town, or county must, by ordinance or resolution, order the issuance and sale of bonds. The bill allows the county executive to order the issuance and sale of bonds in the case of county obligations.

Biennial budget procedures

This bill also authorizes counties with a population of 750,000 or more (populous counties), currently only Milwaukee County, as well as any other county, and any city, village, or town (municipalities) to adopt and use a biennial budgetary procedure.

Current law specifies an annual budgetary procedure applicable to counties with a population of 500,000 or more and certain counties that elect to follow the procedure. No later than July 15, each department of the county submits to the director of the county department of administration the respective department's estimated revenues and expenditures for the coming fiscal year, the estimated cost of any capital improvements pending or proposed for the coming fiscal year and for the next four fiscal years, and any other information that the director requests. No later than August 15, the director submits to the county executive or county administrator and to the county board all of the following: 1) the annual budget estimates of each department; 2) a statement of principal and interest becoming due on outstanding bonds and on other financial obligations; 3) an estimate of all other expenditures; 4) an estimate of anticipated issues of new bond obligations; 5) an estimate of funds required for contingencies; 6) an estimate of revenue from all other sources; and 7) a complete summary of all the budget estimates and a statement of the property tax levy required if funds were appropriated on the basis of these estimates.

After receiving the estimates, the county executive or county administrator reviews the estimates and holds public hearings. The county executive or county administrator then makes changes in the proposed budget and, no later than October 1, submits the amended proposed budget to the county board. The amended proposed budget of the county executive or administrator must include all of the following: 1) a simple, clear, general summary of the detailed contents of the budget; 2) a comparative statement by organization unit and principal object of expenditure showing the actual expenditures of the preceding fiscal year, the appropriations and estimated expenditures for the fiscal year currently ending, and the recommended appropriations for the fiscal year next succeeding; and 3) a comparative statement of the actual revenues from all sources, including property taxes, during the

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preceding fiscal year; the anticipated revenues and the estimated revenues for the fiscal year currently ending; and the anticipated revenues for the next succeeding fiscal year.

After receiving the amended proposed budget, the county board refers the budget to the finance committee and the finance committee holds a public hearing on the budget. After the public hearing, the finance committee submits to the county board its recommendations for amendments to the proposed amended budget. Finally, the county board adopts the budget with any changes it considers proper and advisable.

Similarly, current law specifies certain annual budgetary procedures for first class cities (presently only Milwaukee) and other cities that choose to follow these procedures. The procedures include the following requirements: 1) production of a general summary; 2) detailed estimates of all anticipated revenues applicable to proposed expenditures; 3) all proposed expenditures; 4) a compensation schedule; 5) the total amount of proposed expenditures for the current year, the proposed amount for the next year, and the percentage change between the two years; and 6) the current year and next year's proposed property tax levy, along with the percentage change.

Current law for cities also includes responsibilities for the board of estimates and detailed requirements for budget review and adoption procedures, public meetings, mayoral vetoes, and common council procedures to override such disapproval.

Generally under this bill, for fiscal years that begin after December 31, 2017, any county or municipality (political subdivision) may adopt a biennial budget using the following timeline:

1. All departments submit their budget requests to the director or municipal budget director.

2. No later than October 1 of an odd-numbered year, the chief executive of a municipality, the county executive, county administrator, or, in counties without an executive or administrator, the county's finance committee submits his or her or its proposed budget to the county board or municipality's governing body.

3. No later than November 1 of an odd-numbered year, the county board of a county with a county executive or a municipality's governing body approves the budget, engrossed with any amendments, and returns it to the county or chief executive. In any county or municipality, any amendment to the budget must be submitted to the comptroller or budget director at least seven business days before it may be considered by a political subdivision's governing body or by a committee of the governing body and must include an estimate, prepared by the comptroller, of the costs that will be incurred, and the staffing changes that will be required, to implement the amendment during the next five fiscal years. If the county or municipality does not have a comptroller, the estimate must be prepared by the county or municipal budget director.

4. No later than November 15 of an odd-numbered year, the county executive or the mayor may submit vetoes or changes to the county board or common council. The county board or common council may act on the vetoes or changes no earlier than

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upon receiving them or November 16, whichever occurs first, although the county board or common council must act on the changes or vetoes no later than November 19 of an odd-numbered year or the vetoes or changes are considered to be approved by the governing body.

5. After a biennial budget takes effect, if revenues received or expenses incurred by the political subdivision are different from the amounts anticipated, the county executive or municipality's chief executive may increase or decrease appropriation amounts as he or she determines is appropriate to account for the changed revenue or expense amounts that affect the political subdivision.

6. Outside of the budget process, a political subdivision's chief executive, a county administrator, or, in a county without a county executive or administrator, the finance committee may propose to the political subdivision's governing body an increase or decrease in any appropriation or revenue amount subject to the same budget amendment procedures described in item #3., above. A two-thirds majority vote of the governing body is required to approve such a proposal, which may not be amended, except that if such a proposal is made and voted on between October 1 and November 15 of an even-numbered year, it may be approved by a simple majority and may be amended on a limited basis.

This bill also provides certain restrictions on the county board's and municipality's governing body's actions related to the budget, including the following:

1. The budget must include all of the following items, and may include no others: a) the county or municipal tax levy; b) anticipated revenue amounts from all sources; and c) appropriations for all departments, and for any other obligations of the county or municipality.

2. The county board of a county with a county executive and a municipality's governing body may not issue municipal obligations in an amount that is higher than the amount initially proposed by the county or chief executive in his or her proposed budget for that biennium. During a biennium, however, a county executive or municipal chief executive may propose, outside of the budget process, the issuance of additional county or municipal obligations. The county board or municipal governing body may approve such a proposal, but may not increase the amount proposed.

3. A political subdivision's authority to transfer unencumbered appropriation balances is subject to certain limitations.

4. With regard to a populous county, and subject to some exceptions, the county board may not adopt a budget in which the total amount of budgeted expenditures related to the compensation of county board members, and to any other costs that are directly related to the operation and functioning of the county board or committees, including staff, is greater than 0.4 percent of the county portion of the tax levy for that year to which the budget applies. Some of the exceptions to this 0.4 percent cap include health care and pension benefits for retired county employees and officers, and salaries and benefits for any board member whose term begins before April 2018.

BILL***Accounting procedures***

This bill also requires populous counties to utilize fund accounting and authorizes any county to create proprietary funds, fiduciary funds, and other appropriate funds allowed by government accounting practice, provided that the county describes the sources of revenues that may be deposited into each fund and the types of expenditures that may be made from each fund. In counties without a county executive, such funds may be created by the county board. In counties with a county executive, such funds may be created only by executive order of the county executive. Counties that create proprietary, fiduciary, or other funds must develop policies and procedures that apply to each such fund, including setting a working cash flow target for each fund, publishing annual estimates of working cash flow balances, and descriptions of possible uses of balances in a fund that accumulate above the cash flow target.

Compensation, certain elective officials

This bill also makes the following changes to the method for establishing the compensation of county supervisors and county elective officers other than circuit judges:

1. Requires that a county board of supervisors may change the compensation of county supervisors only by enacting an ordinance for that purpose at least three months before, but not more than six months before, the next due date for filing nomination papers for the office of supervisor.

2. Provides that the county executive, county administrator, or administrative coordinator of each county may elect to appoint a commission, composed of five people who are not holding a federal, state, or local elective office, that must make recommendations to the county board concerning the compensation for each county elective officer other than supervisor and circuit judge. The bill requires the county board to enact an ordinance establishing that the compensation for county elective officers other than circuit judges and supervisors is identical to the compensation commission's recommendations.

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:

- 1 SECTION 1. 43.17 (4) of the statutes is amended to read:
- 2 43.17 (4) SYSTEM ADMINISTRATION. Notwithstanding ~~ss. 59.17 (2) (br) and s.~~
- 3 59.18 (2) (b), responsibility for administration of a public library system shall vest
- 4 in a head librarian who shall be appointed by and directly responsible to the public
- 5 library system board.

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1 SECTION 2. 43.58 (4) of the statutes is amended to read:

2 43.58 (4) Notwithstanding ~~ss. 59.17 (2) (b) and s.~~ 59.18 (2) (b), the library
3 board shall supervise the administration of the public library and shall appoint a
4 librarian, who shall appoint such other assistants and employees as the library board
5 deems necessary, and prescribe their duties and compensation.

6 SECTION 3. 46.21 (1m) (a) of the statutes is amended to read:

7 46.21 (1m) (a) The county executive shall appoint under ss. 63.01 to 63.17 a
8 director of the county department of human services. The appointment shall be
9 made on the basis of recognized and demonstrated public interest in and knowledge
10 of the problems of human services, and with due regard to training, experience,
11 executive and administrative ability and efficiency, and general qualifications and
12 fitness for performing the duties of the office. The director shall file an official oath
13 and bond in the amount determined by the county board of supervisors. The county
14 board of supervisors may create a position of deputy director of the county
15 department of human services. The director shall be appointed by the county
16 executive in the unclassified civil service ~~and is subject to confirmation by the county~~
17 ~~board of supervisors under s. 59.17 (2) (b).~~

18 SECTION 4. 46.21 (1m) (am) of the statutes is amended to read:

19 46.21 (1m) (am) The county executive shall appoint under ss. 63.01 to 63.17
20 an administrator of the county hospital. The appointment shall be made on the basis
21 of recognized and demonstrated public interest in and knowledge of the problems of
22 delivery of medical care and treatment, and with due regard to training, experience,
23 executive and administrative ability and efficiency, and general qualifications and
24 fitness for performing the duties of the office. The administrator shall file an official
25 oath and bond in the amount determined by the county board of supervisors. The

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1 county board of supervisors may create positions to assist the administrator. The
2 administrator shall be appointed by the county executive in the unclassified civil
3 service ~~and the appointment is subject to confirmation by the county board of~~
4 ~~supervisors under s. 59.17 (2) (bm).~~

5 SECTION 5. 59.06 (2) of the statutes is amended to read:

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

13 SECTION 6. 59.10 (1) (a) of the statutes is amended to read:

14 59.10 (1) (a) *Number of supervisors and apportionment of supervisory districts.*
15 In each county with a population of at least 500,000, sub. (2) (a) ~~and, (b), and (c) 5.~~
16 applies. In counties with a population of less than 500,000 and more than one town,
17 sub. (3) (a) to (c) ~~and (k)~~ applies. In counties with one town only, sub. (5) applies.

18 SECTION 7. 59.10 (2) (c) 5. of the statutes is created to read:

19 59.10 (2) (c) 5. The board may not change the salary specified in subd. 1., or as
20 otherwise adjusted under this paragraph, unless the board enacts an ordinance for
21 that purpose at least 3 months before, but not more than 6 months before, the next
22 closing date for filing nomination papers for the office of supervisor.

23 SECTION 8. 59.10 (3) (f) of the statutes is amended to read:

24 59.10 (3) (f) *Compensation.* Each supervisor shall be paid a per diem by the
25 county for each day that he or she attends a meeting of the board. Any board may,

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1 at ~~its annual~~ a meeting, by a two-thirds vote of all the members, fix the compensation
2 of the board members to be next elected. Any board may also provide additional
3 compensation for the chairperson.

4 SECTION 9. 59.10 (3) (i) of the statutes is amended to read:

5 59.10 (3) (i) *Alternative compensation.* As an alternative method of
6 compensation, in counties having a population of less than 500,000, including
7 counties containing only one town, the board may, at ~~its annual~~ a meeting, by a
8 two-thirds vote of the members entitled to a seat, fix the compensation of the
9 supervisors to be next elected at an annual salary for all services for the county
10 including all committee services, except the per diem allowance for services in
11 acquiring highway rights-of-way set forth in s. 84.09 (4). The board may, in like
12 manner, allow additional salary for the members of the highway committee and for
13 the chairperson of the board. In addition to the salary, the supervisors shall receive
14 mileage as provided in par. (g) for each day's attendance at board meetings or for
15 attendance at not to exceed 2 committee meetings in any one day.

16 SECTION 10. 59.10 (3) (k) of the statutes is created to read:

17 59.10 (3) (k) *Changing compensation.* The board may not change the
18 compensation of supervisors unless the board enacts an ordinance for that purpose
19 at least 3 months before, but not more than 6 months before, the next closing date
20 for filing nomination papers for the office of supervisor.

21 SECTION 11. 59.10 (5) of the statutes is amended to read:

22 59.10 (5) COUNTIES HAVING ONLY ONE TOWN. In all counties containing one town
23 only, the board shall consist of the members of the town board and one supervisor
24 from every village. A supervisor from a village shall be elected at the time the other
25 village officers are elected. A majority of the members shall constitute a quorum of

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1 the county board. ~~Each~~ Subject to sub. (3) (k), each supervisor shall receive
2 compensation and mileage as provided in sub. (3) (f) and (g). The chairperson of the
3 board elected under s. 59.12 (1) may be, but need not be, the same person who is
4 elected chairperson of the town board under s. 60.21 (3) (a).

5 SECTION 12. 59.17 (2) (a) of the statutes is renumbered 59.17 (2) (b) 6m.

6 SECTION 13. 59.17 (2) (b) (intro.) of the statutes is amended to read:

7 59.17 (2) (b) (intro.) In any county ~~with a~~, regardless of population of 750,000
8 ~~or more~~:

9 SECTION 14. 59.17 (2) (b) 1. of the statutes is amended to read:

10 59.17 (2) (b) 1. Appoint and supervise the heads of all departments except
11 where the statutes provide that the appointment shall be made by a board or
12 commission or by other elected officers. Notwithstanding any statutory provision
13 that a board or commission or the county board or county board chairperson appoint
14 a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint
15 and supervise the department head. Except for a statutory provision which specifies
16 that a board or commission or the county board shall supervise the administration
17 of a department, the county executive shall administer, supervise, and direct all
18 county departments, including any person who negotiates on behalf of the county,
19 and the county board, other board, or commission shall perform any advisory or
20 policy-making function authorized by statute. Any appointment by the county
21 executive under this subdivision requires the confirmation of the county board
22 unless the county board, by ordinance, elects to waive confirmation. An appointee
23 who is confirmed by the board for a particular position does not need to be
24 reconfirmed for that position for as long as he or she continues in uninterrupted
25 service in that position. Any appointee who is appointed as an interim department

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1 head does not need county board confirmation. Any department head appointee of
 2 a county executive who has been confirmed by a county board, or whose confirmation
 3 has been waived by the board, on the effective date of this subdivision ... [LRB inserts
 4 date], does not need to be reconfirmed, or confirmed, by the board as long as the
 5 appointee continues in uninterrupted service in that position. In this subdivision,
 6 uninterrupted service includes a gap in service for an allowable leave of absence,
 7 such as medical leave. An appointee of the county executive may assume his or her
 8 duties immediately, pending board action which shall take place within 60 days after
 9 the county executive submits the appointment to the board for confirmation. Any
 10 department head appointed by a county executive under this subsection may be
 11 removed at the pleasure of the county executive. ~~The county executive shall comply~~
 12 ~~with hiring policies set by the board when making appointments under this~~
 13 ~~paragraph.~~

14 SECTION 15. 59.17 (2) (b) 3. (intro.) of the statutes is amended to read:

15 59.17 (2) (b) 3. (intro.) Exercise the authority under s. 59.52 (6) that would
 16 otherwise be exercised by a county board, except that the county board may ~~continue~~
 17 ~~to exercise the authority under s. 59.52 (6) only with regard to the sale, acquisition,~~
 18 or lease as landlord or tenant of land that is zoned as a park on or after July 14, 2015,
 19 other than land zoned as a park in the city of Milwaukee that is located within the
 20 area west of Lincoln Memorial Drive, south of E. Michigan Street, east of N. Van
 21 Buren Street, and north of E. Clybourn Avenue. With regard to the sale, acquisition,
 22 or lease as landlord or tenant of real property, other than certain park land as
 23 described in this subdivision, the county executive's action need not be consistent
 24 with established county board policy and may take effect without submission to or
 25 approval by the county board. The proceeds of the sale of real property as authorized

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1 under this subdivision shall first be applied to any debt attached to the property.
2 Before the county executive's sale of county land may take effect, a majority of the
3 following must sign a document, a copy of which will be attached to the bill of sale
4 and a copy of which will be retained by the county, certifying that they believe the
5 sale is in the best interests of the county:

6 SECTION 16. 59.17 (2) (b) 3. c. of the statutes is amended to read:

7 59.17 (2) (b) 3. c. An individual who is a resident of the city, village, or town
8 where the real property is located, who shall be appointed, at least biennially, by the
9 executive council, as defined in s. 59.794 (1) (d), or, in a county without an executive
10 council, by the city mayor or administrator, village president, or town board
11 chairperson of the municipality where the real property is located. The individual
12 appointed under this subd. 3. c. may not be an elective official, and he or she must
13 have demonstrable experience in real estate law or real estate sales or development.

