

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: May 10, 2022

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors
Sequanna Taylor, Chairwoman, Committee on Intergovernmental Relations

From: Emily Petersen, Government Affairs Liaison, County Board of Supervisors

Subject: File No. 22-17 – May Report

Background

Pursuant to File No. 22-17, this report is submitted as an informational report regarding legislative updates. The purpose of this report is to provide an update related to local, state, and federal policy developments, as well as an overview on the current state legislative session.

2021-2022 State Legislative Session & Update on State Legislation

The Assembly held its last session of the current term on February 24, 2022, and the Senate held its last session on March 8, 2022. Barring any unforeseen or emergency circumstances, the Legislature will be in recess until January 2023. In its last floor periods, the Legislature sent dozens of bills to the Governor, amongst them many election-related changes, which have been signaled as likely [vetoes](#).

Milwaukee County adopted [File No. 21-1013](#), opposing Wisconsin Assembly Bill 279 and its companion Senate Bill 296. These bills, if signed into law, would have increased penalties for those attending or participating in a lawful assembly if other participants were undertaking unlawful activities associated with the assembly. While Senate Bill 296 was adopted by the State Legislature, Governor Evers vetoed it on March 31, 2022, with the [message](#) that “this bill inadvertently creates ambiguity, inconsistency, and contradictions in practical application that could be used to infringe on rights guaranteed under the First Amendment.”

File No. 22-296

In February, the County Board unanimously adopted, and the County Executive signed, [File No. 22-296](#), authorizing and directing the Government Affairs Liaison to request, within 30 days of adoption, the United States Department of Justice examine the State of Wisconsin's shared revenue system. On March 3, 2022, I transmitted Milwaukee County's request to the Attorney General via certified mail, with a certified copy of the resolution, which I reported on in [March](#). No response from the Attorney General's Office was received by the time of this report.

The resolution also requested the Government Affairs Liaison seek out “raw data from the State of Wisconsin for all 72 Wisconsin counties regarding the shared revenue payments and disbursements for the past ten years.” On March 3, 2022, I transmitted Milwaukee County's request to the Director of the Legislative Fiscal Bureau, with a certified copy of the resolution. The

request was redirected to the State of Wisconsin Department of Revenue (DOR), who was able to provide a response to the request. Raw data for all 72 Wisconsin counties regarding shared revenue payments and disbursements going back to 2011 was transmitted by DOR and is attached to this report. The same information is presented on the [DOR website](#) going back to 2014.

File No. 22-295

In April, the County Board unanimously adopted, and the County Executive signed, [File No. 22-295](#), authorizing and directing the Government Affairs Liaison to request the United States Department of Justice review 2013 Wisconsin Act 14 to determine if it violates Section 2 of the Voting Rights Act of 1965. On April 21, 2022, I transmitted Milwaukee County's request to the Attorney General via certified mail, with a certified copy of the resolution (attached to this report). No response from the Attorney General's Office was received by the time of this report.

Congressional and Legislative Redistricting

In March, I reported that the Wisconsin Supreme Court approved election maps submitted by the Governor because they found that the Governor's maps made the least changes to both congressional and state legislative districts, while still complying with state and federal law. On March 7, 2022, the Wisconsin Legislature, joined by the Wisconsin Institute for Law & Liberty appealed the Wisconsin Supreme Court's decision to the United States Supreme Court.

The United States Supreme Court elected to hear arguments in the case, and, on March 23, 2022, the Wisconsin Supreme Court's decision was [overturned](#). The United States Supreme Court ruled that the Governor's Congressional maps could remain in place but instructed the Wisconsin Supreme Court to either reconsider other legislative map submissions or reconsider the Governor's legislative maps, only if new evidence was presented that complied with the equal protection jurisprudence. On April 15, 2022, the Wisconsin Supreme Court [selected](#) the legislative maps crafted by Republican lawmakers. According to the [Milwaukee Journal Sentinel](#), the new maps tilt towards the current Majority holders with 63 of the 99 Assembly seats and 23 of the 33 Senate seats leaning in their favor.

Attachments: Shared Revenue Data Spreadsheet
22-295 Certified Mailing

cc: Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk
Steve Cady, Director, Research Services Division

April 20, 2022

Attorney General Garland
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

I am contacting you on behalf of Milwaukee County, seeking a legal opinion from your office. On March 24, 2022, the Milwaukee County Board of Supervisors unanimously adopted, and the Milwaukee County Executive signed, the following legislation:

A resolution authorizing and directing the Government Affairs Liaison to request the United States Department of Justice review 2013 Wisconsin Act 14 to determine if it violates Section 2 of the Voting Rights Act of 1965.

