



**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 777**

February 20, 2018 - Offered by Senators WANGGAARD and L. TAYLOR.

1     **AN ACT** *to repeal* 59.17 (2) (bm), 59.42 (1) (b) and (c), 59.52 (31) and 59.79 (8);  
2     *to renumber and amend* 59.42 (1) (a) and 59.60 (12); *to amend* 46.21 (1m)  
3     (a), 46.21 (1m) (am), 48.09 (5), 59.06 (2), 59.17 (2) (b) 1., 59.17 (2) (b) 3. (intro.),  
4     59.17 (2) (b) 4., 59.17 (2) (c), 59.17 (4), 59.22 (2) (a), 59.22 (2) (c) 1. (intro.), 59.22  
5     (2) (c) 2., 59.22 (2) (d), 59.22 (2) (e), 59.22 (3), 59.22 (3a), 59.255 (2) (e), 59.38 (5),  
6     59.42 (2) (a), 59.42 (2) (b) 5., 59.42 (3), 59.44 (1) (b), 59.52 (1) (a), 59.52 (1) (b),  
7     59.52 (9), 59.52 (29) (a), 59.53 (25), 59.58 (1) (c), 59.60 (1), 63.02 (2), 68.14 (1),  
8     83.01 (1) (b) and 289.33 (3) (d); and *to create* 59.17 (2) (b) 8., 59.17 (2) (d), 59.17  
9     (2) (e), 59.22 (2) (cm), 59.52 (3m), 59.52 (29) (am), 59.60 (12) (b), 59.60 (12) (c),  
10     59.602 and 59.61 (4) of the statutes; **relating to:** increasing the authority of a  
11     county executive from a populous county and other counties and reducing the

1 authority of a county board, and budgeting procedures for populous counties  
2 and certain other counties.

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***Analysis by the Legislative Reference Bureau***

***Powers and duties of a county executive***

This substitute amendment, generally, expands some of the powers that may be exercised by the county executive of any county with a population of 750,000 or more (populous county) and makes other changes that apply to all counties. The substitute amendment also allows a county executive of a populous county 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.

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. With regard to employees outside the classified service, the substitute amendment also gives the county executive of a populous county sole authority to determine the compensation, human resources, hiring, creation and elimination of positions, pay ranges, expense reimbursements, and classifications for county employees.

Under current law, the county executive of any county has the authority to coordinate and direct all administrative and management functions of the county that are not vested in other elected officers. This substitute amendment specifies that, with regard to a county executive of a populous county, 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 substitute amendment, any such action taken by a county executive of a populous county is not subject to submission to or approval by the county board.

***Corporation counsel, appointees***

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 substitute amendment requires the creation of the office of corporation counsel for any county with a county executive or county administrator. Under the substitute amendment, 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 substitute amendment 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 substitute amendment changes the method of board confirmation of county executive appointees in a populous county. Under the substitute amendment, 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 substitute amendment also changes the current law provision requiring the comptroller to countersign all county contracts. Under the substitute amendment, the requirement applies only to contracts valued at more than \$250,000.

### ***Public contracts, bonding***

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 substitute amendment, the amount above which a populous county must let a contract to the lowest responsible bidder is raised to \$50,000.

The substitute amendment 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 substitute amendment takes effect.

### ***Biennial budget procedures***

This substitute amendment also authorizes a populous county, currently only Milwaukee County, as well as any other county 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 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.

Generally under this substitute amendment, for fiscal years that begin after December 31, 2017, any county may adopt a biennial budget using the following timeline:

1. All departments submit their budget requests to the director.
2. No later than October 1 of an odd-numbered year, 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.
3. No later than November 15 of an odd-numbered year, the county board of a county with a county executive approves the budget, engrossed with any amendments, and returns it to the county executive. In any county, 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 county board or by a committee of the county board. A county with an elective comptroller 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.
4. No later than November 25 of an odd-numbered year, the county executive may submit vetoes or changes to the county board. The county board may act on the vetoes or changes no earlier than upon receiving them or November 26, whichever occurs first, although the county board or common council must act on the changes or vetoes no later than December 1 of an odd-numbered year or the vetoes or changes are considered to be approved by the governing body.
5. Outside the budget process, a county 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 substitute amendment also provides certain restrictions on the county board'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 tax levy; b) anticipated revenue amounts from all sources; and c) appropriations for all departments, and for any other obligations of the county. The board may adjust the levy for the second year of a budget once the board receives the relevant information from the Department of Revenue.

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

3. 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.

### ***Accounting procedures***

This substitute amendment 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.