14 SECTION 17. 59.17 (2) (b) 3m. of the statutes is created to read:

15 59.17 (2) (b) 3m. Exercise the authority under s. 59.52 (3), (4), (11), (12), (14),
16 and (23) for matters regarding property that would otherwise be exercised by the
17 county board.

18 SECTION 18. 59.17 (2) (b) 4. of the statutes is amended to read:

19 59.17 (2) (b) 4. Sign all contracts, conveyances, and evidences of indebtedness
20 on behalf of the county, to the extent that no other county officer or employee is
21 specifically required to sign such contracts, conveyances, and evidences of
22 indebtedness, and countersign all other contracts, conveyances, and evidences of
23 indebtedness. No contract with the county is valid unless it is signed or
24 countersigned by the county executive and, as provided in ss. 59.255 (2) (e) and 59.42
25 (2) (b) 5. for a county with an elective comptroller, by the comptroller and corporation

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1 counsel, except that the requirement for signatures by the comptroller and
2 corporation counsel applies only to contracts the value of which exceeds \$250,000.

3 SECTION 19. 59.17 (2) (b) 6. of the statutes is amended to read:

4 59.17 (2) (b) 6. Hire and supervise the number of employees that the county
5 executive reasonably believes are necessary for him or her to carry out the duties of
6 the county executive's office, subject to board approval of the county executive
7 department budget. For purposes of this subdivision, the board may neither reduce
8 nor eliminate the staff authorized by the county executive for operating the office of
9 the county executive, nor reduce or eliminate the appropriations for the staff and
10 operations of the office of the county executive.

11 SECTION 20. 59.17 (2) (bm) and (br) of the statutes are repealed.

12 SECTION 21. 59.17 (2) (c) of the statutes is amended to read:

13 59.17 (2) (c) Appoint the members of all boards and commissions where
14 appointments are required and where the statutes provide that the appointments
15 are made by the county board or by the chairperson of the county board. All Subject
16 to par. (b) 1., all appointments to boards and commissions by the county executive
17 are subject to confirmation by the county board.

18 SECTION 22. 59.17 (2) (d) of the statutes is created to read:

19 59.17 (2) (d) In any county, exercise sole authority over the following
20 administrative actions, which may take effect without any review or approval of the
21 board:

22 1. Procurement, including an appeals process, requests for proposals or
23 information, negotiation, approval, amendment, execution, administration, and
24 payment.

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

3 3. Administrative review of appeals under ch. 68, administrative review of any
4 protest of a solicitation or award of a contract, the denial in whole or in part of a
5 contract award, any appeal by an aggrieved party from an administrative
6 determination by any county official regarding an initial permit, license, right,
7 privilege, or authority, except an alcohol beverage license, for which a person applies
8 through the county.

9 4. Creation of an administrative manual of operating procedures and taking
10 actions under such a manual related to the authority and powers granted to a county
11 executive under the statutes. If an action taken by the county board conflicts with
12 an action taken by a county executive under this subdivision, the county executive's
13 action shall prevail over the county board's action to the extent that the county
14 executive's action and the county board's action conflict.

15 **SECTION 23.** 59.17 (2) (e) of the statutes is created to read:

16 59.17 (2) (e) 1. Notwithstanding s. 63.11 or any authority granted by law to the
17 county board, exercise sole authority to determine all of the following for any county
18 employee who is not an elected official:

19 a. Compensation, including compensation plan design, and fringe benefits,
20 including retirement benefits.

21 b. Creation and elimination of positions.

22 c. Human resources matters, including hiring, training, job descriptions,
23 classifications, pay ranges, pay range assignments, and number and type of
24 full-time equivalent positions within each department.

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1 2. With regard to county employment, notwithstanding any authority granted
2 by law to the county board, exercise sole authority to conduct employment
3 bargaining or negotiation, approve labor contracts, or participate in arbitration. The
4 county board may not enact an ordinance or adopt a resolution to limit the authority
5 of the county executive under this paragraph.

6 **SECTION 24.** 59.22 (1) (a) 1. of the statutes is amended to read:

7 59.22 (1) (a) 1. The board shall, before the earliest time for filing nomination
8 papers for any elective office to be voted on in the county, other than supervisors and
9 circuit judges, which officer is paid in whole or part from the county treasury,
10 establish the total annual compensation for services to be paid to the officer exclusive
11 of reimbursements for expenses out-of-pocket provided for in sub. (3). If the county
12 executive, county administrator, or administrative coordinator elects under subd. 3.
13 a. that compensation is to be established by a county elective officer compensation
14 commission, the board shall establish at least 3 months before the next closing date
15 for filing nomination papers for any elective office to be voted on in the county other
16 than supervisors and circuit judges that the compensation to be paid to each county
17 elective officer other than supervisors and circuit judges is identical to the
18 recommendation under subd. 3. d. of the county elective officer compensation
19 commission. Except as provided in subd. 2., the annual compensation ~~may~~ shall be
20 established by ~~resolution or~~ ordinance, on a basis of straight salary, fees, or part
21 salary and part fees, and if the compensation established is a salary, or part salary
22 and part fees, it shall be in lieu of all fees, including per diem and other forms of
23 compensation for services rendered, except those specifically reserved to the officer
24 in the ~~resolution or~~ ordinance. The compensation established shall not be increased
25 nor diminished during the officer's term and shall remain for ensuing terms unless

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1 changed by the board. Court fees shall not be used for compensation for county
2 officers.

3 SECTION 25. 59.22 (1) (a) 2. of the statutes is amended to read:

4 59.22 (1) (a) 2. The board shall establish the annual compensation of the sheriff
5 as straight salary by enacting an ordinance. No portion of that salary may include
6 or be based on retention of fees by the sheriff. No portion of that salary may be based
7 on providing food to prisoners under s. 302.37 (1). This subdivision does not prohibit
8 the reimbursement of a sheriff for actual and necessary expenses.

9 SECTION 26. 59.22 (1) (a) 3. of the statutes is created to read:

10 59.22 (1) (a) 3. a. The county executive, county administrator, or
11 administrative coordinator may, within 3 months of taking office, elect that a county
12 elective officer compensation commission should make recommendations to the
13 board concerning the compensation for each county elective officer other than
14 supervisor and circuit judge who is paid in whole or part from the county treasury.

15 b. If the county executive, county administrator, or administrative coordinator
16 elects under subd. 3. a. that a county elective officer compensation commission
17 should make recommendations to the board, within 60 days of that decision the
18 county executive, county administrator, or administrative coordinator shall appoint
19 2 members to the commission, and within 60 days of that decision the board shall
20 appoint 2 members to the commission. The director of a county department having
21 duties related to human resources and personnel shall also be a member of the
22 commission. Notwithstanding s. 59.10 (4), a person who holds elective office in the
23 federal government, state government, or the governing body of a political
24 subdivision may not be a member of the commission during the person's term of

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1 office. The board shall provide the resources and information to the commission that
2 is necessary for the commission to make its recommendations under subd. 3. d.

3 c. If the county has a county executive, the commission under subd. 3. b. shall
4 terminate at the end of the county executive's term. If the county has a county
5 administrator, the commission under subd. 3. b. shall terminate 4 years after the
6 board appoints the county administrator. If the county has an administrative
7 coordinator, the commission under subd. 3. b. shall terminate 4 years after the board
8 designates the administrative coordinator.

9 d. At least 4 months before the next closing date for filing nomination papers
10 for an elective office to be voted on in the county other than supervisors and circuit
11 judges, the commission under subd. 3. b. shall by a vote of 4 members of the
12 commission make a recommendation to the board concerning the compensation for
13 each county elective officer other than supervisor and circuit judge who is paid in
14 whole or part from the county treasury. Any 4 members of the commission under
15 subd. 3. b. shall constitute a quorum.

16 **SECTION 27.** 59.22 (2) (a) of the statutes is amended to read:

17 59.22 (2) (a) Except for elective offices included under sub. (1), supervisors and
18 circuit judges, and subject to ~~s. ss. 59.602 (8) and 59.794 (3)~~, the board of any county
19 that does not have a county executive has the powers set forth in this subsection, sub.
20 (3), and s. 59.03 (1) as to any office, department, board, commission, committee,
21 position or employee in county service created under any statute, the salary or
22 compensation for which is paid in whole or in part by the county, and the jurisdiction
23 and duties of which lie within the county or any portion thereof and the powers
24 conferred by this section shall be in addition to all other grants of power and shall
25 be limited only by express language. In any county with a county executive, the

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1 county executive has the powers set forth in this subsection, sub. (3), and s. 59.03 (1),
2 as described in this subsection.

3 SECTION 28. 59.22 (2) (c) 1. (intro.) of the statutes is amended to read:

4 59.22 (2) (c) 1. (intro.) Except as provided in subd. 2. and par. (d), the board of
5 any county that does not have a county executive may, and in any county with a
6 county executive, the county executive may, do any of the following:

7 SECTION 29. 59.22 (2) (c) 2. of the statutes is amended to read:

8 59.22 (2) (c) 2. No action of the board or of a county executive may be contrary
9 to or in derogation of the rules of the department of children and families under s.
10 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
11 families with dependent children, aid to the blind, or aid to totally and permanently
12 disabled persons or ss. 63.01 to 63.17.

13 SECTION 30. 59.22 (2) (d) of the statutes is amended to read:

14 59.22 (2) (d) The county executive in any county that has a county executive,
15 or the county board of any county that does not have a county executive, or any board,
16 commission, committee or agency to which the board or statutes has delegated the
17 authority to manage and control any institution or department of the county
18 government may contract for the services of employees, setting up the hours, wages,
19 duties and terms of employment for periods not to exceed 2 years.

20 SECTION 31. 59.22 (2) (e) of the statutes is amended to read:

21 59.22 (2) (e) The county executive in any county that has a county executive,
22 or the board of any county that does not have a county executive, may provide and
23 appropriate money for an employee awards program to encourage and to reward
24 unusual and meritorious suggestions and accomplishments by county employees.

25 SECTION 32. 59.22 (3) of the statutes is amended to read:

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1 59.22 (3) REIMBURSEMENT FOR EXPENSE. The county executive in any county that
2 has a county executive, or the board of any county that does not have a county
3 executive, may provide for reimbursement to any elective officer, deputy officer,
4 appointive officer or employee for any out-of-pocket expense incurred in the
5 discharge of that person's duty in addition to that person's salary or compensation,
6 including ~~without limitation because of enumeration,~~ traveling expenses, tuition
7 costs incurred in attending courses of instruction clearly related to that person's
8 employment, and the county executive or the board may establish standard
9 allowances for mileage, room and meals, the purposes for which allowances may be
10 made, and determine the reasonableness and necessity for such reimbursements,
11 and also establish in advance a fair rate of compensation to be paid to the sheriff for
12 the board and care of prisoners in the county jail at county expense. Any
13 reimbursement paid under this subsection to an officer or employee of a county with
14 a population of 750,000 or more is subject to the budget limitation described in s.
15 59.60 (7e).

16 SECTION 33. 59.22 (3a) of the statutes is amended to read:

17 59.22 (3a) COMMISSION ON AGING. The county executive in any county that has
18 a county executive, or the board of any county that does not have a county executive,
19 may provide for the payment of expenses and a per diem to persons appointed to a
20 county commission on aging under s. 59.53 (11).

21 SECTION 34. 59.255 (2) (a) of the statutes is amended to read:

22 59.255 (2) (a) The comptroller is the chief financial officer of the county, and
23 the administrator of the county's financial affairs. The comptroller shall administer
24 the county's accounts payable, payroll, and accounting. The comptroller shall
25 develop rules and procedures to administer these functions to allow for the efficient

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1 processing of payments for contracts authorized under s. 59.17 (2) (d) 2. The
2 comptroller shall oversee all of the county's debt.

3 SECTION 35. 59.255 (2) (e) of the statutes is amended to read:

4 59.255 (2) (e) The comptroller shall countersign all contracts with the county,
5 the value of which exceeds \$250,000, if he or she determines that the county has, or
6 will have, the necessary funds to pay the liability that the county may incur under
7 the contract. No such contract is valid until so countersigned.

8 SECTION 36. 59.38 (5) of the statutes is amended to read:

9 59.38 (5) MEDICAL EXAMINER; APPOINTMENT IN POPULOUS COUNTIES. In a county
10 with a population of 500,000 or more, the county executive shall appoint the medical
11 examiner in the unclassified service, subject to confirmation by a majority of the
12 board and the confirmation provisions under s. 59.17 (2) (b) 1. The medical examiner
13 may be dismissed at any time by the county executive ~~with the concurrence of a~~
14 ~~majority of the members elect of the board, or by a majority of the members elect~~
15 ~~of the board with the concurrence of the county executive. If the county executive~~
16 ~~votes an action by the board to dismiss the medical examiner, the board may~~
17 ~~override the veto by a two-thirds vote of the members elect of the board.~~

18 SECTION 37. 59.42 (1) (a) of the statutes is renumbered 59.42 (1) and amended
19 to read:

20 59.42 (1) CORPORATION COUNSEL; CERTAIN COUNTIES. Except as provided under
21 ~~par. (b), in counties not having a population of 500,000 or more sub. (2),~~ the board may
22 employ a corporation counsel, and fix the salary of the corporation counsel. A
23 corporation counsel appointed under this subsection shall have the duties described
24 under sub. (2) (b). The corporation counsel appointed under this paragraph

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1 subsection may be terminated at any time by a majority vote of all the members of
2 the board.

3 SECTION 38. 59.42 (1) (b) and (c) of the statutes are repealed.

4 SECTION 39. 59.42 (2) (a) of the statutes is amended to read:

5 59.42 (2) (a) In a county with a ~~population of 500,000 or more~~ county executive
6 or county administrator there is created the office of corporation counsel, and such
7 deputy corporation counsels, assistants, stenographers, and clerks at such salaries
8 as are authorized by the board county executive under s. 59.17 (2) (e). The
9 corporation counsel and deputy and assistant corporation counsels shall be
10 attorneys at law licensed to practice in this state. All such offices and positions shall
11 be in the classified civil service of the county except the corporation counsel, who is
12 in the unclassified service. ~~The corporation counsel shall be appointed by the county~~
13 ~~executive, with the concurrence of a majority of the board and shall not serve at the~~
14 ~~pleasure of the county executive. Any incumbent corporation counsel serving on~~
15 ~~August 1, 1990, shall retain that position and title until a new appointee is~~
16 ~~confirmed by the board. The corporation counsel may be dismissed at any time by~~
17 ~~the county executive with the concurrence of a majority of the members elect of the~~
18 ~~board. The corporation counsel may also be dismissed at any time by a majority vote~~
19 ~~of the board. If the county executive vetoes an action by the board to dismiss the~~
20 ~~corporation counsel, the board may override the veto by a two-thirds vote of the~~
21 ~~members elect of the board. The county executive or county administrator shall~~
22 appoint the corporation counsel with the concurrence of the majority of the board,
23 unless the board enacts an ordinance that waives the board's confirmation of the
24 corporation counsel. The county executive or county administrator shall supervise
25 the corporation counsel and may dismiss the corporation counsel with the

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1 concurrence of the majority of the board. The corporation counsel shall appoint
2 deputies, assistants, and clerical and stenographic help. Deputy corporation
3 counsels shall have, according to their rank and seniority, the powers and duties of
4 the corporation counsel in his or her absence or disability. The corporation counsel
5 and deputy corporation counsels shall take and file the constitutional oath of office.

6 SECTION 40. 59.42 (2) (b) 5. of the statutes is amended to read:

7 59.42 (2) (b) 5. Review, for proper form, and countersign all contracts ~~to verify~~
8 ~~that the contracts comply with all statutes, rules, ordinances, and the county's ethics~~
9 ~~policy. This subdivision applies only in a county with a population of 750,000 or more,~~
10 the value of which exceeds \$250,000.

11 SECTION 41. 59.42 (3) of the statutes is amended to read:

12 59.42 (3) CORPORATION COUNSEL; ATTORNEY DESIGNEE. In lieu of employing a
13 corporation counsel under sub. (1) or in addition to employing a corporation counsel
14 under sub. (1) or (2) (a), a board ~~shall~~ under sub. (1) or a county executive or county
15 administrator under sub. (2) may designate an attorney to perform the duties of a
16 corporation counsel as the need arises. Two or more counties may jointly designate
17 an attorney to perform the duties of a corporation counsel. If an attorney has been
18 designated to perform the duties of a corporation counsel, that person may exercise
19 any powers and perform any duties of the corporation counsel.

20 SECTION 42. 59.44 (1) (b) of the statutes is amended to read:

21 59.44 (1) (b) In any county with a county executive or a county administrator,
22 if the county creates an abstract department under par. (a), the county executive or
23 county administrator shall appoint and supervise the county abstractor. Such
24 appointment shall be subject to confirmation by the board unless the board, by
25 ordinance, elects to waive confirmation or unless the appointment is made under a

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1 civil service system competitive examination procedure established under s. 59.52
2 (8) or ch. 63, and except that in the case of a county with a county executive, the
3 appointment is subject to the confirmation provisions of s. 59.17 (2) (b) 1.