A copy of the legislation, as well as a copy of 2013 Wisconsin Act 14, is attached to this communication for your review. We look forward to your office's response, which can be transmitted to the Milwaukee County Board of Supervisors upon completion.

Sincerely,



Emily Petersen
Government Affairs Liaison
Milwaukee County Board of Supervisors

CC: Milwaukee County Board of Supervisors
David Crowley, Milwaukee County Executive
Margaret Daun, Corporation Counsel, Milwaukee County

Attachments



Milwaukee County

Certified Copy

Resolution: 22-295

File Number: 22-295

A resolution authorizing and directing the Government Affairs Liaison to request the United States Department of Justice review 2013 Wisconsin Act 14 to determine if it violates Section 2 of the Voting Rights Act of 1965

I, George Christenson, County Clerk in and for the County of Milwaukee, State of Wisconsin, do hereby certify that this is a true copy of Resolution No. 22-295, ADOPTED by the County Board on March 24, 2022, SIGNED by the County Executive on April 7, 2022.

Given under my hand and official seal, at the Milwaukee County Courthouse, in the City of Milwaukee.

Attest:

A handwritten signature in black ink that reads "George R. Christenson".

George Christenson

April 12, 2022

Date Certified

3
4 **A RESOLUTION**

5
6 Authorizing and directing the Government Affairs Liaison to request the United States
7 Department of Justice review 2013 Wisconsin Act 14 to determine if it violates Section 2
8 of the Voting Rights Act of 1965
9

10 WHEREAS, in 2013, the State of Wisconsin adopted the 2013 Wisconsin Act 14
11 (“Act 14”), which altered the pay structure, term length, and pension options of the
12 Milwaukee County Board of Supervisors, including limiting their authority to approve
13 certain agreements; and
14

15 WHEREAS, Act 14 limits appropriations for the County Board, including salaries
16 of County Board Supervisors and County Board employees, to 0.4 percent of the
17 County tax levy, making Milwaukee County the only county in Wisconsin with a cap on
18 spending for its legislative body; and
19

20 WHEREAS, Act 14 also permits the County Executive to introduce resolutions to
21 the County Board, in essence making his position a “Super Supervisor” that is elected
22 countywide and allows him to serve as the day-to-day administrator and as a legislator;
23 and
24

25 WHEREAS, Act 14 does not restrict the portion of the County tax levy that the
26 Office of the County Executive can comprise; and
27

28 WHEREAS, Act 14 applies only to Counties with a population of more than
29 750,000, of which Milwaukee County is the sole Wisconsin county to which this applies;
30 and
31

32 WHEREAS, according to the Wisconsin Department of Health Services, Black
33 residents comprise 6.1 percent of the state’s total population, while Milwaukee County is
34 home to 69.4 percent of Wisconsin’s Black residents; and
35

36 WHEREAS, the City of Milwaukee makes up 63 percent of the County’s total
37 population, including 96 percent of the County’s Black residents and 81 percent of the
38 County’s Latino population; and
39

40 WHEREAS, therefore, the Milwaukee County Board of Supervisors represent the
41 majority of the people of color in the State of Wisconsin; and
42

43 WHEREAS, the Civil Rights Acts of 1964 and the 14th Amendment of the U.S.
44 Constitution guarantees equal access to public accommodations including, public
45 transportation, and require states to treat citizens equally regardless of their place of
46 residence within the state; and

47
48 WHEREAS, Section 2 of the Voting Rights Act of 1965 prohibits voting practices
49 or procedures that discriminate based on race, color, or membership in one of the
50 language minority groups and in 1982, the U.S. Congress determined the intention of a
51 practice or procedure was not relevant to whether or not a practice or procedure was
52 discriminatory and that violations were to be evaluated solely based on the resulting
53 disparate impact of a practice or procedure; and

54
55 WHEREAS, 1982 U.S. Congressional guidance stipulates that evaluation of a
56 violation should include analysis of the extent to which voting in the election of a state or
57 political subdivision is racially polarized and the extent to which minority group members
58 bear the effects of discrimination in areas such as education, employment, and health,
59 which may hinder the group's ability to participate effectively in the political process,
60 amongst other provisions; and

61
62 WHEREAS, Milwaukee County adopted File No. 19-707 in November 2019
63 requesting the Office of Corporation Counsel review whether Act 14 violates the Civil
64 Rights Act of 1964; and