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

- 1           **SECTION 1.** 46.21 (1m) (a) of the statutes is amended to read:
- 2           46.21 (**1m**) (a) The county executive shall appoint under ss. 63.01 to 63.17 a
- 3           director of the county department of human services. The appointment shall be
- 4           made on the basis of recognized and demonstrated public interest in and knowledge

1 of the problems of human services, and with due regard to training, experience,  
2 executive and administrative ability and efficiency, and general qualifications and  
3 fitness for performing the duties of the office. The director shall file an official oath  
4 and bond in the amount determined by the county board of supervisors. The county  
5 board of supervisors may create a position of deputy director of the county  
6 department of human services. The director shall be appointed by the county  
7 executive in the unclassified civil service ~~and is subject to confirmation by the county~~  
8 ~~board of supervisors under s. 59.17 (2) (bm).~~

9 **SECTION 2.** 46.21 (1m) (am) of the statutes is amended to read:

10 46.21 **(1m)** (am) The county executive shall appoint under ss. 63.01 to 63.17  
11 an administrator of the county hospital. The appointment shall be made on the basis  
12 of recognized and demonstrated public interest in and knowledge of the problems of  
13 delivery of medical care and treatment, and with due regard to training, experience,  
14 executive and administrative ability and efficiency, and general qualifications and  
15 fitness for performing the duties of the office. The administrator shall file an official  
16 oath and bond in the amount determined by the county board of supervisors. The  
17 county board of supervisors may create positions to assist the administrator. The  
18 administrator shall be appointed by the county executive in the unclassified civil  
19 service ~~and the appointment is subject to confirmation by the county board of~~  
20 ~~supervisors under s. 59.17 (2) (bm).~~

21 **SECTION 3.** 48.09 (5) of the statutes is amended to read:

22 48.09 **(5)** By the district attorney or, if designated by the county board of  
23 supervisors or the county executive, by the corporation counsel, in any matter arising  
24 under s. 48.13, 48.133 or 48.977. If the county board or county executive transfers  
25 this authority to or from the district attorney on or after May 11, 1990, the board or

1 executive may do so only if the action is effective on September 1 of an odd-numbered  
2 year and the board or executive notifies the department of administration of that  
3 change by January 1 of that odd-numbered year.

4 **SECTION 4.** 59.06 (2) of the statutes is amended to read:

5 59.06 (2) EFFECT OF TRANSFER. All deeds, contracts, and agreements made on  
6 behalf of the county under the directions of the board under s. 59.52 (6), or by a county  
7 executive acting under s. 59.17 (2) (b) 3., when ~~signed and acknowledged by the clerk~~  
8 ~~and the county seal is attached~~, are valid and binding on the county to the extent of  
9 the terms of the instrument and the right, title, and interest which the county has  
10 in the property, except that in the case of the sale or purchase of real property, the  
11 instrument must also be signed by the clerk to be valid and binding on the county.

12 **SECTION 5.** 59.17 (2) (b) 1. of the statutes is amended to read:

13 59.17 (2) (b) 1. Appoint and supervise the heads of all departments except  
14 where the statutes provide that the appointment shall be made by a board or  
15 commission or by other elected officers. Notwithstanding any statutory provision  
16 that a board or commission or the county board or county board chairperson appoint  
17 a department head, except ss. 17.21 and 59.47 (3), the county executive shall appoint  
18 and supervise the department head. Except for a statutory provision which specifies  
19 that a board or commission or the county board shall supervise the administration  
20 of a department, the county executive shall administer, supervise, and direct all  
21 county departments, including any person who negotiates on behalf of the county,  
22 and the county board, other board, or commission shall perform any advisory or  
23 policy-making function authorized by statute. Any appointment by the county  
24 executive under this subdivision requires the confirmation of the county board  
25 unless the county board, by ordinance, elects to waive confirmation. Any appointee

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

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

18 59.17 **(2)** (b) 3. (intro.) Exercise the authority under s. 59.52 (6) that would  
19 otherwise be exercised by a county board, except that the county board may ~~continue~~  
20 ~~to~~ exercise the authority under s. 59.52 (6) only with regard to the sale, acquisition,  
21 or lease as landlord or tenant of land that is zoned as a park on or after July 14, 2015,  
22 other than land zoned as a park in the city of Milwaukee that is located within the  
23 area west of Lincoln Memorial Drive, south of E. Michigan Street, east of N. Van  
24 Buren Street, and north of E. Clybourn Avenue. With regard to the sale, acquisition,  
25 or lease as landlord or tenant of real property, other than certain park land as



