

DD:jal;

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1        **AN ACT** *to repeal* 62.09 (6) (b); *to amend* 61.32, 66.0505 (3) (a) 1. and 66.0507; and  
 2            *to create* 61.193 and 62.09 (6) (am) of the statutes; **relating to:** establishing and  
 3            changing salaries for village and city elective offices.

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

4            **SECTION 1.** 61.193 of the statutes is created to read:

5            **61.193 Establishing and changing salaries for elective offices.** The salary for an  
 6            elective village office shall be established before the deadline for filing nomination papers for  
 7            the office or, if nomination papers are not used, before the caucus date determined under s. 8.05  
 8            (1) (a). After that deadline or date, no change may be made in the salary for the office that  
 9            applies to the term of office for which the deadline or date applies. The salary established for  
 10          an elective office remains for ensuing terms unless changed.

**NOTE:** Creates a provision for establishing and changing salaries for village elective offices that corresponds to the provision applicable to city elective offices, created by SECTION 3 of the draft.

The requirement that the salary for an elective village office be established before the nomination paper deadline for the office or before the caucus date is new. It reflects the principle that compensation for an elective office is for the office, not for a particular individual holding the office.

The last 2 sentences of the provision restate language deleted from current s. 61.32, stats., by SECTION 2 of the draft.

Note that periodic increases in salary for an elective office may be provided, as long as any increase is determined by the stated deadline. In addition, under s. 66.0507, stats., salary may include an automatic adjustment for changes in cost of living (except city council members). See SECTION 6 of the draft.

**COMMENT:** 1. The provision applies to establishing and changing the “salary” for an elective office. Should it more broadly apply to

“compensation” for an elective office? See ss. 59.22 (1) (a) 1. and 60.32 (4), stats., corresponding provisions that apply to counties and towns, respectively, which refer to establishing “compensation” for elective county and town offices.

2. The provision requires that salary be established before the deadline for filing nomination papers for the office, corresponding to current s. 60.32 (4), stats., applicable to town elective offices. Note that the corresponding provision that applies to county elective offices, s. 59.22 (1) (a) 1., stats., requires that compensation be established before the **earliest** time for filing nominations for the elective office.

3. For informational purposes, ss. 59.22 (1) (a) 1. and 60.32, stats., are attached to this draft.

1           **SECTION 2.** 61.32 of the statutes is amended to read:

2           **61.32 Village board; meeting; salaries.** The trustees of each village shall constitute  
3 a board designated the “Village Board of” (name of village) in which shall be vested all the  
4 powers of the village not specifically given some other officer. A majority of the  
5 members—elect shall constitute a quorum, but a less number may adjourn from time to time.  
6 The president shall preside at all meetings when present. In the president’s absence the board  
7 may select another trustee to preside. Regular meetings shall be held at such time as may be  
8 prescribed by their bylaws. Special meetings may be called by any 2 trustees in writing, filed  
9 with the clerk, who shall thereupon seasonably notify all the trustees of the time and place  
10 thereof in the manner directed by the bylaws. All meetings shall be open to the public. The  
11 board shall keep a record of all its proceedings, and if there is a newspaper published in any  
12 village, the board shall cause the proceedings to be published therein as a class 1 notice, under  
13 ch. 985. The proceedings for the purpose of publication shall include the substance of every  
14 official action taken by the governing body. If there is no newspaper published in the village,  
15 the board may cause the proceedings to be published in a newspaper having general circulation  
16 in the village, posted in several public places or publicized in some other fashion, in such

1 manner as the board directs. Nothing herein shall be construed as requiring the republication  
2 of any proceeding, ordinance or other matter or thing which has already been published  
3 according to law, nor shall anything herein be construed to relieve any village from publishing  
4 any proceeding, ordinance or other matter or thing required by law to be published.  
5 Notwithstanding the provisions of s. 985.08 (4), the fee for any such publication shall not  
6 exceed the rates specified in s. 985.08 (1). The board has power to preserve order at its  
7 meetings, compel attendance of trustees and punish nonattendance and it shall be judge of the  
8 election and qualification of its members. The president and board of trustees of any village,  
9 whether operating under general or special law, may by a three-fourths vote of all the members  
10 of the village board determine that an annual salary be paid the president and trustees. Salaries  
11 heretofore established shall so remain until changed by ordinance and shall not be increased  
12 or diminished during their terms of office.