65
66 WHEREAS, on February 4, 2021, Milwaukee County adopted File No. 21-76
67 requesting the Office of Corporation Counsel to provide a written opinion on whether Act
68 14 violates the Voting Rights Act of 1965; and

69
70 WHEREAS, the Office of Corporation Counsel's opinion suggested there is no
71 direct link between Act 14 and the Voting Rights Act of 1965 and Milwaukee County
72 Government and its allocation of powers and authorities among its branches of
73 government are matters of state control and not subject to review; and

74
75 WHEREAS, additionally, File No. 21-76 directs the Office of Corporation Counsel
76 to request an opinion from the State of Wisconsin Attorney General on the
77 constitutionality of 2013 Wisconsin Act 14 in light of the Voting Rights Act of 1965; and

78
79 WHEREAS, at the December 2, 2021 meeting of the Committee on Judiciary,
80 Safety and General Services, the Office of Corporation Counsel submitted informational
81 File No. 21-962, which included a response from the Wisconsin Attorney General who
82 determined that the Milwaukee County Board of Supervisors request for an opinion did
83 not meet the criteria for review; and

84
85 WHEREAS, per the Wisconsin Attorney General, they do not issue opinions
86 concerning the applicability of federal statutes and regulations; and

87

88 WHEREAS, the plight of the Milwaukee County Board of Supervisors warrants a
89 federal Department of Justice review to determine if the voting rights of its residents
90 have been violated; and

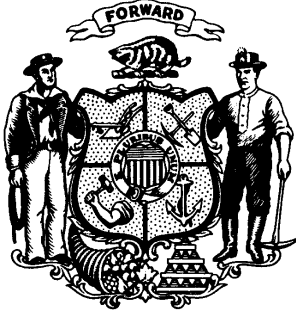
91
92 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
93 meeting of March 10, 2022, recommended adoption of File No. 22-295 (vote 5-0);
94 now, therefore,

95
96 BE IT RESOLVED, the Milwaukee County Board of Supervisors authorizes and
97 directs the Government Affairs Liaison to submit a request that the United States
98 Department of Justice review the 2013 Wisconsin Act 14 to determine if it violates
99 Section 2 of the Voting Rights Act of 1965; and

100
101 BE IT FURTHER RESOLVED, the Government Affairs Liaison shall provide the
102 Milwaukee County Board of Supervisors a written copy of the request within 30 days of
103 adopting this resolution.

104
105
106 03/10/22
107 S:\Committees\2022\March\JSGS\Resolutions\22-295 DOJ 2013 Wisconsin Act 14 Voting Rights no edits.docx

State of Wisconsin



2013 Assembly Bill 85

Date of enactment: **May 31, 2013**
Date of publication*: **June 1, 2013**

2013 WISCONSIN ACT 14

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

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

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

59.03 (2) (a) ~~Except Subject to s. 59.794 (2) and (3) and except~~ as elsewhere specifically provided in these statutes, the board of any county is vested with all powers of a local, legislative and administrative character, including without limitation because of enumeration, the subject matter of water, sewers, streets and highways, fire, police, and health, and to carry out these powers in districts which it may create for different purposes, or throughout the county, and for such purposes to levy county taxes, to issue bonds, assessment certificates and improvement bonds, or any other evidence of indebtedness. The powers hereby conferred may be exercised by the board in any municipality, or part thereof located in

the county upon the request of any such municipality, evidenced by a resolution adopted by a majority vote of the members—elect of its governing body, designating the particular function, duty or act, and the terms, if any, upon which the powers shall be exercised by the board or by a similar resolution adopted by direct legislation in the municipality in the manner provided in s. 9.20. The resolution shall further provide whether the authority or function is to be exercised exclusively by the county or jointly by the county and the municipality, and shall also find that the exercise of such power by the county would be in the public interest. Upon the receipt of the resolution, the board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of the function, upon the terms and conditions set forth in the resolution presented by the municipality.

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

59.10 (2) (c) 1. Each supervisor shall be paid by the county an annual salary set by the board. The board may provide additional compensation for the chairperson, such that his or her salary may be an amount of up to 150 percent of the salary of a supervisor, and for the chairperson of the board's finance committee, such that his or her salary may be an amount of up to 125 percent of the salary of a supervisor. Beginning with the term that commences in April 2016, the total dollar value of the annual salary and benefits that may be paid to a supervisor, other than the board chairperson and finance committee chairperson, may not exceed the annual per capita income of Milwaukee County as most recently determined by the U.S. bureau of the census and may be increased for a new term as provided in subds. 2. and 3., subject to the limit specified in subd. 4. Section 66.0505 applies to this paragraph.