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

9 **SECTION 7.** 59.17 (2) (b) 4. of the statutes is amended to read:

10 59.17 (2) (b) 4. Sign all contracts, conveyances, and evidences of indebtedness  
11 on behalf of the county, to the extent that no other county officer or employee is  
12 specifically required to sign such contracts, conveyances, and evidences of  
13 indebtedness, and countersign all other contracts, conveyances, and evidences of  
14 indebtedness. No contract with the county is valid unless it is signed or  
15 countersigned by the county executive and, as provided in ss. 59.255 (2) (e) and 59.42  
16 (2) (b) 5., by the comptroller and corporation counsel, except that the requirement for  
17 signatures by the comptroller and corporation counsel applies only to contracts the  
18 value of which exceeds \$250,000.

19 **SECTION 8.** 59.17 (2) (b) 8. of the statutes is created to read:

20 59.17 (2) (b) 8. Exercise the authority under s. 59.52 (3), (4), (11), (12), (14), and  
21 (23) for matters regarding property that would otherwise be exercised by the board.

22 **SECTION 9.** 59.17 (2) (bm) of the statutes is repealed.

23 **SECTION 10.** 59.17 (2) (c) of the statutes is amended to read:

24 59.17 (2) (c) Appoint the members of all boards and commissions where  
25 appointments are required and where the statutes provide that the appointments

1 are made by the county board or by the chairperson of the county board. ~~All~~ Subject  
2 to par. (b) 1., all appointments to boards and commissions by the county executive  
3 are subject to confirmation by the county board.

4 **SECTION 11.** 59.17 (2) (d) of the statutes is created to read:

5 59.17 (2) (d) In any county with a population of at least 750,000, exercise sole  
6 authority over the following administrative actions, which may take effect without  
7 any review or approval of the board:

8 1. Procurement, including an appeals process, requests for proposals or  
9 information, negotiation, approval, amendment, execution, administration, and  
10 payment.

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

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

19 4. Creation of an administrative manual of operating procedures and taking  
20 actions under such a manual related to the authority and powers granted to a county  
21 executive under the statutes.

22 **SECTION 12.** 59.17 (2) (e) of the statutes is created to read:

23 59.17 (2) (e) 1. Except as provided in s. 63.11 or any authority granted by law  
24 to the county board, in a county with a population of at least 750,000, exercise sole

1 authority to determine all of the following for any county employee who is not an  
2 elected official:

3 a. Compensation, including compensation plan design.

4 b. Human resources matters, including hiring, training, job descriptions,  
5 classifications, pay ranges, and pay range assignments.

6 2. With regard to county employment, notwithstanding any authority granted  
7 by law to the county board, in a county with a population of at least 750,000, exercise  
8 sole authority to conduct employment bargaining or negotiation or participate in  
9 arbitration. The county board may not enact an ordinance or adopt a resolution to  
10 limit the authority of the county executive under this paragraph.

11 **SECTION 13.** 59.17 (4) of the statutes is amended to read:

12 59.17 (4) COMPENSATION OF COUNTY EXECUTIVE, DEPUTY, AND STAFF ASSISTANTS.

13 ~~The Subject to s. 59.22, the~~ board shall fix the compensation of the county executive,  
14 the county executive's administrative secretary and the county executive's staff  
15 assistants, provided that the salary of the county executive shall be established at  
16 least 90 days prior to any election held to fill the office.

17 **SECTION 14.** 59.22 (2) (a) of the statutes is amended to read:

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

1 shall be in addition to all other grants of power and shall be limited only by express  
2 language. In any county with a population of at least 750,000, the county executive  
3 has the powers set forth in this subsection, sub. (3), and s. 59.03 (1), as described in  
4 this subsection.

5 **SECTION 15.** 59.22 (2) (c) 1. (intro.) of the statutes is amended to read:

6 59.22 (2) (c) 1. (intro.) Except as provided in subd. 2. and par. (d), and subject  
7 to subch. I of ch. 63, the board of any county that does not have a population of at least  
8 750,000 may do any of the following:

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

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

15 **SECTION 17.** 59.22 (2) (cm) of the statutes is created to read:

16 59.22 (2) (cm) 1. Except as provided in subd. 2. and par. (d), in any county with  
17 a population of at least 750,000, the county executive may do any of the following:

18 a. With regard to any individual who is not in the classified service, provide,  
19 fix, or change the salary or compensation of any office, board, commission,  
20 committee, position, employee, or deputies to elective officers that is subject to sub.  
21 (1) without regard to the tenure of the incumbent.