4 SECTION 43. 59.51 (1) of the statutes is renumbered 59.51 (1) (a).

5 SECTION 44. 59.51 (1) (b) of the statutes is created to read:

6 59.51 (1) (b) Any power conferred under this chapter to a county executive or
7 county administrator shall be broadly and liberally construed and limited only by
8 express language. To the extent that an action of the board conflicts with the powers
9 of the county executive or the county administrator, the action of the executive or
10 administrator, to the extent of the conflict, shall prevail.

11 SECTION 45. 59.52 (1) (a) of the statutes is amended to read:

12 59.52 (1) (a) In counties with a population of 500,000 or more, the county may
13 create a department of administration, provide for the appointment by the county
14 executive of a director of such department and assign such administrative functions
15 to the department as it considers appropriate, subject to the limitations of this
16 paragraph. No such function shall be assigned to the department where the
17 performance of the same by some other county office, department, or commission is
18 required by any provision of the constitution or statutes of this state, except that
19 administrative functions under the jurisdiction of the county civil service
20 commission or the county auditor may be so assigned notwithstanding sub. (8) and
21 ss. 59.47, 59.60 and 63.01 to 63.17. Such director shall be appointed by the county
22 executive in the unclassified civil service and is subject to the confirmation by the
23 county board, as provided in s. 59.17 (2) (b), provisions of s. 59.17 (2) (b) 1.

24 SECTION 46. 59.52 (1) (b) of the statutes is amended to read:

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1 59.52 (1) (b) Any county with a population of less than 500,000 may create a
2 department of administration and assign any administrative function to the
3 department as it considers appropriate, except that no administrative function may
4 be assigned to the department if any other provision of state law requires the
5 performance of the function by any other county office, department or commission
6 unless the administrative function is under the jurisdiction of the county civil service
7 commission or the county auditor, in which case, the function may be assigned to the
8 department notwithstanding sub. (8) and ss. 59.47, 59.60 and 63.01 to 63.17. Except
9 as provided under par. (a), in any county with a county executive or county
10 administrator, the county executive or county administrator shall have the authority
11 to appoint and supervise the head of a department of administration; and except as
12 provided under par. (a), the appointment is subject to confirmation by the county
13 board unless the appointment is made under a civil service system competitive
14 examination procedure established under sub. (8) or ch. 63, and except that in the
15 case of a county with a county executive, the appointment is subject to the
16 confirmation provisions of s. 59.17 (2) (b) 1.

17 SECTION 47. 59.52 (2) of the statutes is amended to read:

18 59.52 (2) PUBLIC RECORDS. The ~~board~~ county executive may prescribe the form
19 and manner of keeping the records in any county office and the accounts of county
20 officers. The ~~board may enact an ordinance~~ county executive may issue a written
21 directive designating legal custodians for the county. Unless prohibited by law, the
22 ~~ordinance~~ directive may require the clerk or the clerk's designee to act as legal
23 custodian for the county executive, board, and for any committees, commissions,
24 boards or authorities created by ordinance or resolution of the board.

25 SECTION 48. 59.52 (3m) of the statutes is created to read:

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1 59.52 (3m) PUBLIC CONTRACTS. (a) In this subsection, "contract" means any
2 agreement to which the county is a party that relates to at least one of these areas:

- 3 1. The purchase of services.
- 4 2. The purchase of supplies.
- 5 3. The sale or purchase of real property.
- 6 4. The lease as tenant or landlord of real property.
- 7 5. Construction and public works.

8 (b) In any county with an elective comptroller, the comptroller shall post,
9 monthly, on a county Internet site a list of all contracts in excess of \$5,000. The
10 county executive shall timely provide copies of all contracts to the comptroller. The
11 site shall be readily accessible by any member of the public. The site may be part of
12 the county's website.

13 SECTION 49. 59.52 (8) (a) of the statutes is amended to read:

14 59.52 (8) (a) ~~The board~~ Except as otherwise required under ch. 63, the county
15 executive may establish and modify a civil service system of selection, tenure and
16 status, and the system may be made applicable to all county personnel, except the
17 members of the board, constitutional officers and members of boards and
18 commissions. The system may also include uniform provisions in respect to
19 classification of positions and salary ranges, payroll certification, attendance,
20 vacations, sick leave, competitive examinations, hours of work, tours of duty or
21 assignments according to earned seniority, employee grievance procedure,
22 disciplinary actions, layoffs and separations for just cause, as described in par. (b),
23 subject to approval of a civil service commission or the ~~board~~ county executive. The
24 ~~board~~ county executive may request the assistance of the department of
25 administration and pay for such services, under s. 16.58.

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1 **SECTION 50.** 59.52 (8) (b) (intro.) of the statutes is amended to read:

2 59.52 (8) (b) (intro.) A law enforcement employee of the county may not be
3 suspended, demoted, dismissed or suspended and demoted by the civil service
4 commission or by the ~~board~~ county executive, based either on its own investigation
5 or on charges filed by the sheriff, unless the commission or ~~board~~ county executive
6 determines whether there is just cause, as described in this paragraph, to sustain the
7 charges. In making its determination, the commission or the ~~board~~ county executive
8 shall apply the following standards, to the extent applicable:

9 **SECTION 51.** 59.52 (8) (c) of the statutes is amended to read:

10 59.52 (8) (c) If a law enforcement employee of the county is dismissed, demoted,
11 suspended or suspended and demoted by the civil service commission or the ~~board~~
12 county executive under the system established under par. (a), the person dismissed,
13 demoted, suspended or suspended and demoted may appeal from the order of the
14 civil service commission or the ~~board~~ county executive to the circuit court by serving
15 written notice of the appeal on the secretary of the commission or the ~~board~~ county
16 executive within 10 days after the order is filed. Within 5 days after receiving written
17 notice of the appeal, the commission or the ~~board~~ county executive shall certify to the
18 clerk of the circuit court the record of the proceedings, including all documents,
19 testimony and minutes. The action shall then be at issue and shall have precedence
20 over any other cause of a different nature pending in the court, which shall always
21 be open to the trial thereof. The court shall upon application of the accused or of the
22 ~~board~~ county executive or the commission fix a date of trial which shall not be later
23 than 15 days after the application except by agreement. The trial shall be by the
24 court and upon the return of the ~~board~~ county executive or the commission, except
25 that the court may require further return or the taking and return of further

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1 evidence by the board county executive or the commission. The question to be
2 determined by the court shall be: Upon the evidence is there just cause, as described
3 in par. (b), to sustain the charges against the employee? No cost shall be allowed
4 either party and the clerk's fees shall be paid by the county. If the order of the board
5 county executive or the commission is reversed, the accused shall be immediately
6 reinstated and entitled to pay as though in continuous service. If the order of the
7 board county executive or the commission is sustained, it shall be final and
8 conclusive.

9 SECTION 52. 59.52 (8) (d) of the statutes is created to read:

10 59.52 (8) (d) If a county does not have a county executive, the board may
11 exercise the powers granted to a county executive in this subsection.

12 SECTION 53. 59.52 (9) of the statutes is amended to read:

13 59.52 (9) PURCHASING AGENT. ~~The board county executive may appoint a person~~
14 ~~or committee as county purchasing agent, and provide compensation for their~~
15 ~~services, except that if the county does not have a county executive, the board may~~
16 ~~perform this function.~~ Any county officer or supervisor may be the agent or a
17 committee member. The purchasing agent shall provide all ~~supplies and equipment~~
18 ~~procurement and contracting as provided under sub. (3m) and s. 59.17 (2) (d) for the~~
19 ~~various county offices and the board chairperson shall promptly sign orders in~~
20 ~~payment therefor.~~ The board county executive may require that all purchases
21 ~~procurement and contracting~~ be made in the manner determined by it ~~he or she~~
22 ~~determines, except that if the county does not have a county executive, the board may~~
23 ~~perform this function.~~

24 SECTION 54. 59.52 (19) of the statutes is amended to read:

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1 59.52 (19) DONATIONS, GIFTS AND GRANTS. The ~~board~~ county executive may
2 accept donations, gifts or grants for any public governmental purpose within the
3 powers of the county.

4 SECTION 55. 59.52 (21) of the statutes is amended to read:

5 59.52 (21) COUNTY COMMISSIONS. Except in counties having a population of
6 500,000 or more, the ~~board~~ county executive may fix and pay the compensation of
7 members of the county park commission and the county planning and zoning
8 commission for attendance at meetings at a rate not to exceed the compensation
9 permitted supervisors.

10 SECTION 56. 59.52 (24) of the statutes is amended to read:

11 59.52 (24) PARKING AREAS. ~~The board may enact ordinances establishing county~~
12 executive may establish by directive areas for parking of vehicles on lands owned or
13 leased by the county; for regulating or prohibiting parking of vehicles on such areas
14 or parts of such areas, including, but not limited to, provision for parking in such
15 areas or parts thereof for only certain purposes or by only certain personnel; for
16 forfeitures for violations thereof, but not to exceed \$50 for each offense; and for the
17 enforcement of such ~~ordinances~~ directives. If the county does not have a county
18 executive, the board may perform these functions by enacting ordinances.

19 SECTION 57. 59.52 (29) (a) of the statutes is amended to read:

20 59.52 (29) (a) All public work, including any contract for the construction,
21 repair, remodeling or improvement of any public work, building, or furnishing of
22 supplies or material of any kind where the estimated cost of such work will exceed
23 ~~\$25,000~~ \$50,000 shall be let by contract to the lowest responsible bidder. Any public
24 work, the estimated cost of which does not exceed ~~\$25,000~~ \$50,000, shall be let as the
25 ~~board~~ county executive may direct. If the estimated cost of any public work is

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1 between \$5,000 and ~~\$25,000~~ \$50,000, the ~~board~~ county executive shall give a class
2 1 notice under ch. 985 before ~~it~~ he or she contracts for the work or shall contract with
3 a person qualified as a bidder under s. 66.0901 (2). A contract, the estimated cost of
4 which exceeds \$25,000, shall be let and entered into under s. 66.0901, except that the
5 ~~board~~ county executive may ~~by a three-fourths vote of all the members entitled to~~
6 ~~a seat~~ provide that any class of public work or any part thereof may be done directly
7 by the county without submitting the same for bids. This subsection does not apply
8 to public construction if the materials for such a project are donated or if the labor
9 for such a project is provided by volunteers. This subsection does not apply to
10 highway contracts which the county highway committee or the county highway
11 commissioner is authorized by law to let or make.

12 SECTION 58. 59.52 (29) (c) of the statutes is created to read:

13 59.52 (29) (c) If a county does not have a county executive, the board may
14 perform the functions under par. (a), except that with regard to a contract the
15 estimated cost of which exceeds \$50,000, the board may provide that any class of
16 public work or any part thereof may be done directly by the county without
17 submitting the same for bids only if the board approves such action by a
18 three-fourths vote of all the members entitled to a seat.

19 SECTION 59. 59.52 (31) of the statutes is repealed.

20 SECTION 60. 59.53 (25) of the statutes is amended to read:

21 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board
22 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) ~~and~~
23 ~~(31)~~, 66.0301, and 66.0607 (2), related to mental health functions, programs, and
24 services.

25 SECTION 61. 59.56 (3) (b) of the statutes is amended to read:

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1 59.56 (3) (b) *Committee on agriculture and extension education.* If a board
2 establishes a university extension program, it shall create a committee on
3 agriculture and extension education. The board may select as a member of the
4 committee any public school administrator resident in the county. The members of
5 the committee shall receive such compensation and expenses as the board or county
6 executive determines under s. 59.22 (2) (c) and (3). The committee shall meet at such
7 intervals as are considered necessary to properly carry out its functions and
8 responsibilities.

9 **SECTION 62.** 59.56 (14) (e) 1. of the statutes is amended to read:

10 59.56 (14) (e) 1. Acquire by deed or lease real estate and make improvements
11 on such real estate.

12 **SECTION 63.** 59.57 (2) (e) 4. of the statutes is amended to read:

13 59.57 (2) (e) 4. The articles of incorporation shall provide for 2 classes of
14 members who shall be designated as county members and public members and shall
15 fix the number of each class, but the county members, at all times, shall constitute
16 not less than a majority of the total authorized members. All members of each class
17 shall be designated by the board and shall hold office at the pleasure of the board,
18 except that in counties having a county executive, the members shall be designated
19 by the county executive subject to confirmation by the board and subject to the
20 confirmation provisions of s. 59.17 (2) (b) 1., and such members serve at the pleasure
21 of the county executive. The agency shall be subject to dissolution and its corporate
22 authority terminated upon resolution adopted by a majority of the board, or of the
23 boards of each county where counties join in the formation of the agency whereupon
24 the members shall proceed immediately to dissolve the agency, wind up its affairs
25 and distribute its remaining assets as provided in this subsection.

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1 SECTION 64. 59.57 (2) (f) 2. of the statutes is amended to read:

2 59.57 (2) (f) 2. Within the boundaries of the county or the counties joining in
3 the formation of the agency to acquire by purchase, lease or otherwise any real or
4 personal property or any interest therein or mortgage or other lien thereon; to hold,
5 improve, clear and redevelop any such property; to sell, assign, lease, subdivide and
6 make the property available for industrial use and to mortgage or otherwise
7 encumber the property, except that the authority to enter into a lease under this
8 subdivision may be exercised only by the county executive, if the county has such an
9 office.

10 SECTION 65. 59.58 (1) (c) of the statutes is amended to read:

11 59.58 (1) (c) Operate airport projects or lease such projects in their entirety or
12 in part, and any project may include space designed for leasing to others if the space
13 is incidental to the purposes of the project, except that the authority to enter into a
14 lease under this paragraph may be exercised only by the county executive, if the
15 county has such an office.

16 SECTION 66. 59.58 (3) (intro.) of the statutes is amended to read:

17 59.58 (3) PUBLIC TRANSIT IN COUNTIES. (intro.) A board may do any of the
18 following, except that the authority to enter into a lease under this subsection may
19 be exercised only by the county executive, if the county has such an office:

20 SECTION 67. 59.60 (1) of the statutes is amended to read:

21 59.60 (1) APPLICATION. ~~The~~ Except as provided in s. 59.602, the provisions of
22 this section shall apply to all counties with a population of 500,000 ~~750,000~~ or more.
23 ~~Except as provided in sub. (13), any~~ Any county with a county executive or county
24 administrator may elect to be subject to the provisions of this section.

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1 SECTION 68. 59.60 (12) of the statutes is renumbered 59.60 (12) (a) and
2 amended to read:

3 59.60 (12) (a) ~~No Subject to par. (b), no~~ payment may be authorized or made
4 and no obligation incurred against the county unless the county has sufficient
5 appropriations for payment. ~~No Subject to par. (b), no~~ payment may be made or
6 obligation incurred against an appropriation unless the director first certifies that
7 a sufficient unencumbered balance is or will be available in the appropriation to
8 make the payment or to meet the obligation when it becomes due and payable. An
9 obligation incurred and an authorization of payment in violation of this subsection
10 is void, except as provided in par. (b). A county officer who knowingly violates this
11 subsection is jointly and severally liable to the county for the full amount paid. A
12 county employee who knowingly violates this subsection may be removed for cause.
13 This subsection does not prohibit contracting for capital improvements being
14 financed wholly or partly by the issuance of bonds or prevent the making of a contract
15 or lease providing for the payment of funds at a time beyond the end of the fiscal year
16 in which the contract or lease is made. ~~The Subject to par. (b), the~~ board shall make
17 or approve by resolution each contract, lease or other obligation requiring the
18 payment of funds from the appropriations of a later fiscal year or of more than one
19 fiscal year.

20 SECTION 69. 59.60 (12) (b) of the statutes is created to read:

21 59.60 (12) (b) With regard to payments and obligations, and multi-year
22 contracts, described under par. (a) that would otherwise be prohibited, such
23 contracts may be validly entered into if at least one of the following applies:

24 1. A contract requires funding from a future unbudgeted fiscal year and the
25 contract contains a clause stating that the payment and performance obligation for

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1 a future fiscal year is subject to availability and appropriation of funds, and that if
2 an appropriation is not available to fund the terms of the contract for the duration
3 of the contract, the contract shall be null and void on the last day on which the
4 appropriation to fund the contract is available. With regard to such a contract, board
5 approval of a multi-year contract is not necessary for the contract to take effect if it
6 is signed by the county executive.

7 2. The board approves a budget that is signed by the county executive and
8 contains a continuing appropriation to fully fund a multi-year contract. The board
9 need not approve the contract more than once for the contract to remain valid
10 throughout the period during which it is fully funded by the continuing
11 appropriation.