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

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

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

59.10 (2) (c) 3. The board may increase the salary specified in subd. 1., or as otherwise adjusted under this paragraph, by an amount that exceeds the percentage increase in the U.S. consumer price index for all urban consumers, U.S. city average, for the period between the

time that a supervisor's salary was last set under subd. 1. or by the board, and the year before the year in which the salary increase is to take effect, except that such an increase may not take effect unless it is ratified by a majority vote of the electors in the county voting in a referendum on the proposed salary increase.

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

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

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

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

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

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

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

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

1. Appoint and supervise the heads of all departments except where the statutes provide that the appointment shall be made by a board or commission or by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint and supervise the department head. ~~Notwith-~~

~~standing any~~ Except for a statutory provision which specifies that a board or commission or the county board shall supervise the administration of a department, the department head shall supervise the administration of the department county executive shall administer, supervise, and direct all county departments, including any person who negotiates on behalf of the county, and the county board, other board, or commission shall perform any advisory or policy-making function authorized by statute. Any appointment by the county executive under this paragraph subdivision requires the confirmation of the county board unless the county board, by ordinance, elects to waive confirmation. An appointee of the county executive may assume his or her duties immediately, pending board action which shall take place within 60 days after the county executive submits the appointment to the board for confirmation. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive. The county executive shall comply with hiring policies set by the board when making appointments under this paragraph.

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

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

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

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

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

6. 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, subject to board approval of the county executive department budget.

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

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

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

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

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

59.17 (2) (br) In any county with a population of less than ~~500,000~~ 750,000, appoint and supervise the heads of all county departments except those elected by the people and except where the statutes provide that the appointment shall be made by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except s. 17.21, the county executive shall appoint and supervise the department head. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy-making function authorized by statute. An appointment by the county executive under this subsection requires the confirmation of the board unless the board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive unless the department head is appointed under a civil service system competitive

examination procedure established under s. 59.52 (8) or ch. 63.

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

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

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

59.22 (3) REIMBURSEMENT FOR EXPENSE. The board may provide for reimbursement to any elective officer, deputy officer, appointive officer or employee for any out-of-pocket expense incurred in the discharge of that person's duty in addition to that person's salary or compensation, including without limitation because of enumeration, traveling expenses, tuition costs incurred in attending courses of instruction clearly related to that person's employment, and the board may establish standard allowances for mileage, room and meals, the purposes for which allowances may be made, and determine the reasonableness and necessity for such reimbursements, and also establish in advance a fair rate of compensation to be paid to the sheriff for the board and care of prisoners in the county jail at county expense. Any reimbursement paid under this subsection to an officer or employee of a county with a population of 750,000 or more is subject to the budget limitation described in s. 59.60 (7e).

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

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

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

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

(b) 1. Any contract with a value of at least \$100,000, but not more than \$300,000, to which a county is a party and which satisfies any other statutory requirements, may take effect only if the board's finance committee does not vote to approve or reject the contract within 14 days after the contract is signed or countersigned by the county executive, or as described in subd. 2.

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

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

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

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

59.52 (32) RESEARCH DEPARTMENT. In any county with a population of 750,000 or more, the board may enact an ordinance creating a department in county government to provide independent and nonpartisan research services for the board and the county executive. The department may not consist of more than 4.0 full-time equivalent positions. Employees of the department shall be hired and supervised by the comptroller, and shall serve at the pleasure of the comptroller. Such a department shall respond to requests for services from the board and the county executive. The authority to create a department under this subsection may not be exercised after the county board enacts its budget for the 2017 fiscal year.

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

59.53 (5) (a) The board shall contract with the department of children and families to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act, except that in a county with a population of 750,000 or more the county executive shall exercise all of this authority. The board may designate by board resolution any office, officer, board, department or agency, except the clerk of circuit court, as the county child support

agency and, in a county with a population of 750,000 or more, the county executive shall administer the designated county child support agency. The board ~~or~~ county child support agency, or county executive of a county with a population of 750,000 or more shall implement and administer the programs in accordance with the contract with the department of children and families. The attorneys responsible for support enforcement under sub. (6) (a), circuit court commissioners and all other county officials shall cooperate with the county and the department of children and families as necessary to provide the services required under the programs. The county shall charge the fee established by the department of children and families under s. 49.22 for services provided under this paragraph to persons not receiving benefits under s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

59.53 (6) (a) 1. Except as provided in subd. 2. and in a county with a population of 750,000 or more, each board shall employ or contract with attorneys to provide support enforcement. In a county with a population of 750,000 or more, the county executive shall hire or contract with attorneys to provide support enforcement under this subdivision. Section 59.42 (1), (2) (a) and (3) does not preclude a board from assigning these support enforcement duties to any attorney employed by the county.