22 b. Establish regulations of employment for any person paid from the county  
23 treasury.

24 2. In any county with a population of at least 750,000:

1 a. No action of a county executive may be contrary to or in derogation of the  
2 rules of the department of children and families under s. 49.78 (4) to (7) relating to  
3 employees administering old-age assistance, aid to families with dependent  
4 children, aid to the blind, or aid to totally and permanently disabled persons or ss.  
5 63.01 to 63.17.

6 b. With regard to establishing the number of deputies to elective officers, such  
7 a decision shall be the responsibility of the county board, and the board may act  
8 under this subd. 2. b. only by enacting an ordinance.

9 c. With regard to pension or benefit plan design for any county employee, such  
10 a decision shall be the responsibility of the county board, and the board may act  
11 under this subd. 2. c. only by enacting an ordinance.

12 **SECTION 18.** 59.22 (2) (d) of the statutes is amended to read:

13 59.22 (2) (d) The county executive in any county that has a population of at least  
14 750,000, or the county board of any county that does not have a population of at least  
15 750,000, or any board, commission, committee or agency to which the board or  
16 statutes has delegated the authority to manage and control any institution or  
17 department of the county government may contract for the services of employees,  
18 setting up the hours, wages, duties and terms of employment for periods not to exceed  
19 2 years.

20 **SECTION 19.** 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 population of at least  
22 750,000, or the board of any county that does not have a population of at least  
23 750,000, may provide and appropriate money for an employee awards program to  
24 encourage and to reward unusual and meritorious suggestions and  
25 accomplishments by county employees.

1           **SECTION 20.** 59.22 (3) of the statutes is amended to read:

2           59.22 (3) REIMBURSEMENT FOR EXPENSE. The county executive in any county that  
3 has a population of at least 750,000, or the board of any county that does not have  
4 a population of at least 750,000, may provide for reimbursement to any elective  
5 officer, deputy officer, appointive officer or employee for any out-of-pocket expense  
6 incurred in the discharge of that person's duty in addition to that person's salary or  
7 compensation, including ~~without limitation because of enumeration,~~ traveling  
8 expenses, tuition costs incurred in attending courses of instruction clearly related to  
9 that person's employment, and the county executive or the board, consistent with the  
10 powers granted under this subsection, may establish standard allowances for  
11 mileage, room and meals, the purposes for which allowances may be made, and  
12 determine the reasonableness and necessity for such reimbursements, and also  
13 establish in advance a fair rate of compensation to be paid to the sheriff for the board  
14 and care of prisoners in the county jail at county expense. Any reimbursement paid  
15 under this subsection to an officer or employee of a county with a population of  
16 750,000 or more is subject to the budget limitation described in s. 59.60 (7e).

17           **SECTION 21.** 59.22 (3a) of the statutes is amended to read:

18           59.22 (3a) COMMISSION ON AGING. The county executive in any county that has  
19 a population of at least 750,000, or the board of any county that does not have a  
20 population of at least 750,000, may provide for the payment of expenses and a per  
21 diem to persons appointed to a county commission on aging under s. 59.53 (11).

22           **SECTION 22.** 59.255 (2) (e) of the statutes is amended to read:

23           59.255 (2) (e) The comptroller shall countersign all contracts with the county,  
24 the value of which exceeds \$250,000, if he or she determines that the county has, or

1 will have, the necessary funds to pay the liability that the county may incur under  
2 the contract. No such contract is valid until so countersigned.

3 **SECTION 23.** 59.38 (5) of the statutes is amended to read:

4 59.38 (5) MEDICAL EXAMINER; APPOINTMENT IN POPULOUS COUNTIES. In a county  
5 with a population of 500,000 or more, the county executive shall appoint the medical  
6 examiner in the unclassified service, subject to confirmation by a majority of the  
7 board and the confirmation provisions under s. 59.17 (2) (b) 1. The medical examiner  
8 may be dismissed at any time by the county executive ~~with the concurrence of a~~  
9 ~~majority of the members-elect of the board, or by a majority of the members-elect~~  
10 ~~of the board with the concurrence of the county executive.~~ If the county executive  
11 ~~vetoes an action by the board to dismiss the medical examiner, the board may~~  
12 ~~override the veto by a two-thirds vote of the members-elect of the board.~~

13 **SECTION 24.** 59.42 (1) (a) of the statutes is renumbered 59.42 (1) and amended  
14 to read:

15 59.42 (1) CORPORATION COUNSEL; CERTAIN COUNTIES. Except as provided under  
16 ~~par. (b), in counties not having a population of 500,000 or more sub. (2),~~ the board may  
17 employ a corporation counsel, and fix the salary of the corporation counsel. A  
18 corporation counsel appointed under this subsection shall have the duties described  
19 under sub. (2) (b). The corporation counsel appointed under this ~~paragraph~~  
20 subsection may be terminated at any time by a majority vote of all the members of  
21 the board.