12 **SECTION 70.** 59.60 (12) (c) of the statutes is created to read:

13 59.60 (12) (c) The provisions of this subsection apply to budgets adopted under
14 this section and s. 59.602.

15 **SECTION 71.** 59.602 of the statutes is created to read:

16 **59.602 Alternative budget process in certain counties. (1) APPLICATION.**

17 (a) Subject to par. (b), the provisions of this section may be used by any county,
18 including a county with a population of 750,000 or more.

19 (b) To use the provisions of this section, a county must take one of the following
20 actions:

21 1. If the county has a county executive or administrator, the county executive
22 or administrator must issue a written proclamation stating that the county will use
23 the provisions of this section. Once the proclamation is issued, it takes effect. No
24 action by the county board is needed for the proclamation to take effect, and no
25 county board action may stop or repeal the proclamation.

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1 2. In any other county, the board must adopt a resolution proclaiming that the
2 county will use the provisions of this section.

3 (2) DEFINITIONS. In this section:

4 (a) "Budget director" means the officer or employee of a county, other than the
5 county executive, county administrator, or county administrative coordinator, who
6 is principally responsible for developing and coordinating a county's budget, except
7 that if the county's executive, administrator, or administrative coordinator is
8 principally responsible for developing and coordinating a county's budget, that
9 individual is the budget director.

10 (b) "Department" includes all county departments, boards, commissions,
11 institutions, offices, and other agencies of the county government for which funds
12 may be legally appropriated.

13 (c) "Director" means the director of the county department of administration.

14 (3) FISCAL YEAR. The fiscal year in every county is the calendar year.

15 (4) ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting
16 procedure that is applied under this section shall comply with generally accepted
17 accounting principles for government as promulgated by the governmental
18 accounting standards board or its successor bodies or other authoritative sources.

19 (5) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the
20 executive's or administrator's budget to the finance committee and such committee
21 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or
22 administrator's budget and comparative figures together with a statement of the
23 county's bonded indebtedness, and shall make available to the general public
24 reprinted copies of the summary as published. The publication shall also state the
25 date, hour, and place of the public hearing to be held by the board on such executive's

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1 or administrator's budget. The board shall, not less than 14 days after publication
2 of the summary of the executive's or administrator's budget, and prior to the adoption
3 of the property tax levy, hold a public hearing on such executive's or administrator's
4 budget, at which time county residents may appear and express their opinions. After
5 such public hearing, and on or before the annual meeting, the finance committee
6 shall submit to the board its recommendations for amendments to the executive's or
7 administrator's budget, if any, and the board shall adopt the budget with such
8 changes as it considers proper and advisable. A request for an amendment to the
9 budget must be submitted to the comptroller or budget director at least 7 business
10 days before the amendment may be considered by the board or by a committee of the
11 board, and the board or committee may not consider any amendment which is not
12 submitted in conformity with this time frame. Any amendment to the budget shall
13 include an estimate, prepared by the comptroller, of the costs that will be incurred,
14 and the staffing changes that will be required, to implement the amendment during
15 the next 5 fiscal years. If a county does not have a comptroller, the estimate shall be
16 prepared by the county's budget director. The board shall make the amendment and
17 the estimate available to the public, in an electronic format, at least 24 hours before
18 the amendment may be considered by the board or by a committee of the board. The
19 board shall have the budget resolution prepared as it was adopted by the board,
20 incorporating any adopted amendments, before presenting the resolution to the
21 executive. Subject to sub. (6), the board of a county with a population of at least
22 750,000 may not adopt a budget in which the total amount of budgeted expenditures
23 related to the compensation of county board members, and to any other costs that are
24 directly related to the operation and functioning of the county board or committees
25 of the board, including staff, is greater than 0.4 percent of the county portion of the

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1 tax levy for that year to which the budget applies. The board of a county with a
2 population of at least 750,000 may not adopt a budget that alters any formula by
3 which fringe benefits, interdepartmental charges for services, depreciation, or debt
4 service are allocated in the executive's budget. An appropriation that is contingent
5 upon additional approval by the board after the adoption of the budget is included
6 in the 0.4 percent budget limitation described in this subsection. When so adopted,
7 the sums provided shall, subject to the provisions of sub. (7), constitute legal
8 appropriations and anticipated revenues for the ensuing year.

9 (6) MILWAUKEE COUNTY BUDGET CAP. The 0.4 percent budget limitation for a
10 county with a population of at least 750,000 that is described in sub. (5) does not
11 apply to any of the following elements of the county's budget:

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

14 (b) The costs for the salary, health benefits, and pension benefits of county
15 board supervisors and the county board chairperson for any term that begins before
16 April 2018.

17 (c) Any costs associated with duties performed by the county clerk under s.
18 59.23 (2).

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

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

21 (7) TRANSFERS OF APPROPRIATIONS. (a) At the request of the head of any
22 department, and after receiving the recommendation of the county executive or
23 county administrator, the director shall, at any time during the fiscal year, transfer
24 any unencumbered appropriation balance or portion thereof between principal
25 objects of expenditures within a department; but no transfers shall be made of

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1 appropriations originating from bond funds unless the purpose for which the bonds
2 were issued has been fulfilled or abandoned. If more than one department is under
3 the jurisdiction of the same board or commission or under the same general
4 management, the group of departments may be considered as though they were a
5 single unit with respect to transfers of appropriations within the group.

6 (b) Upon the recommendation of the finance committee in a county without a
7 county executive or county administrator, or upon the recommendation of the county
8 executive or county administrator in other counties, and by resolution adopted by a
9 majority of the members present and voting at any meeting, the board may transfer
10 any unencumbered appropriation balance or portion thereof from one department or
11 account to another.

12 (c) 1. Paragraph (b) does not apply to an appropriation which is irrepealable
13 by law.

14 2. The board may not amend a recommendation under par. (b) to increase the
15 amount to be transferred or to transfer funds to a department other than the
16 department designated as the transferee in the recommendation.

17 3. No transfer may be made under this subsection unless the director certifies
18 that sufficient unencumbered funds are available for transfer.

19 (8) BUDGETARY PROCEDURES, BEYOND 2017. (a) For fiscal years that begin after
20 December 31, 2017, a county that chooses under sub. (1) (b) to operate under this
21 section shall adopt a budget that contains the provisions specified in this section.

22 (b) Beginning in 2017, and in every odd-numbered year thereafter, a county
23 shall adopt a biennial budget following the timeline specified in par. (c) that sets forth
24 all of the following items, and no others, for the 2 fiscal years that immediately follow
25 the year in which the budget is adopted:

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- 1 1. The county tax levy.
- 2 2. Anticipated revenue amounts from all sources.
- 3 3. Appropriations for all departments and for any other obligations of the
- 4 county.

5 (c) 1. All departments shall submit their budget requests to the director.

- 6 2. The county executive, county administrator, or, in a county without a county
- 7 executive or administrator, the finance committee, shall submit his or her, or its,
- 8 proposed budget to the board, either electronically or in writing, not later than
- 9 October 1 of an odd-numbered year.

10 3. In a county with a county executive, the board shall approve the budget,

11 engrossed with any amendments, and return it to the county executive no later than

12 November 1 of an odd-numbered year. Any amendment to the budget must be

13 submitted to the comptroller or budget director at least 7 business days before the

14 amendment may be considered by the board or by a committee of the board, and the

15 board or committee may not consider any amendment that is not submitted in

16 conformity with this time frame. An amendment shall also include an estimate,

17 prepared by the comptroller, of the costs that will be incurred, and the staffing

18 changes that will be required, to implement the amendment during the next 5 fiscal

19 years. The board shall make the amendment and the estimate available to the

20 public, in an electronic format, at least 24 hours before the amendment may be

21 considered by the board or by a committee of the board. The board shall have the

22 budget resolution prepared as it was adopted by the board, incorporating any

23 adopted amendments, before presenting the resolution to the executive.

24 4. If a county executive wishes to veto any part of the budget under s. 59.17 (5)

25 or (6), the county executive shall do so no later than November 15 of an

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1 odd-numbered year. The board may not schedule a meeting to act on the county
2 executive's vetoes, as described in subd. 5., before it receives the vetoes or November
3 16 of an odd-numbered year, whichever comes first.

4 5. The board may act on all of the county executive's vetoes or changes, as
5 described in s. 59.17 (5) and (6), no later than November 19 of an odd-numbered year,
6 or the vetoes or changes shall be considered to be approved by the board.

7 6. In a county without a county executive, the board shall approve the budget.

8 (d) A county that uses the provisions of this section shall utilize fund
9 accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this section.

10 (e) After a biennial budget takes effect, if revenues received or expenses
11 incurred by the county are different from the amounts anticipated, the county
12 executive, county administrator, or, in a county without a county executive or
13 administrator, the finance committee, may increase or decrease appropriation
14 amounts as he or she determines is appropriate to account for the changed revenue
15 or expense amounts that affect the county.

16 (f) Outside of the budget process, the county executive, county administrator,
17 or, in a county without a county executive or administrator, the finance committee
18 may propose to the board an increase or decrease in any appropriation or revenue
19 amount, subject to the budget amendment procedures under par. (c) 3. To be
20 approved, such a proposal requires the affirmative vote of two-thirds of the
21 members-elect of the board and the proposal may not be amended by the board,
22 except that when such a proposal is made and voted on by the board after September
23 30 and before November 16 of any even-numbered year, such a proposal may be
24 approved by a simple majority vote of the members-elect of the board and the board
25 may amend the proposal.

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1 (g) With regard to every county department that has appropriations and
2 expenses contained in a budget that is adopted under this section, the budget
3 provisions that apply to such a department shall contain an appropriation account
4 into which a gift or grant bestowed upon that department shall be deposited. If a
5 department receives such a gift or grant, the department may spend the funds, with
6 the consent of the county executive, county administrator, or, in a county without a
7 county executive or administrator, the finance committee, but without county board
8 approval, for the purposes for which the gift or grant was bestowed.

9 (h) During a biennium, a county board of a county with a county executive may
10 not adopt a resolution to issue a municipal obligation, as defined in s. 67.01 (6), in
11 an amount that is higher than the amount initially proposed by the county executive
12 in his or her proposed budget for that biennium. During a biennium a county
13 executive may propose, outside of the budget process, the issuance of additional
14 municipal obligations, as defined under s. 67.01 (6). The board may approve the
15 county executive's proposal, but may not increase the amount proposed.

16 (i) 1. Subject to subd. 2., the board of a county with a population of at least
17 750,000 may not adopt a budget in which the total amount of budgeted expenditures
18 related to the compensation of county board members, and to any other costs that are
19 directly related to the operation and functioning of the county board or committees
20 of the board, including staff, is greater than 0.4 percent of the county portion of the
21 tax levy for that year to which the budget applies. The board may not alter any
22 formula by which fringe benefits, interdepartmental charges for services,
23 depreciation, or debt service are allocated in the recommended budget. An
24 appropriation that is contingent upon additional approval by the board after the
25 adoption of the budget is included in the 0.4 percent budget limitation described in

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1 this subdivision. When so adopted, the sums provided shall, subject to the provisions
2 of sub. (7), constitute legal appropriations and anticipated revenues for the ensuing
3 year.

4 2. The 0.4 percent budget limitation for a county with a population of at least
5 750,000 that is described in subd. 1. does not apply to any of the following elements
6 of the county's budget:

7 a. Any costs related to pension and health care payments for retired county
8 officers, employees, and their families.

9 b. The costs for the salary, health benefits, and pension benefits of county board
10 supervisors and the county board chairperson for any term that begins before April
11 2018.

12 c. Any costs associated with duties performed by the county clerk under s. 59.23
13 (2).

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

15 e. Space rental that is attributable to the county board.

16 **SECTION 72.** 59.61 (4) of the statutes is created to read:

17 59.61 (4) **FUND ACCOUNTING.** (a) A county that is subject to s. 59.60 shall utilize
18 fund accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this
19 subsection.

20 (b) In addition to a general fund, a county may create other governmental
21 funds, proprietary funds, fiduciary funds, and other appropriate funds allowed by
22 government accounting practice, provided that in creating each fund the county
23 describes the sources of revenues that may be deposited into each fund and the types
24 of expenditures that may be made from each fund. Counties may maintain
25 reasonable balances in each such fund to provide the county with necessary working

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1 capital, based on sound business principles, to avoid cash flow interruptions and the
2 need to engage in short-term borrowing to fund daily operations. In counties with
3 no county executive, the board may create a fund described in this paragraph by
4 ordinance. In counties with a county executive, only the county executive may create
5 a fund described in this paragraph by executive order, and such an executive order
6 may not be modified or otherwise affected by county board action.

7 (c) A county that creates governmental, proprietary, fiduciary, or other funds
8 under this subsection shall develop policies and procedures that apply to each such
9 fund, including all of the following:

- 10 1. Setting a working cash flow target for each fund.
- 11 2. Publishing annual estimates of working cash flow balances.
- 12 3. A description of possible uses of balances in a fund that accumulate above
13 the cash flow target.

14 (d) Each governmental and proprietary fund created under this subsection
15 shall serve as a fiscal and accounting entity with a self-balancing set of accounts.

16 **SECTION 73.** 59.69 (2) (a) 2. of the statutes is amended to read:

17 59.69 (2) (a) 2. If the board in a county with a county executive authorizes the
18 creation of a county planning and zoning commission, designated the county zoning
19 agency, the county executive shall appoint the commission, subject to confirmation
20 by the board and to the confirmation provisions of s. 59.17 (2) (b) 1.

21 **SECTION 74.** 59.69 (2) (a) 3. of the statutes is amended to read:

22 59.69 (2) (a) 3. If a county planning and zoning commission is created under
23 subd. 2., the county executive may appoint, for staggered 3-year terms, 2 alternate
24 members of the commission, who are subject to confirmation by the board, and to the
25 confirmation provisions of s. 59.17 (2) (b) 1. Annually, the county executive shall

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1 designate one of the alternate members as first alternate and the other as 2nd
2 alternate. The first alternate shall act, with full power, only when a member of the
3 commission refuses to vote because of a conflict of interest or when a member is
4 absent. The 2nd alternate shall act only when the first alternate refuses to vote
5 because of a conflict of interest or is absent, or if more than one member of the
6 commission refuses to vote because of a conflict of interest or is absent.

7 SECTION 75. 59.69 (10) (b) 2. of the statutes is amended to read:

8 59.69 (10) (b) 2. Notwithstanding subd. 1. and s. 59.698, in a county with a
9 county zoning agency and a county executive or county administrator, the county
10 executive or county administrator shall appoint and supervise the head of the county
11 zoning agency and the county building inspector, in separate or combined positions.
12 The appointment is subject to confirmation by the board unless the board, by
13 ordinance, elects to waive confirmation or unless the appointment is made under a
14 civil service system competitive examination procedure established under s. 59.52
15 (8) or ch. 63, and except that in the case of a county with a county executive, the
16 appointment is subject to the confirmation provisions of s. 59.17 (2) (b) 1. The board,
17 by resolution or ordinance, may provide that, notwithstanding s. 17.10 (6), the head
18 of the county zoning agency and the county building inspector, whether serving in
19 a separate or combined position, if appointed under this subdivision, may not be
20 removed from his or her position except for cause.

21 SECTION 76. 59.70 (2) (intro.) of the statutes is amended to read:

22 59.70 (2) SOLID WASTE MANAGEMENT. (intro.) The board of any county may
23 establish and operate a solid waste management system or participate in such
24 system jointly with other counties or municipalities. Except in counties having a
25 population of 500,000 or more, the board of a county or the boards of a combination

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1 of counties establishing a solid waste management system may create a solid waste
2 management board to operate the system and such board, in a county that does not
3 combine with another county, shall be composed of not less than 9 nor more than 15
4 persons of recognized ability and demonstrated interest in the problems of solid
5 waste management, but not more than 5 of the board members may be appointed
6 from the county board of supervisors. In any combination of counties, the solid waste
7 management board shall be composed of 11 members with 3 additional members for
8 each combining county in excess of 2. Appointments shall be made by the county
9 boards of supervisors of the combining counties in a manner acceptable to the
10 combining counties, but each of the combining counties may appoint to the solid
11 waste management board not more than 3 members from its county board of
12 supervisors. The term of office of any member of the solid waste management board
13 shall be 3 years, but of the members first appointed, at least one-third shall be
14 appointed for one year; at least one-third for 2 years; and the remainder for 3 years.
15 Vacancies shall be filled for the residue of the unexpired term in the manner that
16 original appointments are made. Any solid waste management board member may
17 be removed from office by a two-thirds vote of the appointing authority. The solid
18 waste management board may employ a manager for the system. The manager shall
19 be trained and experienced in solid waste management. For the purpose of operating
20 the solid waste management system, the solid waste management board may
21 exercise the following powers, except that the authority to enter into a lease under
22 this subsection may be exercised only by the county executive, if the county has such
23 an office:

24 SECTION 77. 59.70 (18) of the statutes is amended to read:

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1 59.70 (18) LAND CLEARING AND WEED CONTROL. The board may purchase or
2 accept by gift or grant tractors, bulldozers and other equipment for clearing and
3 draining land and controlling weeds on same, and for such purposes to operate or
4 lease the same for work on private lands, except that the authority to enter into a
5 lease under this subsection may be exercised only by the county executive, if the
6 county has such an office. The board may charge fees for such service and for rental
7 of such equipment on a cost basis.