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

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

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

59.53 (20) WORK CENTERS. The board may establish and operate a work center licensed under s. 104.07 to provide employment for severely handicapped individuals, except that in a county with a population of 750,000 or

more, the county executive shall be in charge of the operation of the work center.

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

59.53 (21) OPERATION OF RELIEF PROGRAMS. The board may establish and operate a program of relief for a specific class or classes of persons residing in that county, except that in a county with a population of 750,000 or more, the county executive shall be in charge of the operation of the program of relief. The county may set such eligibility criteria to obtain relief, and may provide such services, commodities or money as relief, as the county determines to be reasonable and necessary under the circumstances. The program may include work components. The county may enact any ordinances necessary or useful to the operation of a relief program under this subsection. Counties may use vehicle registration information from the department of transportation in determining eligibility for relief programs under this subsection.

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

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

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

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

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

59.60 (7) PUBLICATION OF BUDGET AND PUBLIC HEARING. The board shall refer the executive's or administrator's budget to the finance committee and such committee shall publish as a class 1 notice, under ch. 985, a summary of the executive's or administrator's budget and comparative figures together with a statement of the county's bonded indebtedness, in the 2 daily newspapers having the largest circulation in the county, and shall make available to the general public reprinted copies of the summary as published. The publication shall also state the date, hour, and place of the public hearing to be held by the board on such executive's or administrator's budget. The board shall, not less than 14 days after publication of the summary of the executive's or administra-

tor's budget, but not later than the first Monday in November of each year and prior to the adoption of the property tax levy, hold a public hearing on such executive's or administrator's budget, at which time citizens may appear and express their opinions. After such public hearing, and on or before the annual meeting, the finance committee shall submit to the board its recommendations for amendments to the executive's or administrator's budget, if any, and the board shall adopt the budget with such changes as it considers proper and advisable. Subject to sub. (7e), the board of a county with a population of at least 750,000 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, including staff, is greater than 0.4 percent of the county portion of the tax levy for that year to which the budget applies. When so adopted, the sums provided shall, subject to the provisions of sub. (8), constitute legal appropriations and anticipated revenues for the ensuing year.

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

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

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

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

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

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

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

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

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

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

59.70 (7) SOIL CONSERVATION. The board of any county with a population of less than 750,000 may contract to do soil conservation work on privately owned

land either directly or through a committee designated by it.

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

59.70 (8m) HARBOR IMPROVEMENT. The board may establish, own, operate, lease, equip, and improve harbor facilities on land owned by the county that is located in this state or in another state, subject to the laws of the state in which the land is located, and may appropriate money for the activities specified in this subsection, except that in a county with a population of 750,000 or more, the county executive shall be in charge of the operation of the harbor facilities.

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

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

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

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

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

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

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

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

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

(b) "Board" means the board of a county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.

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

111.70 (1p) COUNTY EMPLOYEES IN A COUNTY WITH A POPULATION OF 750,000 OR MORE. With respect to municipal employees who are employed by a county with a population of 750,000 or more, the county executive is responsible for the municipal employer functions under this subchapter.

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

289.33 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), ~~(6), (7), (8), and (10) and (11)~~, 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch. 91.

SECTION 40. 806.155 of the statutes is repealed.

SECTION 41. Nonstatutory provisions.

(1) (a) Notwithstanding section 8.37 of the statutes, if this act is enacted on or before February 18, 2014, there shall be submitted to a vote of the electors of each county with a population of at least 750,000 at the spring election to be held on April 1, 2014, the following question: "Shall that portion of 2013 Wisconsin Act (this act) which limits the compensation of members of the board of supervisors of (name of county) other than the chairperson of the board and chairperson of the finance committee to receipt of an annual salary of not more than the annual per capita income of this county, which in

2012 was \$24,051, and which limits the compensation of the chairperson of the board to not more than 150 percent of that amount and the chairperson of the finance committee to not more than 125 percent of that amount, subject to limitations and adjustments specified by law; and which prohibits supervisors from receiving any compensation or benefits not specifically authorized or required by law become effective in this county on April 18, 2016?"

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

(2) Notwithstanding section 59.52 (25) of the statutes, the Milwaukee County board of supervisors may

not schedule a referendum to be held on April 1, 2014, with respect to any matter that is subject to the approval of the electors of the county on that date under subsection (1).

SECTION 42. Initial applicability.

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

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