22 **SECTION 25.** 59.42 (1) (b) and (c) of the statutes are repealed.

23 **SECTION 26.** 59.42 (2) (a) of the statutes is amended to read:

24 59.42 (2) (a) In a county with a ~~population of 500,000 or more~~ county executive  
25 or county administrator there is created the office of corporation counsel, and such

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

25 **SECTION 27.** 59.42 (2) (b) 5. of the statutes is amended to read:



1           59.42 (2) (b) 5. Review, for proper form, and countersign all contracts to verify  
2 that the contracts comply with all statutes, rules, ordinances, and the county's ethics  
3 policy. ~~This subdivision applies only in a county with a population of 750,000 or more,~~  
4 the value of which exceeds \$250,000.

5           **SECTION 28.** 59.42 (3) of the statutes is amended to read:

6           59.42 (3) CORPORATION COUNSEL; ATTORNEY DESIGNEE. In lieu of employing a  
7 corporation counsel under sub. (1) or in addition to employing a corporation counsel  
8 under sub. (1) or (2) (a), a board ~~shall~~ under sub. (1) or a county executive or county  
9 administrator under sub. (2) may designate an attorney to perform the duties of a  
10 corporation counsel as the need arises. Two or more counties may jointly designate  
11 an attorney to perform the duties of a corporation counsel. If an attorney has been  
12 designated to perform the duties of a corporation counsel, that person may exercise  
13 any powers and perform any duties of the corporation counsel.

14           **SECTION 29.** 59.44 (1) (b) of the statutes is amended to read:

15           59.44 (1) (b) In any county with a county executive or a county administrator,  
16 if the county creates an abstract department under par. (a), the county executive or  
17 county administrator shall appoint and supervise the county abstractor. Such  
18 appointment shall be subject to confirmation by the board unless the board, by  
19 ordinance, elects to waive confirmation or unless the appointment is made under a  
20 civil service system competitive examination procedure established under s. 59.52  
21 (8) or ch. 63, and except that in the case of a county with a population of at least  
22 750,000, the appointment is subject to the provisions of s. 59.17 (2) (b) 1.

23           **SECTION 30.** 59.52 (1) (a) of the statutes is amended to read:

24           59.52 (1) (a) In counties with a population of 500,000 or more, the county may  
25 create a department of administration, provide for the appointment by the county

1 executive of a director of such department and assign such administrative functions  
2 to the department as it considers appropriate, subject to the limitations of this  
3 paragraph. No such function shall be assigned to the department where the  
4 performance of the same by some other county office, department, or commission is  
5 required by any provision of the constitution or statutes of this state, except that  
6 administrative functions under the jurisdiction of the county civil service  
7 commission or the county auditor may be so assigned notwithstanding sub. (8) and  
8 ss. 59.47, 59.60 and 63.01 to 63.17. Such director shall be appointed by the county  
9 executive in the unclassified civil service and is subject to ~~confirmation by the county~~  
10 ~~board, as provided in s. 59.17 (2) (bm)~~ the provisions of s. 59.17 (2) (b) 1.

11 **SECTION 31.** 59.52 (1) (b) of the statutes is amended to read:

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

1 case of a county with a population of at least 750,000, the appointment is subject to  
2 the provisions of s. 59.17 (2) (b) 1.

3 **SECTION 32.** 59.52 (3m) of the statutes is created to read:

4 59.52 (3m) PUBLIC CONTRACTS. (a) In this subsection, “contract” means any  
5 agreement to which the county is a party that relates to at least one of these areas:

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

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

16 **SECTION 33.** 59.52 (9) of the statutes is amended to read:

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

1 determines, except that if the county does not have a county executive, the board may  
2 perform this function.