8 SECTION 78. 59.79 (8) of the statutes is repealed.

9 SECTION 79. 59.792 (3) (a) (intro.) of the statutes is amended to read:

10 59.792 (3) (a) (intro.) The county's board may do any of the following, except
11 that the authority to enter into a lease under this paragraph may be exercised only
12 by the county executive, if the county has such an office:

13 SECTION 80. 59.84 (2) (d) 8. of the statutes is created to read:

14 59.84 (2) (d) 8. Notwithstanding the provisions of subs. 2. and 7., the authority
15 to enter into a lease under this paragraph may be exercised only by the county
16 executive, if the county has such an office.

17 SECTION 81. 60.40 (2) of the statutes is amended to read:

18 60.40 (2) PREPARATION. The town board is responsible for preparation of the
19 proposed budget required under s. 65.90, unless the town board chair acts under s.
20 65.30 (2) (b). In preparing the budget, the town board may provide for assistance by
21 any person.

22 SECTION 82. 60.40 (3) of the statutes is amended to read:

23 60.40 (3) HEARING. The town board shall conduct the budget hearing required
24 under s. 65.30 or 65.90.

25 SECTION 83. 60.40 (5) of the statutes is amended to read:

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1 60.40 (5) AMENDMENT. The town budget may be amended by the town board
2 under s. 65.90 (5) or 65.30 (4) or (6).

3 SECTION 84. 63.02 (2) of the statutes is amended to read:

4 63.02 (2) The director of personnel shall cause the minutes of its proceedings
5 to be taken and fully transcribed. The original transcribed copy shall be the official
6 minutes of such proceedings and shall be open and available for public inspection.
7 The director of personnel shall preserve all reports made to the commission, keep a
8 record of all examinations held under its direction and perform such other duties as
9 the commission may from time to time prescribe. The director of personnel shall be
10 appointed by the county executive in the unclassified civil service ~~and is subject to~~
11 ~~confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

12 SECTION 85. 65.30 of the statutes is created to read:

13 **65.30 Alternative budget procedure.** (1) DEFINITIONS. In this section:

14 (a) "Budget director" means the officer or employee of a municipality, other
15 than the chief executive, who is principally responsible for developing and
16 coordinating a municipality's budget, except that if the municipality's chief executive
17 is principally responsible for developing and coordinating a municipality's budget,
18 the chief executive is the budget director.

19 (b) "Chief executive" means a mayor or city manager, a village president, or a
20 town board chairperson.

21 (c) Notwithstanding s. 65.02 (1), "department" means any department, board,
22 commission, or other body under the control of a governing body which expends
23 municipal funds or incurs obligations for a municipality, and unless otherwise
24 expressed refers to the head of such department.

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1 (d) "Governing body" means the common council of a city, the village board of
2 a village, or the town board of a town.

3 (e) "Municipality" means any city, village or town.

4 (2) APPLICATION. (a) Subject to par. (b), the provisions of this section may be
5 used by any municipality, including a 1st class city.

6 (b) To use the provisions of this section, the municipality's chief executive must
7 issue a written proclamation stating that the municipality will use the provisions of
8 this section instead of the applicable provisions of s. 60.40 or the other provisions of
9 this chapter. Once the proclamation is issued, it takes effect. No action by the
10 governing body is needed for the proclamation to take effect, and no governing body
11 action may stop or repeal the proclamation.

12 (3) ACCOUNTING AND BUDGETING PROCEDURE. Every accounting and budgeting
13 procedure that is applied under this section shall comply with generally accepted
14 accounting principles for government as promulgated by the governmental
15 accounting standards board or its successor bodies or other authoritative sources.

16 (4) PUBLICATION OF BUDGET AND PUBLIC HEARING. (a) The governing body shall
17 refer the chief executive's or budget director's budget to the finance committee, or
18 similar committee, and such committee shall publish as a class 1 notice, under ch.
19 985, a summary of the chief executive's or budget director's budget and comparative
20 figures together with a statement of the municipality's bonded indebtedness, and
21 shall make available to the general public reprinted copies of the summary as
22 published. The publication shall also state the date, hour, and place of the public
23 hearing to be held by the governing body on such chief executive's or budget director's
24 budget. The governing body shall, not less than 14 days after publication of the
25 summary of the chief executive's or budget director's budget, prior to the adoption

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1 of the property tax levy, hold a public hearing on such chief executive's or budget
2 director's budget, at which time the municipality's residents may appear and express
3 their opinions. After such public hearing, and on or before its next meeting on the
4 budget, the finance committee, or similar committee, shall submit to the governing
5 body its recommendations for amendments to the chief executive's or budget
6 director's budget, if any, and the governing body shall adopt the budget with such
7 changes as it considers proper and advisable.

8 (b) A request for an amendment to the budget must be submitted to the
9 comptroller or budget director at least 7 business days before the amendment may
10 be considered by the municipality's governing body or by a committee of the body, and
11 the governing body or committee may not consider any amendment which is not
12 submitted in conformity with this time frame. In any municipality, any amendment
13 to the budget shall include an estimate, prepared by the comptroller, of the costs that
14 will be incurred, and the staffing changes that will be required, to implement the
15 amendment during the next 5 fiscal years. If a municipality does not have a
16 comptroller, the estimate shall be prepared by the municipality's budget director.
17 The common council shall make the amendment and the estimate available to the
18 public, in an electronic format, at least 24 hours before the amendment may be
19 considered by the common council or by a committee of the common council. The
20 common council shall have the budget resolution prepared as it was adopted by the
21 common council, incorporating any adopted amendments, before presenting the
22 resolution to the mayor.

23 (5) TRANSFERS OF APPROPRIATIONS. (a) At the request of the head of any
24 department, and after receiving the recommendation of the chief executive, the
25 budget director shall, at any time during the fiscal year, transfer any unencumbered

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1 appropriation balance or portion thereof between principal objects of expenditures
2 within a department; but no transfers shall be made of appropriations originating
3 from bond funds unless the purpose for which the bonds were issued has been
4 fulfilled or abandoned. If more than one department is under the jurisdiction of the
5 same board or commission or under the same general management, the group of
6 departments may be considered as though they were a single unit with respect to
7 transfers of appropriations within the group.

8 (b) Upon the recommendation of the chief executive, and by resolution adopted
9 by a majority of the members present and voting at any meeting, the governing body
10 may transfer any unencumbered appropriation balance or portion thereof from one
11 department or account to another.

12 (c) 1. Paragraph (b) does not apply to an appropriation which is irrepealable
13 by law.

14 2. The governing body may not amend a recommendation under par. (b) to
15 increase the amount to be transferred or to transfer funds to a department other than
16 the department designated as the transferee in the recommendation.

17 3. No transfer may be made under this subsection unless the budget director
18 certifies that sufficient unencumbered funds are available for transfer.

19 (6) BUDGETARY PROCEDURES, BEYOND 2017. (a) For fiscal years that begin after
20 December 31, 2017, a municipality which chooses under sub. (1) (b) to operate under
21 this section shall adopt a budget that contains the provisions specified in this section.

22 (b) Beginning in 2017, and in every odd-numbered year thereafter, a
23 municipality shall adopt a biennial budget following the timeline specified in par. (c)
24 that sets forth all of the following items, and no others, for the 2 fiscal years that
25 immediately follow the year in which the budget is adopted:

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- 1 1. The municipal tax levy.
- 2 2. Anticipated revenue amounts from all sources.
- 3 3. Appropriations for all departments and for any other obligations of the
- 4 municipality.

5 (c) 1. All departments shall submit their budget requests to the budget director.

- 6 2. The chief executive shall submit his or her proposed budget to the governing
- 7 body, either electronically or in writing, not later than October 1 of an odd-numbered
- 8 year.

- 9 3. The governing body shall approve the budget, engrossed with any
- 10 amendments, and return it to the chief executive no later than November 1 of an
- 11 odd-numbered year. Any amendment to the budget adopted by the common council
- 12 of a 1st class city must be submitted to the comptroller at least 7 business days before
- 13 the amendment may be considered by the governing body or by a committee of the
- 14 body, and the governing body or committee may not consider any amendment that
- 15 is not submitted in conformity with this time frame. An amendment shall also
- 16 include an estimate, prepared by the comptroller, of the costs that will be incurred,
- 17 and the staffing changes that will be required, to implement the amendment during
- 18 the next 5 fiscal years. A governing body shall make the amendment and, if required,
- 19 the estimate, available to the public, in an electronic format, at least 24 hours before
- 20 the amendment may be considered by the governing body or by a committee of the
- 21 governing body. The governing body shall have the budget resolution prepared as
- 22 it was adopted by the governing body, incorporating any adopted amendments,
- 23 before presenting the resolution to the chief executive.

- 24 4. If a mayor wishes to veto any part of the budget under s. 62.09 (8) (c), the
- 25 mayor shall do so no later than November 15 of an odd-numbered year. The common

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1 council may not schedule a meeting to act on the mayor's vetoes, as described in subd.
2 5., before it receives the vetoes or November 16 of an odd-numbered year, whichever
3 comes first.

4 5. The common council may act on all of the mayor's vetoes or changes, as
5 described in s. 62.09 (8) (c), no later than November 19 of an odd-numbered year, or
6 the vetoes or changes shall be considered to be approved by the common council.

7 (d) After a biennial budget takes effect, if revenues received or expenses
8 incurred by the municipality are different from the amounts anticipated, the chief
9 executive may increase or decrease appropriation amounts as he or she determines
10 is appropriate to account for the changed revenue or expense amounts that affect the
11 municipality.

12 (e) Outside of the budget process, the chief executive may propose to the
13 governing body an increase or decrease in any appropriation or revenue amount,
14 subject to the budget amendment procedures under par. (c) 3. To be approved, such
15 a proposal requires the affirmative vote of two-thirds of the members-elect of the
16 governing body, as defined in s. 66.10015 (1) (bs), and the proposal may not be
17 amended by the governing body, except that when such a proposal is made and voted
18 on by the governing body after September 30 and before November 16 of any
19 even-numbered year, such a proposal may be approved by a simple majority vote of
20 the members-elect of the governing body and the governing body may amend the
21 proposal.

22 (f) With regard to every municipal department that has appropriations and
23 expenses contained in a municipality's budget that is adopted under this section, the
24 budget provisions that apply to such a department shall contain an appropriation
25 account into which a gift or grant bestowed upon that department shall be deposited.

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1 If a department receives such a gift or grant, the department may spend the funds,
2 with the consent of the chief executive, but without the approval of the governing
3 body, for the purposes for which the gift or grant was bestowed.

4 (g) During a biennium, a governing body may not adopt a resolution to issue
5 a municipal obligation, as defined in s. 67.01 (6), in an amount that is higher than
6 the amount initially proposed by the chief executive in his or her proposed budget for
7 that biennium. During a biennium a chief executive may propose, outside of the
8 budget process, the issuance of additional municipal obligations, as defined under
9 s. 67.01 (6). The governing body may approve the chief executive's proposal, but may
10 not increase the amount proposed.

11 SECTION 86. 68.14 (1) of the statutes is amended to read:

12 68.14 (1) The seeking of a review pursuant to s. 68.10 or 68.13 does not preclude
13 a person aggrieved from seeking relief from the governing body of the municipality
14 or any of its boards, commissions, committees, or agencies ~~which~~ that may have
15 jurisdiction, except that the authority under this section of a county board is subject
16 to the limitations in s. 59.17 (2) (d).

17 SECTION 87. 83.01 (1) (b) of the statutes is amended to read:

18 83.01 (1) (b) In counties having a population of 500,000 or more, the county
19 highway commissioner shall also be the director of public works. The person holding
20 the position of county highway commissioner and director of public works, under the
21 classified service, on June 16, 1974, shall continue in that capacity under civil
22 service status until death, resignation, or removal from such position. Thereafter the
23 county executive shall appoint as successor a director of transportation who shall
24 assume the duties of county highway commissioner and director of public works and
25 ~~is subject to confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

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1 **SECTION 88.** 200.11 (8) of the statutes is amended to read:

2 200.11 (8) **SOLID WASTE MANAGEMENT.** The district may engage in solid waste
3 management and shall for such purposes have all powers granted to county
4 executives or county boards under s. 59.70 (2), except acquisition of land by eminent
5 domain, if each county board having jurisdiction over areas to be served by the
6 district has adopted a resolution requesting or approving the involvement of the
7 district in solid waste management. County board approval shall not be required for
8 the management by the district of such solid wastes as are contained within the
9 sewage or storm water transmitted or treated by the district or as are produced as
10 a by-product of sewerage treatment activities.

11 **SECTION 89.** 289.33 (3) (d) of the statutes is amended to read:

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

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1 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,
2 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,
3 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
4 91.

5 **SECTION 90. Nonstatutory provisions.**

6 (1) COUNTY EXECUTIVE STAFF. Notwithstanding the provisions of section 59.17
7 (2) (b) 6. of the statutes, if a county board reduced or eliminated the staff authorized
8 by the county executive for operating the office of the county executive, or reduced
9 or eliminated the appropriations for the staff and operations of the office of the
10 county executive at any time after March 31, 2016, the county board shall restore the
11 staff levels and appropriation levels to their levels as of April 1, 2016.

12 (2) CONFIRMED APPOINTEES. Any department head appointee of a county
13 executive who has been confirmed by a county board, or whose confirmation has been
14 waived by the board, on the effective date of this subsection does not need to be
15 reconfirmed, or confirmed, by the board as long as the appointee continues in
16 uninterrupted service in that position.

17 **SECTION 91. Initial applicability.**

18 (1) INTERNET SITE FOR PUBLIC CONTRACTS. The treatment of section 59.52 (3m)
19 of the statutes first applies to a contract that is entered into on the first day of the
20 7th month beginning after the effective date of this subsection.

21 (2) PUBLIC WORKS CONTRACTS. The treatment of section 59.52 (29) (a) of the
22 statutes first applies to public contracts that are let on the effective date of this
23 subsection.

24 (3) COMPENSATION FOR CERTAIN COUNTY ELECTIVE OFFICERS. The treatment of
25 sections 59.10 (1) (a), (2) (c) 5., (3) (f), (i), and (k), and (5) and 59.22 (1) (a) 1., 2., and

2017 - 2018 Legislature

- 56 -

LRB-6135/1
MES/JK/KP:amn/klm/wlj/kjf
SECTION 91**BILL**

1 3. of the statutes first applies to the establishment of the salary or compensation of
2 supervisors and the establishment of the compensation of county elective officers
3 other than supervisors and circuit judges for the terms of office beginning after the
4 spring election in 2020.

5

(END)



COUNTY BOARD OF SUPERVISORS

Milwaukee County

TO: Supervisor Eddie Cullen, Chairman, Intergovernmental Relations Committee
Members, Intergovernmental Relations Committee

FROM: Liz Stephens, Legislative Liaison, County Board of Supervisors

DATE: February 1, 2018

RE: Proposed Legislation Affecting County Government

Recently, legislation (“LRB-5135”) began circulating—but has not been introduced—that would affect the balance of power between county executives/county administrators in nearly every county in the state.

According to the title of the bill, the legislation is intended to “increase[e] the authority of a county executive and reduc[e] the authority of a county board.” As noted, the language of this bill is not specific to Milwaukee County; rather, it affects every county with an elected county executive and most counties with unelected county administrators.

The proposed legislation goes further in shifting the statewide balance of power in county government than prior legislative acts (*e.g.*, “Act 14” and “Act 55”) that apply only to Milwaukee County. For instance, the legislation authorizes the following provisions:

- allows every county executive to exercise the powers of the Milwaukee County Executive, including, but not limited to, the sale of land without county board review or approval, the execution of most contracts without county board review or approval, and a prohibition on the board that it may not deal directly with county departments except through the county executive,
- allows the county executive to control all aspects of transportation in the county, including possibly all budgetary decisions, without county board review or approval,
- directs that all conflicts between a county executive/county administrator shall be resolved in favor of the county executive/county administrator,
- allows the county executive to determine compensation and benefits levels for all employees,
- allows the county executive to determine, without consultation from the county board, whether to utilize biennial budgeting,
- allows the county executive to unilaterally issue debt on behalf of the county without notification to or approval by the county board,

- allows the county executive to enter into all contracts (including procurement contracts) without county board approval,
- prohibits the county board from adopting a budget that includes any item other than: (a) the tax levy; (b) anticipated revenue amounts from all sources; and (c) appropriations for all departments, and for any other obligations of the county, and
- allows the county executive to unilaterally increase or decrease appropriation amounts, as he or she deems necessary, in the event revenues or expenses of the county are different from the amounts anticipated.