**NOTE:** The stricken language is restated in s. 61.193, created by SECTION 1 of the draft.

13 **SECTION 3.** 62.09 (6) (am) of the statutes is created to read:

14 62.09 (6) (am) The salary for an elective city office shall be established before the  
15 deadline for filing nomination papers for the office. After that deadline, no change may be  
16 made in the salary for the office that applies to the term of office for which the deadline applies.  
17 The salary established for an elective office remains for ensuing terms unless changed.

**NOTE:** Creates a provision for establishing and changing salaries for city elective offices that corresponds to the provision applicable to village elective offices, created by SECTION 1 of the draft. The provision replaces current s. 62.09 (6) (b), stats., repealed by SECTION 4 of the draft.

The requirement that the salary for an elective city office be established before the nomination paper deadline for the office or before the caucus date is new. It reflects the principle that compensation for an elective office is for the office, not for a particular individual holding the office.

The last 2 sentences of the provision restate language deleted from current s. 61.32, stats., applicable to village elective offices, by SECTION 2 of the draft.

Note that periodic increases in salary for an elective office may be provided, as long as any increase is determined by the stated deadline. In addition, under s. 66.0507, stats., salary may include an automatic adjustment for changes in cost of living (except village board members). See SECTION 5 of the draft.

**COMMENT:** 1. The provision applies to establishing and changing the “salary” for an elective office. Should it more broadly apply to “compensation” for an elective office? See ss. 59.22 (1) (a) 1. and 60.32 (4), stats., corresponding provisions that apply to counties and towns, respectively, which refer to establishing “compensation” for elective county and town offices.

2. The provision requires that salary be established before the deadline for filing nomination papers for the office, corresponding to current s. 60.32 (4), stats., applicable to town elective offices. Note that the corresponding provision that applies to county elective offices requires that compensation be established before the **earliest** time for filing nominations for the elective office.

3. For informational purposes, ss. 59.22 (1) (a) 1. and 60.32, stats., are attached to this draft.

1           **SECTION 4.** 62.09 (6) (b) of the statutes is repealed.

**NOTE:** Repeals the following statutory language: “Whenever such salaries are to be changed or established the council shall, not later than the first regular meeting in February, fix the amount of salary of each officer entitled to a salary who may be elected or appointed for a definite term during the ensuing year. In cities newly incorporated, the compensation of the first officers may be fixed during their terms”.

The first sentence of the repealed provision is replaced by s. 62.09 (6) (am), created by SECTION 3 of the draft. The repealed language has been characterized as confusing and there is no counterpart or corresponding provision that applies to villages.

**COMMENT:** Should the last sentence of s. 62.09 (6) (b) be retained?

2           **SECTION 5.** 66.0505 (3) (a) 1. of the statutes is amended to read:

3           66.0505 (3) (a) 1. Notwithstanding the provisions of s. 59.10 (1) (c), (2) (c), (3) (f) to

4           (j), 60.32, ~~61.32~~ 61.193, or 62.09 (6), an elective officer may send written notification to the

1 clerk and treasurer of the political subdivision on whose governing body he or she serves that  
2 he or she wishes to refuse to accept the salary that he or she is otherwise entitled to receive.

**NOTE:** Revises a cross-reference to reflect the treatment of ss. 61.193  
and 61.32 by this draft.

3 **SECTION 6.** 66.0507 of the statutes is amended to read:

4 **66.0507 Automatic salary schedules.** Whenever the governing body of any city,  
5 village or town by ordinance adopts a salary schedule for some or all employees and officers  
6 of the city, village or town, other than members of the city council or village or town board,  
7 the salary schedule may include an automatic adjustment for some or all of the personnel in  
8 conformity with fluctuations upwards and downwards in the cost of living, notwithstanding  
9 ss. 60.32, ~~61.32~~ 61.193, 62.09 (6) and 62.13 (7).

**NOTE:** Revises a cross-reference to reflect the treatment of ss. 61.193  
and 61.32 by the draft.

10 **SECTION 7. Initial applicability.** The treatment of sections 61.193, 61.32, 62.09 (6)  
11 (am), 62.09 (6) (b), and 66.0507 of the statutes by this act first applies to village and city  
12 elective offices to be filled at the 2010 spring election.

13 (END)