3 **SECTION 34.** 59.52 (29) (a) of the statutes is amended to read:

4 59.52 **(29)** (a) ~~All~~ Except as provided in par. (am), all public work, including any  
5 contract for the construction, repair, remodeling or improvement of any public work,  
6 building, or furnishing of supplies or material of any kind where the estimated cost  
7 of such work will exceed \$25,000 shall be let by contract to the lowest responsible  
8 bidder. Any public work, the estimated cost of which does not exceed \$25,000, shall  
9 be let as the board may direct. If the estimated cost of any public work is between  
10 \$5,000 and \$25,000, the board shall give a class 1 notice under ch. 985 before it  
11 contracts for the work or shall contract with a person qualified as a bidder under s.  
12 66.0901 (2). A contract, the estimated cost of which exceeds \$25,000, shall be let and  
13 entered into under s. 66.0901, except that the board may by a three-fourths vote of  
14 all the members entitled to a seat provide that any class of public work or any part  
15 thereof may be done directly by the county without submitting the same for bids.  
16 This subsection paragraph does not apply to public construction if the materials for  
17 such a project are donated or if the labor for such a project is provided by volunteers.  
18 This subsection paragraph does not apply to highway contracts which the county  
19 highway committee or the county highway commissioner is authorized by law to let  
20 or make.

21 **SECTION 35.** 59.52 (29) (am) of the statutes is created to read:

22 59.52 **(29)** (am) In a county with a population of at least 750,000, all public  
23 work, including any contract for the construction, repair, remodeling or  
24 improvement of any public work, building, or furnishing of supplies or material of  
25 any kind where the estimated cost of such work will exceed \$50,000 shall be let by

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

14 **SECTION 36.** 59.52 (31) of the statutes is repealed.

15 **SECTION 37.** 59.53 (25) of the statutes is amended to read:

16 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board  
17 has no jurisdiction and may not take any actions, including under ss. 59.52 (6) and  
18 ~~(31)~~, 66.0301, and 66.0607 (2), related to mental health functions, programs, and  
19 services.

20 **SECTION 38.** 59.58 (1) (c) of the statutes is amended to read:

21 59.58 (1) (c) Operate airport projects or lease such projects in their entirety or  
22 in part, and any project may include space designed for leasing to others if the space  
23 is incidental to the purposes of the project, except that, in a county with a population  
24 of 750,000 or more, the authority to enter into a lease under this paragraph may be  
25 exercised only by the county executive, if the county has such an office.

1           **SECTION 39.** 59.60 (1) of the statutes is amended to read:

2           59.60 (1) APPLICATION. ~~The Except as provided in s. 59.602, the provisions of~~  
3 this section shall apply to all counties with a population of ~~500,000~~ 750,000 or more.  
4 ~~Except as provided in sub. (13), any~~ Any county with a county executive or county  
5 administrator may elect to be subject to the provisions of this section.

6           **SECTION 40.** 59.60 (12) of the statutes is renumbered 59.60 (12) (a) and  
7 amended to read:

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

25           **SECTION 41.** 59.60 (12) (b) of the statutes is created to read:

1           59.60 (12) (b) With regard to payments and obligations, and multi-year  
2 contracts, described under par. (a) that would otherwise be prohibited, such  
3 contracts may be validly entered into if at least one of the following applies:

4           1. A contract requires funding from a future unbudgeted fiscal year and the  
5 contract contains a clause stating that the payment and performance obligation for  
6 a future fiscal year is subject to availability and appropriation of funds, and that if  
7 an appropriation is not available to fund the terms of the contract for the duration  
8 of the contract, the contract shall be null and void on the last day on which the  
9 appropriation to fund the contract is available. With regard to such a contract, board  
10 approval of a multi-year contract is not necessary for the contract to take effect if it  
11 is signed by the county executive.

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

17           **SECTION 42.** 59.60 (12) (c) of the statutes is created to read:

18           59.60 (12) (c) The provisions of this subsection apply to budgets adopted under  
19 this section and s. 59.602.

20           **SECTION 43.** 59.602 of the statutes is created to read:

21           **59.602 Alternative budget process in certain counties. (1) APPLICATION.**

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

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

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

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

8           **(2) DEFINITIONS.** In this section:

9           (a) “Budget director” means the officer or employee of a county, other than the  
10 county executive, county administrator, or county administrative coordinator, who  
11 is principally responsible for developing and coordinating a county’s budget, except  
12 that if the county’s executive, administrator, or administrative coordinator is  
13 principally responsible for developing and coordinating a county’s budget, that  
14 individual is the budget director.

15           (b) “Department” includes all county departments, boards, commissions,  
16 institutions, offices, and other agencies of the county government for which funds  
17 may be legally appropriated.

18           (c) “Director” means the director of the county department of administration.