There are many other provisions of the legislation that substantially deviate from county operations as they currently exist. Following are the various subject areas—and the provisions applicable to each—included in the proposed legislation.

BALANCE OF POWER ISSUES

Provision: Allows all counties with a county executive to exercise the powers and duties that the Milwaukee County Executive may already exercise.

Implication: Allows county executives to sell land, execute contracts (in most instances), issue revenue bonds, and, among other authorities, make all orders concerning county property (excluding parkland) without county board approval.

Provision: Requires the courts to broadly construe the authorities of the county executive or county administrator.

Implication: In cases of statutory conflict or conflict in interpretation of the statutes, the courts would effectively be required to construe the statute in favor of county executives and county administrators.

Provision: In the event there is a conflict between county board and county executive or administrator action, the county executive prevails.

Implication: If the county executive/administrator disagrees with the county board's interpretation of its own authority, the county executive could automatically override and/or disregard county board action irrespective of corporation counsel advice (presumably) and without adjudication by the court.

COUNTY BOARD OPERATIONS

Provision: Provides that any expenditure related to costs associated with the operation and functioning of the county board or committees, including staff, may not be greater than 0.4 percent, with the exception of health care and pension benefits for retired county employees and officers, and salaries and benefits for any board member whose term begins before April 2018.

Implication: Potentially incorporates the costs of associated with the Comptroller's and Clerk's staff time devoted to serving the county board into the 0.4 percent budgetary cap.

Furthermore, the exemption from board members' salaries and benefits would expire in three months and therefore has little benefit to the county board budget.

Provision: Allows the county board to change its compensation only by enacting an ordinance for that purpose at least three months before, but not more than six months before, the next due date for filing nomination papers for the office of supervisor.

Implication: The provision micromanages the functions and oversight over the independently elected board of supervisors and creates a window of opportunity that includes the month during which the county board is deliberating on the county budget.

BUDGETARY AUTHORITY

Provision: Authorizes the county executive or a county administrator to unilaterally determine whether to adopt biennial budgeting.

Implication: Prevents the county board from participating in the decision to use biennial budgeting. Curtails the ability of the county board to adopt budget provisions because the levy has not been set and county residents' needs may change year over year.

Provision: Requires every county board budget amendment to be submitted to the Comptroller's office at least seven business days before it may be considered by the finance committee and requires that each amendment include an estimate of the costs that will be incurred, and the staffing changes that will be required, to implement the amendment during the next five fiscal years.

Implication: Prevents the county board from efficiently evaluating and modifying the budget within the one-month timeline during which the county board must adopt the budget. Requires the Comptroller's office to undertake significant efforts to determine the costs associated with programs that may already exist and make projections for new programs that are largely speculative. For instance, this is not practice that is not required during the state budget process that lasts several months.

Provision: Prohibits the county board from adopting a budget that includes any item other than: (a) the tax levy; (b) anticipated revenue amounts from all sources; and (c) appropriations for all departments, and for any other obligations of the county.

Implication: These restrictions presumably prevent the county board from initiating any new programs, creating new positions, and, possibly, allocating resources among specific programs. The provision constrains the county board's budget-making authority and effectively allows the county executive's budget to become law, except in limited circumstances.

Provision: Allows the county executive to increase or decrease appropriation amounts, as he or she deems necessary, in the event revenues or expenses of the county are different from the amounts anticipated.

Implication: Allows the county executive to increase or decrease funding to *any* program or appropriation authorized by the board through its budget, at his or her discretion, if *any* county revenue expenditure differs *in any amount* (including as little as \$0.01) from the amounts projected in county budget and regardless of whether the program or appropriation is actually affected by the difference in revenues or expenditures. Because all or most budget provisions are merely estimates, this provision would affect virtually every provision of the budget.

Provision: Requires Milwaukee County to follow generally accepted accounting principles (GAAP) for government and authorizes fund accounting, which would be exclusively controlled by the county executive.

Implication: The county board would have no control or oversight over, for instance, the creation of a rainy day account or any other special fund, nor would the county board have authority to determine the amount of the funds to be devoted to such accounts or the manner in which the funds may be used.

COUNTY EXECUTIVE APPOINTMENTS

Provision: Appoints the county executive to exclusively supervise corporation counsel without county board review and allows the county executive to dismiss corporation counsel with county board approval.

Implication: Allowing the county executive to supervise corporation counsel would create a conflict of interest since both the county board and the county executive are corporation counsel's clients.

Provision: Eliminates the requirement that the county board reconfirm all of the county executive's appointments and newly allows the county executive to appoint interim appointees without county board approval.

Implication: Eliminates any recourse for executive appointees who are not performing in their jobs, are mismanaging public resources or have made significant errors in the performance of their duties.

EMPLOYEE STAFFING AND COMPENSATION

Provision: Allows the county executive to hire as many employees as he or she deems necessary for him or her to carry out the duties of the office. In addition, the county board would be prevented from reducing or eliminating staff in the office of the county executive or to affect appropriations for the county executive's office.

Implication: The county board would have no budgetary authority over the office of the county executive leaving the county executive to, theoretically, hire an infinite number of staff at an unknown cost at the expense of other county programs and services.

Provision: Allows the county executive to determine compensation and benefits for all employees, including both classified and non-classified employees.

Implication: The county board's ability to manage and implement county budget priorities would be significantly constrained since the costs associated with employee compensation would be unknown and, therefore, allocating resources to other county programs or services would be difficult if not impossible. Additionally, the provision would not cap the amount of compensation the county executive could award to an employee and, if he or she chose to, could allocate a salary of \$1,000,000 or more to a county employee.

Provision: Gives the county executive sole authority over the establishment and governance of the civil service.

Implication: Removes the county board from any and all oversight functions over the civil service system, including employee disputes.

Provision: Allows the county executive, through the appointment of a commission, to set the compensation level for every elective officer, except county board supervisors and circuit judges. The provision requires the county board to enact an ordinance setting the salaries as determined by the commission and may not adopt salaries different than those proposed by the commission.

Implication: The provision micromanages the compensation process and further constrains the county board's ability to reasonably and rationally budget given the unpredictability of the compensation levels proposed by the commission.

CONTRACTING AUTHORITY

Provision: Gives the county executive exclusive authority over procurement and contracting decisions without county board review.

Implication: Takes away the county board's oversight authority over all contracts regardless of size or length. For instance, the provision would allow the county executive to enter into a lease agreement with a private entity for county parks, county buildings, including the courthouse, for any amount and for up to 99 years.

Provision: Increases the threshold required for letting a public contract from \$25,000 to \$50,000.

Implication: Allows the county executive to exclusively award more sole-source contracts regardless of the merits or qualifications of the contractor.

PUBLIC RECORDS

Provision: Gives the county executive exclusive authority to keep public records, establish parking areas, accept gifts and grants, and transportation, in general.

Implication: The county executive would presumably have control over county board supervisors' public records and appears to remove the ability of the county board from making any programmatic decisions regarding the transportation budget. It also appears that the county executive would be empowered to unilaterally increase (or decrease) the vehicle registration fee as he or she deems fit.

DEBT ISSUANCE

Provision: Exclusively allows the county executive to issue debt on behalf of the county.

Implication: The county executive could unilaterally bind county taxpayers for the repayment of debt subject only to the county's debt limit. For instance, the county executive could issue debt, without county review or taxpayer input, for the proposed County Courthouse Complex.

Provision: The county board is prohibited from issuing municipal obligations in an amount that is higher than the amount initially proposed by the county executive in his or her proposed budget and the county executive is allowed to issue additional debt, with county board approval.

Implication: Reduces oversight over the issuance of taxpayer-backed county debt and potentially creates significant difficulty in reacting quickly to unforeseen circumstances that frequently occur during the structuring of debt, such as interest rates increases.

1 By Supervisors Lipscomb, Sr. and Cullen

File No. 18-166

2

3

A RESOLUTION

4

5

6

Opposing State Legislation (LRB 5135/1) that further empowers the County Executive and reduces or eliminates the legislative oversight of the Milwaukee County Board of Supervisors

7

8

9

WHEREAS, 2013 Wisconsin Act 14 ("Act 14"), enacted May 31, 2013, made sweeping changes to the governance model of Milwaukee County; and

10

11

12

WHEREAS, the state legislation, in general, reduced the authority of the Milwaukee County Board of Supervisors and increased the authority of the Milwaukee County Executive; and

13

14

15

16

WHEREAS, the County Executive also pursued passage of 2013 Wisconsin Act 203, adopted, April 8, 2014, that transferred the authority for mental health operations in Milwaukee County to the County Executive and an unelected Mental Health Board from the County Board of Supervisors; and

17

18

19

WHEREAS, the County Executive also pursued 2015 Wisconsin Act 55, adopted July 12, 2015, that, among other things, increased the County Executive's authority related to the sale and acquisition of County property; and

20

21

22

23

WHEREAS, the Milwaukee County Corporation Counsel, in an opinion included in File No. 17-274, made the following statement about the changes made by the State Legislature in Act 55:

24

25

26

27

28

29

"These conflicts, among others, discussed in turn at greater length below, cannot be reconciled by the Office of Corporation Counsel ("OCC") because in doing so, the OCC would be forced to decide the fundamental balance of powers between the board and the executive in Milwaukee County, which in turn would usurp the state legislature's function."

30

; and

31

32

33

34

35

WHEREAS, despite these changes, the Milwaukee County Executive is pursuing additional State Legislation, currently Legislative Reference Bureau (LRB) draft 5135/1, that would extend many of these changes to other Wisconsin Counties with County Executives and make additional changes to consolidate even more power with the County Executive; and

36

37

WHEREAS, the proposed legislation would grant the County Executive the unilateral authority to use a biennial budget process that dictates a shortened timeline

38 for legislative review and would permit the County Executive to increase or decrease
39 appropriations when revenues or expenditures are different than anticipated; and

40 WHEREAS, the proposed legislation would grant the County Executive the sole
41 authority to create, abolish, and determine the pay and fringe benefits (including
42 bonuses, pension and health benefits) of unelected employees; and

43 WHEREAS, the proposed legislation would remove the County Board from
44 confirming certain key positions and the public vetting of political appointees; and

45 WHEREAS, the proposed legislation would grant the County Executive exclusive
46 authority over procurement and permit all contracts to be approved without County
47 Board approval or review, including the leasing of all Parkland; and

48 WHEREAS, the proposed legislation also removes the County Board of
49 Supervisors' authority over civil service, debt issuance, transportation, and requires the
50 courts to broadly construe the authorities of the County Executive; and

51 WHEREAS, the adoption of the additional statutory language sought by the
52 County Executive in LRB 5135/1 would create additional difficulties in the interpretations
53 of new state law that would be difficult to reconcile and in turn would enhance conflicts;
54 and

55 WHEREAS, Milwaukee County General Ordinance Chapter 1.25 (4) & (5),
56 related to political activity on behalf of the County, reads in pertinent part as follows:

57 (4) *Political activity prohibited.* The heads of county departments, bureaus,
58 boards and commissions or any other member of their respective departments,
59 bureaus, boards and commissions, in their official capacities, are prohibited from
60 recommending any changes or amendments of the laws of the State of Wisconsin to the
61 legislature of the State of Wisconsin, or to any committee of the legislature, or to any
62 member of the legislature of the State of Wisconsin without first submitting to the county
63 board any changes or amendments of the laws of the State of Wisconsin and obtaining
64 the approval of and a directive from said county board.

65 (5) *Other political activity.* Nothing in section 4 above, or the remainder of this
66 section shall be construed as preventing any elected official from engaging in lobbying
67 activities as an individual, or in their official capacity, if they make it clear that they are
68 not representing the position of Milwaukee County. Further, no privately funded lobbying
69 activities shall be engaged by any official, elected or appointed, on behalf of any policy
70 position that is not the adopted or stated position of Milwaukee County Government.

71 ; and

72 WHEREAS, the Wisconsin Attorney General Opinion dated August 14, 2013,
73 concluded "that a county board may require a county executive to clarify that he or she
74 is not representing the position of the county when engaging in lobbying activities on
75 behalf of a position that is not the position adopted by the county"; and
76

77 WHEREAS, the County Executive's Government Affairs Liaison is the registered
78 contact with the Wisconsin Ethics Commission for the County Leaders for
79 Modernization that has hired four lobbyists to push this legislation in Madison that
80 removes checks and balances in local government; and

81 WHEREAS, due to County Board oversight in early 2017, the public learned that
82 the Pension Manager and Attorney filed a Voluntary Correction Plan (VCP) report with
83 the IRS in 2014 outlining hundreds of pension errors that were never brought to
84 policymakers' attention despite having significant fiscal implications both to the fund and
85 pensioners; and

86 WHEREAS, lessons learned from the 2002 Milwaukee County pension
87 controversy suggest that proper legislative oversight, accountability, disclosure, and
88 checks and balances on power are critical to operating a government with integrity;
89 now, therefore,

90 BE IT RESOLVED, that it is the policy of Milwaukee County to oppose Legislative
91 Reference Bureau (LRB) draft legislation 5135/1, or bills that contain similar provisions
92 to eliminate legislative oversight of the Administration of Milwaukee County; and

93 BE IT FURTHER RESOLVED, that Milwaukee County supports a governance
94 model that includes checks and balances on the authority of the County Executive and
95 authorizes and requests the County Board of Supervisor's legislative liaison to lobby
96 against the aforementioned draft legislation, or drafts or bills that contain similar
97 provisions; and

98 BE IT FURTHER RESOLVED, that pursuant to Milwaukee County General
99 Ordinances Chapter 1.25(4) & (5), and confirmed by Wisconsin Attorney General
100 Opinion 06-13, that County elected officials and staff advocating on behalf of the
101 proposed legislation outlined above must clarify that he or she is not representing the
102 position of the County.

RESOLUTION 2 -2018
**RESOLUTION TO URGE CREATION OF A NONPARTISAN PROCEDURE
FOR THE PREPARATION OF LEGISLATIVE AND CONGRESSIONAL
REDISTRICTING PLANS**

1 **INTRODUCED BY:** Administrative and Finance Committee

2

3 **INTENT & SYNOPSIS:** To urge creation of a nonpartisan procedure for
4 preparation of legislative and congressional redistricting plans.

5

6 **FISCAL NOTE:** None.

7

8 **WHEREAS:** Currently under the State constitution, the legislature is directed to
9 redistrict legislative districts according to the number of inhabitants at its next
10 session following the decennial federal census by the majority party; and at the
11 same intervals, the legislature also reapportions congressional districts pursuant
12 to federal law; and

13

14 **WHEREAS:** Legislative and congressional redistricting plans enacted pursuant
15 to this procedure are used to elect members of the legislature and members of
16 Congress in the fall of the second year following the year of the census; and

17

18 **WHEREAS:** Historically legislative and congressional plans in Wisconsin have
19 been subject to partisan influence that put the desires of politicians ahead of the
20 electoral prerogative of the people; and

21

22 **WHEREAS:** The 2011 process to draw the maps and fight litigation contesting
23 those maps cost taxpayers nearly \$1.9 Million; and

24

25 **WHEREAS:** A panel of federal district court judges has ruled that the
26 redistricting that was done in Wisconsin in 2011 was unconstitutional; and

27

28 **WHEREAS:** Redistricting to achieve partisan gains is improper, whether it is
29 done by Republicans or Democrats; and

30

31 **WHEREAS:** The process would promote more accountability and transparency
32 and would prohibit the consideration of voting patterns, party information, and
33 the incumbents' residence information or demographic information in drawing
34 the maps, except as necessary to ensure minority participation as required by
35 the U. S. Constitution.

36

37 **NOW THEREFORE, BE IT RESOLVED that the Adams County Board of**
38 **Supervisors** urges the creation of a nonpartisan procedure for the preparation
39 of legislative and congressional redistricting plans; and

40

41 **BE IT FURTHER RESOLVED:** That the Adams County Clerk is directed to send
42 a copy of this Resolution to the Governor of the State of Wisconsin, the
43 Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin
44 League of Municipalities, all members of the State legislature, and to each
45 Wisconsin County Clerk.