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

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

24           **(5) PUBLICATION OF BUDGET AND PUBLIC HEARING.** The board shall refer the  
25 executive’s or administrator’s budget to the finance committee and such committee



1 shall publish as a class 1 notice, under ch. 985, a summary of the executive's or  
2 administrator's budget and comparative figures together with a statement of the  
3 county's bonded indebtedness, and shall make available to the general public  
4 reprinted copies of the summary as published. The publication shall also state the  
5 date, hour, and place of the public hearing to be held by the board on such executive's  
6 or administrator's budget. The board shall, not less than 14 days after publication  
7 of the summary of the executive's or administrator's budget, and prior to the adoption  
8 of the property tax levy, hold a public hearing on such executive's or administrator's  
9 budget, at which time county residents may appear and express their opinions. After  
10 such public hearing, and on or before the annual meeting, the finance committee  
11 shall submit to the board its recommendations for amendments to the executive's or  
12 administrator's budget, if any, and the board shall adopt the budget with such  
13 changes as it considers proper and advisable. A request for an amendment to the  
14 budget must be submitted to the comptroller or budget director at least 7 business  
15 days before the amendment may be considered by the board or by a committee of the  
16 board, and the board or committee may not consider any amendment which is not  
17 submitted in conformity with this time frame. If the county has an elected  
18 comptroller, any amendment to the budget shall include an estimate, prepared by the  
19 comptroller, of the costs that will be incurred, and the staffing changes that will be  
20 required, to implement the amendment during the next 5 fiscal years. The board  
21 shall make the amendment and the estimate available to the public, in an electronic  
22 format, at least 24 hours before the amendment may be considered by the board or  
23 by a committee of the board. The board shall have the budget resolution prepared  
24 as it was adopted by the board, incorporating any adopted amendments, before  
25 presenting the resolution to the executive. Subject to sub. (6), the board of a county

1 with a population of at least 750,000 may not adopt a budget in which the total  
2 amount of budgeted expenditures related to the compensation of county board  
3 members, and to any other costs that are directly related to the operation and  
4 functioning of the county board or committees of the board, including staff, is greater  
5 than 0.4 percent of the county portion of the tax levy for that year to which the budget  
6 applies. The board of a county with a population of at least 750,000 may not adopt  
7 a budget that alters any formula by which fringe benefits, interdepartmental  
8 charges for services, depreciation, or debt service are allocated in the executive's  
9 budget. When so adopted, the sums provided shall, subject to the provisions of sub.  
10 (7), constitute legal appropriations and anticipated revenues for the ensuing year.

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

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

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

19 (c) Any costs associated with duties performed by the county clerk under s.  
20 59.23 (2).

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

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

23 **(7) TRANSFERS OF APPROPRIATIONS.** (a) At the request of the head of any  
24 department, and after receiving the recommendation of the county executive or  
25 county administrator, the director shall, at any time during the fiscal year, transfer

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

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

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

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

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

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

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

5 1. The county tax levy.

6 2. Anticipated revenue amounts from all sources.

7 3. Appropriations for all departments and for any other obligations of the  
8 county.

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

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

14 3. In a county with a county executive, the board shall approve the budget,  
15 engrossed with any amendments, and return it to the county executive no later than  
16 November 15 of an odd-numbered year. Any amendment to the budget must be  
17 submitted to the comptroller or budget director at least 7 business days before the  
18 amendment may be considered by the board or by a committee of the board, and the  
19 board or committee may not consider any amendment that is not submitted in  
20 conformity with this time frame. If the county has an elective comptroller, an  
21 amendment shall also include an estimate, prepared by the comptroller, of the costs  
22 that will be incurred, and the staffing changes that will be required, to implement  
23 the amendment during the next 5 fiscal years. The board shall make the amendment  
24 and the estimate available to the public, in an electronic format, at least 24 hours  
25 before the amendment may be considered by the board or by a committee of the

1 board. The board shall have the budget resolution prepared as it was adopted by the  
2 board, incorporating any adopted amendments, before presenting the resolution to  
3 the executive.

4 4. If a county executive wishes to veto any part of the budget under s. 59.17 (5)  
5 or (6), the county executive shall do so no later than November 25 of an  
6 odd-numbered year. The board may not schedule a meeting to act on the county  
7 executive's vetoes, as described in subd. 5., before it receives the vetoes or November  
8 26 of an odd-numbered year, whichever comes first.

9 5. The board may act on all of the county executive's vetoes or changes, as  
10 described in s. 59.17 (5) and (6), no later than December 1 of an odd-numbered year,  
11 or the vetoes or changes shall be considered to be approved by the board.