46

RESOLUTION 2 -2018 76 of 92
**RESOLUTION TO URGE CREATION OF A NONPARTISAN PROCEDURE
FOR THE PREPARATION OF LEGISLATIVE AND CONGRESSIONAL
REDISTRICTING PLANS**

47 Recommended for adoption by the Administrative and Finance Committee this
48 5 day of January, 2018.

49 [Signature]
50 [Signature]
51 [Signature]
52 [Signature]
53 [Signature]
54 [Signature]

[Signature]
[Signature]
[Signature]

56 Adopted X
57 Defeated _____ by the Adams County Board of Supervisors this
58 Tabled _____ 16 day of January, 2018.

59 [Signature]
60 [Signature]
61 County Board Chair

[Signature]
[Signature]
County Clerk

- 63 Reviewed by Corporation Counsel
64 Reviewed by County Manager/Administrative Coordinator

State of Wisconsin
County of Adams
This document is a full, true and correct copy
of the original on file and of record in my
office and has been compared by me
Attest January 18 2018
[Signature] DEPUTY
County Clerk



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Proposed Lake Michigan marine sanctuary sparks fears of federal overreach

Alisa M. Schafer and McLean Bennett, HTR News Published 7:02 a.m. CT Jan. 31, 2018 | Updated 6:49 p.m. CT Feb. 5, 2018



(Photo: McLean Bennett/USA TODAY NETWORK-Wisconsin)

SHEBOYGAN - When he tried rousing a small audience last year against a proposed Wisconsin-Lake Michigan National Marine Sanctuary, Jim Zeiler turned to a familiar reference.

“What are those nine words that Reagan warned us about? Somebody blurt it out,” Zeiler said from inside the Sheboygan County GOP headquarters building.

On cue, a few audience members offered: “I’m from the government and I’m here to help.”

That was last July, when Zeiler, president of the Hudson-based Citizens for Responsible Zoning and Landowner Rights, headlined a listening session aimed at highlighting his and other opponents’ concerns about

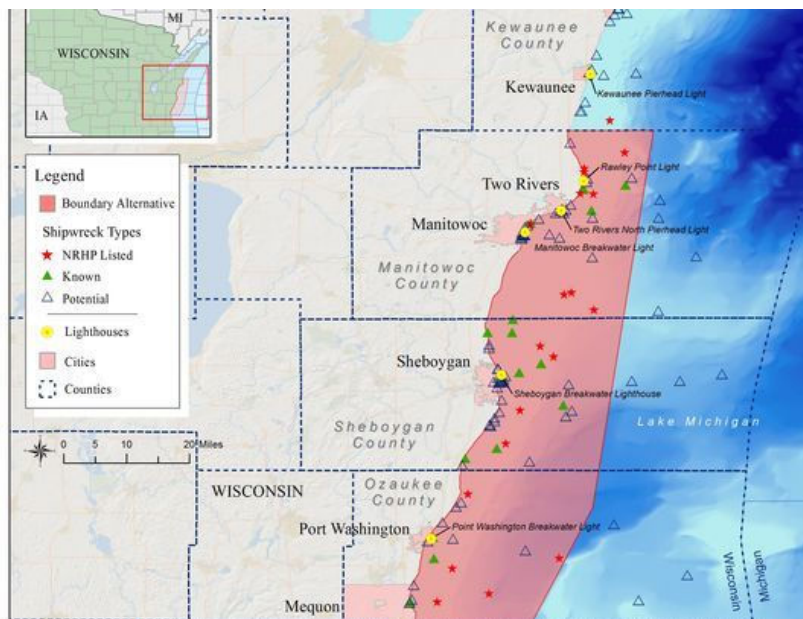
the proposed sanctuary.

Much of the lobbying against the sanctuary is rooted in the fear the federal government will dip more of its toes in the Great Lakes — threatening Wisconsin’s sovereignty.

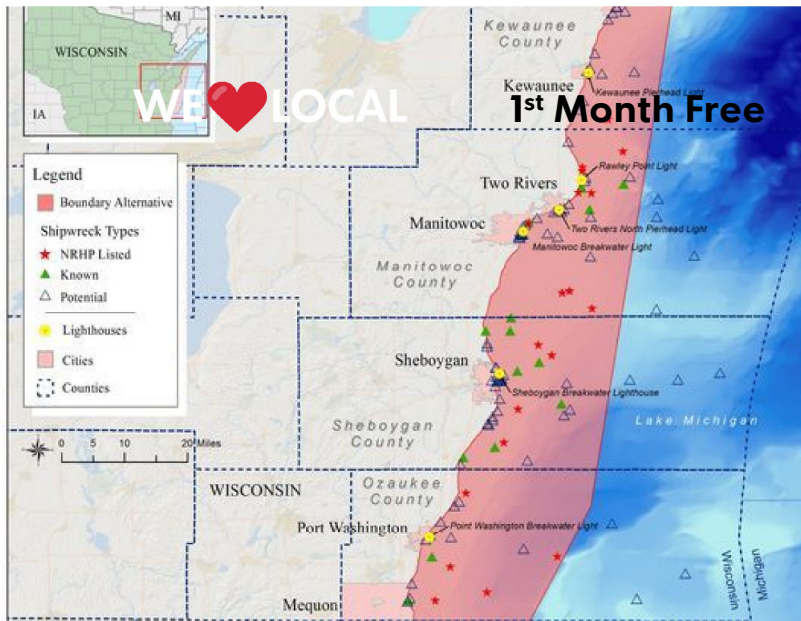
Sanctuary supporters describe those concerns as outlandish. And leaders of a Michigan community report that no such federal power grab has materialized in the 17 years since a marine sanctuary was established on Lake Huron.

The National Oceanic and Atmospheric Administration, or NOAA, has outlined plans to create a sanctuary that would cover about 1,075 square miles of Lake Michigan and protect 37 shipwrecks and 80 unexplored potential shipwrecks and other cultural resources off the coasts of Manitowoc, Sheboygan and Ozaukee counties.

An alternative plan would extend the sanctuary to waters off Kewaunee County, expanding the potential sanctuary territory to 1,260 square miles and protecting 38 shipwrecks and 95 unexplored potential shipwrecks.



NOAA’s preferred alternative for a Wisconsin-Lake Michigan National Marine Sanctuary encompasses 1,075 square miles, 37 shipwrecks and 80 potential shipwrecks. (Photo: Courtesy of The National Oceanic and Atmospheric Administration)



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NOAA's second alternative for a Wisconsin-Lake Michigan National Marine Sanctuary encompasses 1,260 square miles, 38 shipwrecks and 95 potential shipwrecks. (Photo: Courtesy of The National Oceanic and Atmospheric Administration)

Although opponents question the figure, supporters say a Wisconsin-Lake Michigan marine sanctuary could create up to \$10 million in annual income for the three counties, based on the assumption 70,000 tourists will show up to the sanctuary each year.

Many local governments that would be part of the sanctuary have passed resolutions or letters of support for the sanctuary, including the Manitowoc County Board and the Manitowoc and Two Rivers city councils.

Plans for the sanctuary began after Wisconsin Gov. Scott Walker in 2014 asked the federal government to consider a sanctuary off the Lake Michigan coast to bolster existing efforts by the state to protect shipwrecks.

Meant to preserve more than three dozen of those wrecks — some of them placed on the National Register of Historic Places — the proposal produced mixed reactions along the lakeshore.

An executive order signed by President Donald Trump last April, aimed at opening more places for off-shore drilling, complicated the process.

READ MORE: [USA TODAY NETWORK-Wisconsin's coverage of the proposed Wisconsin-Lake Michigan National Marine Sanctuary \(/search/marine%20sanctuary/\)](#)

Sheboygan area has long maritime history

Buy Photo



Judith Perlman of Cleveland, Wisconsin, sits at her picture window with her dog Natalya. Perlman is not in favor of the proposed Wisconsin-Lake Michigan National

Marine Sanctuary. (Photo: Gary C. Klein/USA TODAY NETWORK-Wisconsin)

Shoreline landowners wary 1st Month Free

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Judith Perlman, a retired attorney who has lived in Cleveland, Wisconsin, for 23 years, worries about what the sanctuary could mean for her back yard.

The land outside her back door spills abruptly into Lake Michigan, giving her exclusive access to a 100-foot stretch of shoreline — a coveted bit of real estate that comes with its own set of unique property rights.

If NOAA has its way, she said, the sanctuary could end up overlapping land she sometimes controls. And proposed sanctuary rules that she called “very vague” have her concerned the government would end up tying her hands when it comes to removing bits of debris that often wash ashore.

“I can’t clean my beach without violating federal law,” Perlman said.



The Arctic Shipwreck, in the vicinity of Manitowoc in Lake Michigan. (Photo: Courtesy of Wisconsin Historical Society)

The concern — shared by a few of her neighbors — stems from plans to plant the federal sanctuary along what’s known as Lake Michigan’s “ordinary high-water mark.”

Lakeside, or “riparian,” landowners’ property runs up to that mark. The state owns the land on the other side. That means that when water levels are low, as is often the case, private landowners’ yards spill over into state-owned territory.

In those cases, property owners must get permits from the state to do certain things on land that’s technically not theirs. But they retain exclusive control of it all the way to the water’s edge and can even keep trespassers from wading out of the lake.

To keep the federal agency’s sanctuary from overlapping beaches outside their homes, some sanctuary opponents have tried insisting the boundary simply align with the shoreline, wherever it happens to fall. But NOAA has said water levels fluctuate too much, and as a result could leave sanctuary-protected resources “within or beyond the sanctuary boundary depending on lake levels at a given time.”

“Because the sanctuary won’t change ownership of state bottomlands, this area would not become federal land,” Russ Green, the NOAA official who’s been leading agency efforts to designate the sanctuary, said recently.

He explained that means “all of those riparian rights are intact.”

Perlman isn’t convinced. That’s because, she said, the sanctuary would protect more than just shipwrecks. Proposed regulations she’s read suggest the federal government would also stamp protections within the sanctuary on vaguely defined “sanctuary resources.”

“Stuff that formerly looked like garbage,” she said, “is now, quote, ‘a sanctuary resource.’”



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The LaSalle shipwreck, pictured, in the vicinity of Two Rivers, has been named to the National Register of Historic Places. (Photo: Courtesy of Wisconsin Historical Society)

Green said the proposal isn't meant to regulate beach-combing, although he said his agency could take steps to allay those sorts of concerns by crafting more precise language in its sanctuary rulebooks.

"A 'sanctuary resource,'" he said, "means all prehistoric, historic, archaeological and cultural sites and artifacts within the sanctuary boundary, including but not limited to shipwrecks and related components.

"I think that's where people see the definition as really expansive. And maybe there's some things we can do to tailor that definition to make it clear that we're only talking about historical and archaeological materials."

Overreach fears stoke outcry

When Zeiler spoke in Sheboygan, he warned his group Wisconsin was poised to "give away" control of its fresh water — not to mention its beaches and lake bottom — to the federal government.

"NOAA is feverishly working to create Sanctuaries in all the Great Lakes and along both oceans (sic) coasts," one of his organization's brochures declared.

Most of NOAA's existing 13 national marine sanctuaries run along the country's east and west coasts. The federal agency has for nearly two decades operated a sanctuary in Lake Huron and is considering others in Lake Ontario and Lake Erie. NOAA's website indicates no efforts underway to designate a sanctuary in Lake Superior, although the idea has been discussed.

"A reasonable person might question the goals and intents as concealing a quest for added jurisdiction and power," Zeiler's brochure concluded.

NOAA has balked at those claims.

"The proposal recognizes the state's sovereignty over its waters and submerged lands," the agency said in a statement on its website.

Green added: "The state doesn't give up any of its rights to any of the resources it has in this sanctuary proposal. ... It creates a co-management arrangement between the state and NOAA to manage historic resources in the sanctuary."

In its online statement, the agency notes it would also set up a "sanctuary advisory council" comprising members of the public that would hold open meetings "to gather input and advice on sanctuary management."

"Additionally, NOAA, in collaboration with the state, would conduct regular sanctuary management plan reviews, during which time the public" would have "the opportunity to provide input," the agency said in its online statement.



(Photo: GWM)

The town of Holland, which borders Lake Michigan in Sheboygan County, approved a resolution earlier this year opposing the sanctuary. In a statement following local town board's unanimous vote in January, the town said "the strength of our republic is in local governance, the respect for individual property rights and the sovereignty of Wisconsin state territory."

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State politicians have voiced similar worries.



Terry Katsma (Photo: Photo courtesy Terry Katsma)

"Any time you have another layer of regulation on one of our resources — Lake Michigan — I mean, who knows in what way, shape or form that resource will benefit the state of Wisconsin in the future," state Sen. Duey Stroebel, a Saukville Republican whose district fronts part of the proposed sanctuary, said in an interview last year. "And having another layer, especially a federal layer, of regulation on it could be problematic."

Terry Katsma, a Republican member of the state Assembly from Oostburg, pointed to existing state regulations related to Lake Michigan and questioned the need for more oversight.

"I think our state historical society and the state government seem to be doing an adequate job of protecting the shipwrecks," Katsma said.



Downtown Alpena, Michigan, home of the Thunder Bay National Marine Sanctuary. (Photo: Courtesy of Alpena Area Chamber of Commerce)

In Lake Huron, a precedent

In many ways, NOAA has been here before.

The last time the federal agency — an arm of the U.S. Department of Commerce — declared a national marine sanctuary was in 2000. Back then, officials wanted to overlay shipwreck protections across a swath of Lake Huron off the coast of northeastern Michigan.

Some residents of the Wolverine State weren't having it, though. Voters in Alpena, the tiny coastal city that would serve as the sanctuary's landward headquarters, cast referendum ballots in 1997 overwhelmingly opposing the proposal. Shortly afterward, and taking their cue from voters, members of Alpena's city council also voiced opposition.



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Thunder Bay National Marine Sanctuary Divers visit the remains of the Nordmeer, a 471-foot German freighter that went down in November 1996.

The designation process continued largely unabated, though, and three years later the government established what's been known since as the Thunder Bay National Marine Sanctuary.

Michiganders' fears before 2000 largely mimicked the concerns Wisconsinites have more recently broached. NOAA back then fielded comments from people worried that a federal presence in the Great Lakes could threaten Michigan's sovereignty and that a national freshwater preserve would needlessly duplicate services the state was already providing to protect state shipwrecks.

The agency responded then much the way it has today: with assurances that the Lake Huron sanctuary wouldn't threaten state control of its own land and water, that it wouldn't affect private landowners' property rights and that it would bolster and amplify — not duplicate — the state's existing efforts to preserve underwater heritage sites.



A tour boat in Alpena, Michigan, home of the Thunder Bay National Marine Sanctuary. (Photo: Courtesy of Alpena Area Chamber of Commerce)

Bill Speer, the editor of the Alpena News, said he suspects most of the people originally leery of the idea have since changed their opinions.

"I think if you talked to those people who were opposed to the sanctuary all those years ago," Speer said, "I think of that group, more than half of them ... would say, 'We were wrong and the sanctuary has been much better than we thought.'"

Alpena's Visitor and Convention Bureau has since coined the phrase "Sanctuary of the Great Lakes" to describe the small city at the base of Lake Huron's Thunder Bay, and the region boasts nearly 100,000 visitors annually.

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NOAA established the Thunder Bay National Marine Sanctuary during a time when Alpena was falling victim to changing economies and businesses were closing their doors.



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A view from the Great Lakes Maritime Heritage Trail in Alpena, Michigan, home of the Thunder Bay National Marine Sanctuary. (Photo: Courtesy of Alpena Area Chamber of Commerce)

"(Twenty years ago), our community was starting to transition, especially our downtown where we had some industry along the river, we were beginning to see some of that close down," said City Manager Greg Sundin.

Today, the city of about 10,400 people routinely shows up on maps used by local and regional weather channels and has been featured by National Geographic and Discovery channels.

The sanctuary even drew the attention of Robert Ballard, a professor of oceanography known for his discoveries of the wrecks of the Titanic in 1985 and the battleship Bismarck in 1989. Ballard visited the Thunder Bay National Marine Sanctuary and searched the bay for other wrecks.

In 2014, the sanctuary was expanded to cover 4,300 square miles of Thunder Bay, an area nicknamed "Shipwreck Alley," which is known for unpredictable weather and more than 200 shipwrecks. Nearly 100 of these shipwrecks have been found and are protected by NOAA's regulations.

Speer said Alpena is a thriving city with a close relationship with NOAA and the sanctuary. In the summer, he sees multiple tour buses come into town, buses that not only stop at the Great Lakes Maritime Heritage Center but continue the tour with stops at wineries, local restaurants and the downtown shopping district before the tourists spend the night at a nearby resort.

Local colleges and K-12 schools have implemented underwater robotics curriculum because of the dive tank installed at the Thunder Bay Marine Sanctuary headquarters.

"For the school children of the region, it has just opened up all kinds of new and exciting interactive educational opportunities and that is neat to see, too," Speer said.

Sundin, the city manager, believes NOAA is a community partner with a commitment to helping Alpena succeed, but he noted that the sanctuary would never have been successful without the eventual cooperation of the city, Alpena County and surrounding counties.



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Silhouette of The Alpena Light, also known as the Thunder Bay River Lighthouse or Alpena Breakwater Light in Alpena, Michigan, home of the Thunder Bay National Marine Sanctuary. (Photo: Courtesy of Alpena Area Chamber of Commerce)

"They (NOAA) invest heavily in the community, not just in terms of their facilities, but in terms of their commitment to be a part of the community," Sundin said. "You just never know what the benefits are (from working with NOAA), but I think you just have to look at it as, what can it offer to us and the community and how can we build on it? ... We are continuing to work on that."

It is those benefits that Wisconsin Maritime Museum Director Rolf Johnson is hoping to take advantage of.

"It (the proposed sanctuary) will provide us with even more stories to tell, exhibits and educational opportunities," Johnson said. "It would give us the opportunity to strengthen the connection between people and culture."

Johnson said the sanctuary would also foster partnerships with other museums and institutions, not only along the lakeshore, but throughout the NOAA network.

Economic boon, or a boondoggle?

In Wisconsin, Sheboygan Mayor Mike Vandersteen said last year that a sanctuary could generate \$10 million a year in new tourist spending across the three counties — based on an assumption that 70,000 people would show up to the sanctuary each year.



(Photo: Gary C. Klein/USA TODAY NETWORK-Wisconsin)

A few cities along the proposed Lake Michigan sanctuary, Vandersteen said, either already have the infrastructure to capitalize on tourists or were developing ideas to sell to visitors. He pointed, for instance, to Manitowoc's Wisconsin Maritime Museum as one potential economic driver. Sheboygan had ideas for underwater robotics competitions to attract school students.

"As each of us develops our little niche that's going to be part of this marine sanctuary," he said, "that's going, I think, to determine the real value of the tourism that might come to us."

Sanctuary opponents, though, have critiqued such bright fiscal projections. They point to their own set of numbers to support claims a sanctuary would come with an economic whisper, not a boom.



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The Wisconsin Maritime Museum (Photo: USA TODAY NETWORK-Wisconsin)

The University of Michigan's Institute for Research on Labor, Employment, and the Economy teamed up with NOAA and several other groups in 2013 to compile a report on the economic impact the Thunder Bay National Marine Sanctuary had on northeast Michigan.

That report found less than 1 percent of business — at least among the companies reviewed — came from selling directly to the nearby Lake Huron sanctuary, while about 5 percent came from tourists visiting the sanctuary.

"For this sample at least," the report said, business "does not appear to be driven by the (sanctuary), although the peak months of the tourist season certainly boost sales."

Still, the report offered largely positive conclusions. It called the sanctuary an "asset" to Alpena, and said it could be a "significant contributor" to the region's economic activity.

Sheboygan's mayor said he remains confident the sanctuary will eventually pull through the federal overreach fears and Trump's executive order, which directed the Secretary of Commerce, "unless expressly required otherwise," to "refrain from designating or expanding any National Marine Sanctuary."

"I am very optimistic about this, and we're just going to have to be patient," Vandersteen said. "Good things sometimes take time, and we're just going to have to wait until that works through that federal process."

To learn more

For more about the marine sanctuary effort, visit <https://sanctuaries.noaa.gov/wisconsin/> (<https://sanctuaries.noaa.gov/wisconsin/>).

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2017 - 2018 LEGISLATURE

2017 SENATE BILL 600

November 30, 2017 - Introduced by Senators ROTH, CRAIG, FEYEN, KAPENGA, LASEE and LEMAHIEU, cosponsored by Representatives STEINEKE, STAFSHOLT, ALLEN, E. BROOKS, R. BROOKS, FELZKOWSKI, HORLACHER, HUTTON, JAGLER, JARCHOW, KNODL, KREMER, KUGLITSCH, RODRIGUEZ and WEATHERSTON. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to repeal* 281.36 (3r) (a) 4. and 281.36 (3s); *to amend* 20.370 (9)
 2 (bm),
 3 281.36 (3b) (b), 281.36 (3m) (a), 281.36 (3n) (d), 281.36 (3r) (a) (intro.),
 4 281.36
 5 (3r) (e), 281.36 (4) (title), 281.36 (6) (a) (intro.) and 281.36 (9) (a) (intro.);
 6 and
 7 *to create* 281.12 (2), 281.36 (1) (ad), 281.36 (1) (e), 281.36 (3r) (f) and
 8 281.36 (4n)
 of the statutes; **relating to:** permitting and mitigation requirements for
 nonfederal and artificial wetlands and state assumption of the federal
 regulatory program governing the discharge of dredged or fill material into
 navigable waters.

Analysis by the Legislative Reference Bureau

This bill exempts nonfederal and artificial wetlands from certain Department of Natural Resources wetland permitting requirements and, if the Environmental Protection Agency delegates to the state the authority to administer its own permit program for the discharge of dredge or fill material into navigable waters, authorizes DNR to assume that authority.

Under current federal law, generally, a person must obtain a permit from the federal government for discharges to wetlands that are under the jurisdiction of the

federal government. Federal law requires an applicant to submit with a permit application a certification from the state that the proposed discharge will comply

with state water quality standards or that the state has waived such certification. In this state, DNR grants this certification by issuing a state wetland permit.

Under

current law, DNR must issue wetland general permits for discharges of dredged or fill material into certain wetlands and may require a person to apply for and obtain a wetland individual permit if DNR determines that conditions specific to the site require additional restrictions on the discharge in order to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

The bill exempts wetlands that are not subject to federal jurisdiction (nonfederal wetlands) from state wetland permitting requirements. Generally speaking, only wetlands that are adjacent to navigable waters are subject to federal jurisdiction. The bill continues to require the mitigation of impacts from a discharge to a nonfederal wetland, which under current law is required before DNR may issue a wetland individual permit.

The bill also excludes artificial wetlands from the definition of a wetland, thereby exempting these wetlands from the permitting and mitigation requirements that apply to the discharge of dredged or fill material into a wetland. Under the bill, an artificial wetland is a nonfederal wetland created by human modifications to the landscape or hydrology and for which DNR has no definitive evidence showing a prior wetland or stream history, but does not include a wetland created under a mitigation requirement. Under current rules promulgated by DNR, only certain artificial wetlands are exempt from the wetland permitting requirements and only if DNR determines that significant functional values are not present.

Under current federal law, a state's governor may apply to the EPA requesting that the state be delegated the authority to administer its own individual and general permit program for the discharge of dredged or fill material into navigable waters, including federal wetlands, in place of the federal regulatory program. This bill authorizes DNR to submit such an application on behalf of and at the direction of the governor and authorizes DNR to assume that authority if the EPA delegates it to the state.

The bill also requires DNR to expend all moneys received prior to the effective date of this bill for the in lieu fee subprogram no later than June 30, 2019, and, effective January 7, 2019, to expend moneys received for the in lieu fee subprogram within 24 months of being credited the moneys. The bill provides that, no later than the third month of each legislative session, DNR is required to provide a report to the

governor and the appropriate standing committees of the legislature explaining how the department expended the moneys and, if necessary, why the department failed to expend all of the moneys. Under current law, as part of the mitigation program, DNR may establish an in lieu fee subprogram, under which payments are made to DNR for the purposes of restoring, enhancing, creating, or preserving wetlands or other water resource features.

For further information see the *state* 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:

1 **SECTION 1.** 20.370 (9) (bm) of the statutes, as affected by 2017 Wisconsin Act

2 59, is amended to read:

3 20.370 (9) (bm) *Wetland restoration — fees; payments.* From the general fund,

4 all moneys received as surcharge fees under s. 281.36 (11), all moneys received as transfers to the in lieu fee subprogram as provided in s. 281.36 (3s) (h), 2015 stats., and all moneys received under the in lieu fee subprogram under s. 281.36 (3r) (e) for

7 the restoration or creation of wetlands and for any other activities authorized under

8 the in lieu fee subprogram.

9 **SECTION 2.** 281.12 (2) of the statutes is created to read:

10 281.12 (2) The department, on behalf of and at the direction of the governor,

11 may submit an application to the federal environmental protection agency under 33 USC 1344 (g) seeking the delegation of authority to this state to administer its own individual and general permit program for the discharge of dredged or fill material into the navigable waters of this state. If the federal environmental protection agency delegates this authority to this state, the department may assume that authority.

17 **SECTION 3.** 281.36 (1) (ad) of the statutes is created to read:

18 281.36 (1) (ad) “Artificial wetland” means a wetland created by human modifications to the landscape or hydrology and for which the department has no definitive evidence showing a prior wetland or stream history. “Artificial wetland”

1 does not include a wetland that is subject to federal jurisdiction under 33 USC 1344 or a wetland created as a result of the mitigation program under sub. (3r).

3 **SECTION 4.** 281.36 (1) (e) of the statutes is created to read:

4 281.36 (1) (e) “Wetland” has the meaning given in s. 23.32 (1) but does not include an artificial wetland.

6 **SECTION 5.** 281.36 (3b) (b) of the statutes, as affected by 2017 Wisconsin
Act 58,

7 is amended to read:

8 281.36 **(3b)** (b) No person may discharge dredged material or fill material
into

9 a wetland unless the discharge is authorized by a wetland general permit or
10 individual permit issued by the department under this section or the discharge is
11 exempt under sub. (4) ~~or~~, (4m) (a), or (4n). No person may violate any condition
12 contained in a wetland general or individual permit issued by the department
under

13 this section. The department may not issue a wetland general or individual permit
14 under this section unless it determines that the discharge authorized pursuant to the

15 wetland general or individual permit will comply with all applicable water quality
16 standards.

17 **SECTION 6.** 281.36 (3m) (a) of the statutes, as affected by 2017 Wisconsin
Act

18 58, is amended to read:

19 281.36 **(3m)** (a) *When permit required.* Any person wishing to proceed with
a

20 discharge into any wetland shall submit an application for a wetland individual
21 permit under this subsection unless the discharge has been authorized under a
22 wetland general permit as provided in sub. (3g) or is exempt under sub. (4) ~~or~~, (4m)
23 (a), or (4n). Before submitting the application, the department shall hold a meeting
24 with the applicant to discuss the details of the proposed discharge and the
25 requirements for submitting the application and for delineating the wetland. An

1 applicant may include in the application a request for a public informational
hearing.

2 The application shall be accompanied by the applicable fee specified in sub. (11) or
3 (12) (a).

4 **SECTION 7.** 281.36 (3n) (d) of the statutes is amended to read:

5 281.36 **(3n)** (d) *Mitigation required.* The department shall require
mitigation

6 under the program established under sub. (3r) for wetland individual permits it
7 issues under this subsection and for any discharge exempt from permitting
8 requirements under sub. (4n). This subsection does not entitle an applicant to a
9 wetland individual permit or any other approval in exchange for conducting
10 mitigation.

11 **SECTION 8.** 281.36 (3r) (a) (intro.) of the statutes is amended to read:

12 281.36 **(3r)** (a) (intro.) The department shall establish a mitigation
program
13 that applies only to the issuance of wetland individual permits and to discharges
that
14 are exempt from permitting requirements under sub. (4n) and that allows
mitigation

15 to be accomplished by any of the following methods:

16 **SECTION 9.** 281.36 (3r) (a) 4. of the statutes is repealed.

17 **SECTION 10.** 281.36 (3r) (e) of the statutes is amended to read:

18 281.36 (3r) (e) As part of the mitigation program established under par.
 19 (a), the
 20 department may establish an in lieu fee subprogram, under which payments are
 21 made to the department or another entity for the purposes of restoring, enhancing,
 22 creating, or preserving wetlands or other water resource features. The subprogram
 23 must be approved by the U.S. army corps of engineers. The department shall
 24 establish requirements for calculating the in lieu fee payments. Under the in lieu
 25 fee subprogram, the wetlands that benefit from the subprogram shall be open to
 the
 public for hunting, fishing, trapping, cross-country skiing, or hiking or any

1 combination thereof, but the department may establish reasonable restrictions on
 2 the use of the land by the public in order to protect public safety or to protect a
 unique
 3 plant or animal community. The subprogram shall be consistent with federal
 4 regulations and the department may not impose requirements or conditions under
 5 the subprogram that exceed the requirements and conditions established by the
U.S.
 6 army corps of engineers under 33 CFR 332.

7 **SECTION 11.** 281.36 (3r) (f) of the statutes is created to read:

8 281.36 (3r) (f) The department shall expend moneys received for the in lieu
 fee
 9 subprogram under par. (e) within 24 months of being credited the moneys. No later
 10 than the 3rd month of each legislative session, the department shall provide to the
 11 governor and the appropriate standing committees of the legislature a report
 12 explaining how the department expended the moneys and, if necessary, why the
 13 department failed to expend all of the moneys.

14 **SECTION 12.** 281.36 (3s) of the statutes is repealed.

15 **SECTION 13.** 281.36 (4) (title) of the statutes is amended to read:

16 281.36 (4) (title) EXEMPTIONS ; CERTAIN ACTIVITIES.

17 **SECTION 14.** 281.36 (4n) of the statutes is created to read:

18 281.36 (4n) EXEMPTION; NONFEDERAL WETLANDS. The permitting
 requirement
 19 under sub. (3b) does not apply to any discharge into a nonfederal wetland.

20 **SECTION 15.** 281.36 (6) (a) (intro.) of the statutes is amended to read:

21 281.36 (6) (a) (intro.) The department shall promulgate rules to interpret
 and
 22 implement the provisions under subs. (4), (4n), and (5). In promulgating these
 rules,
 23 the department shall do all of the following:

24 **SECTION 16.** 281.36 (9) (a) (intro.) of the statutes is amended to read:

1 281.36 (9) (a) (intro.) For purposes of determining whether to issue a wetland
 2 individual permit, whether authorization to proceed as authorized under a wetland
 3 general permit is appropriate, or whether an exemption under sub. (4) or (4n) is
 4 appropriate, and for purposes of enforcing this section, any employee or other
 5 representative of the department, upon presenting his or her credentials, may do

any
of the following:

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SECTION 17. Nonstatutory provisions.

(1) Notwithstanding section 281.36 (3r) (f) of the statutes, no later than June 30, 2019, the department of natural resources shall expend all moneys received prior to the effective date of this subsection for the in lieu fee subprogram under section 281.36 (3r) (e) of the statutes.

SECTION 18. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 281.36 (3r) (f) of the statutes takes effect on January 7, 2019.

(END)

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County of Door LEGISLATIVE COMMITTEE

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Sturgeon Bay, WI 54235

Susan Kohout, Chair
Helen Bacon
Roy Englebert
David Enigl
Steve Sohns

February 8, 2018

The Honorable Robert Cowles
Wisconsin State Senator
PO Box 7882 State Capitol
Madison, WI 53707-7882

The Honorable Joel Kitchens
Wisconsin State Representative
PO Box 8952 State Capital
Madison, WI 53708-8952

Re: Door County Opposition to SB600/AB547

Dear Senator Cowles and Representative Kitchens:

This letter is to express the Door County Legislative Committee's opposition to legislation that removes Wisconsin DNR's permit authority for the protection of hundreds of thousands of acres of non-federally protected wetlands in cities and villages. In 2001 the Wisconsin Legislature, with overwhelming support from environmentalists, conservationists and most Wisconsin citizens, unanimously enacted legislation requiring DNR review and permitting before non-federally protected wetlands could be filled. Removing that protection would be detrimental to Door County's landscape and be seen both in surface and groundwater.

Karst topography is a defining feature of the Door Peninsula, where water moves very quickly through shallow, gravelly soils above porous limestone into groundwater supplies. Wetlands are vital as they serve to retain and provide storage for stormwater thereby reducing peak flows, reducing floods, minimizing harm to downstream areas, and filtering pollutants from surface and groundwater. Preserving wetlands prevents needless expenses for flood and stormwater control projects, especially in cities where pavement and other features contribute to increased stormwater amounts and velocity. These wetland functional values also provide economic benefits to downstream property owners and taxpayers. Removal of the DNR's permit authority and loss of mitigation removes protection from flood events and water quality protections.

Additionally, Door County is concerned that the amended bill promotes sprawl by removing protection not just from state jurisdictional wetlands in every city and village, but also areas near those municipalities, all sewerage service areas, and in nearly 300 town sanitary districts spread all across Wisconsin. As communities grow, those wetland permit exemptions areas will grow. It also removes local authority to protect isolated wetlands through zoning. These provisions will result in a net loss of untold amounts of wetlands across Wisconsin's urban and rural settings, undermining community-based efforts to address flooding and poor water quality challenges.

This proposed legislation will have **serious repercussions to Door County's** ecologically significant landscape and even more concerning implications to citizen's ground water quality and for these reasons Door County is opposed to this legislation.

Sincerely,

Susan Kohout, Chair
Door County Board Supervisor
District 6

Helen Bacon
Door County Board Supervisor
District 7

Roy Englebert
Door County Board Supervisor
District 3

David Enigl
Door County Board Supervisor
District 17

Steve Sohns
Door County Board Supervisor
District 18