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

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

15 (e) 1. Outside of the budget process, the county executive, county administrator,  
16 or, in a county without a county executive or administrator, the finance committee  
17 may propose to the board an increase or decrease in any appropriation or revenue  
18 amount, subject to the budget amendment procedures under par. (c) 3. To be  
19 approved, such a proposal requires the affirmative vote of two-thirds of the  
20 members-elect of the board and the proposal may not be amended by the board,  
21 except that when such a proposal is made, and voted on by the board, after September  
22 30 and before November 16 of any even-numbered year, such a proposal may be  
23 approved by a simple majority vote of the members-elect of the board and the board  
24 may amend the proposal. Any proposal submitted after September 30 and before

1       October 31 of an even-numbered year shall be voted on by the board before  
2       November 16 of that even-numbered year.

3             2. In any county that adopts a 2-year budget under this subsection, the board  
4       may adjust the levy under s. 66.0602, subject to subd. 3., for the 2nd year of the  
5       budget once the board receives from the department of revenue the information it  
6       needs to determine the county's valuation factor, as defined in s. 66.0602 (1) (d), for  
7       that 2nd budgetary year.

8             3. If the board adjusts the levy as described under subd. 2., it may act by a  
9       simple majority vote of the members-elect of the board.

10            (f) With regard to every county department that has appropriations and  
11       expenses contained in a budget that is adopted under this section, the budget  
12       provisions that apply to such a department shall contain an appropriation account  
13       into which a gift or grant bestowed upon that department shall be deposited. If a  
14       department receives such a gift or grant, the department may spend the funds, with  
15       the consent of the county executive, county administrator, or, in a county without a  
16       county executive or administrator, the finance committee, but without county board  
17       approval, for the purposes for which the gift or grant was bestowed. If any  
18       department receives a gift or grant as described under this paragraph, the county  
19       executive shall notify the comptroller and the county board of the gift or grant.

20            (g) 1. Subject to subd. 2., the board of a county with a population of at least  
21       750,000 may not adopt a budget in which the total amount of budgeted expenditures  
22       related to the compensation of county board members, and to any other costs that are  
23       directly related to the operation and functioning of the county board or committees  
24       of the board, including staff, is greater than 0.4 percent of the county portion of the  
25       tax levy for that year to which the budget applies. The board may not alter any

1 formula by which fringe benefits, interdepartmental charges for services,  
2 depreciation, or debt service are allocated in the recommended budget.

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

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

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

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

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

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

15 **SECTION 44.** 59.61 (4) of the statutes is created to read:

16 59.61 (4) FUND ACCOUNTING. (a) A county that is subject to s. 59.60 shall utilize  
17 fund accounting. Section 59.60 (3m), as it applies to s. 59.60, applies to this  
18 subsection.

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

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

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

9 1. Setting a working cash flow target for each fund.

10 2. Publishing annual estimates of working cash flow balances.

11 3. A description of possible uses of balances in a fund that accumulate above  
12 the cash flow target.

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

15 **SECTION 45.** 59.79 (8) of the statutes is repealed.

16 **SECTION 46.** 63.02 (2) of the statutes is amended to read:

17 63.02 (2) The director of personnel shall cause the minutes of its proceedings  
18 to be taken and fully transcribed. The original transcribed copy shall be the official  
19 minutes of such proceedings and shall be open and available for public inspection.  
20 The director of personnel shall preserve all reports made to the commission, keep a  
21 record of all examinations held under its direction and perform such other duties as  
22 the commission may from time to time prescribe. The director of personnel shall be  
23 appointed by the county executive in the unclassified civil service and is subject to  
24 confirmation by the county board, as provided in s. 59.17 (2) (bm).

25 **SECTION 47.** 68.14 (1) of the statutes is amended to read:



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

6           **SECTION 48.** 83.01 (1) (b) of the statutes is amended to read:

7           83.01 (1) (b) In counties having a population of 500,000 or more, the county  
8 highway commissioner shall also be the director of public works. The person holding  
9 the position of county highway commissioner and director of public works, under the  
10 classified service, on June 16, 1974, shall continue in that capacity under civil  
11 service status until death, resignation, or removal from such position. Thereafter the  
12 county executive shall appoint as successor a director of transportation who shall  
13 assume the duties of county highway commissioner and director of public works ~~and~~  
14 ~~is subject to confirmation by the county board, as provided in s. 59.17 (2) (bm).~~

15           **SECTION 49.** 289.33 (3) (d) of the statutes is amended to read:

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

1 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),  
2 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57  
3 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),  
4 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), ~~(8)~~, and  
5 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,  
6 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,  
7 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.  
8 91.

9 **SECTION 50. Nonstatutory provisions.**

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

15 **SECTION 51. Initial applicability.**

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

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

22 (END)