

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 527**

December 4, 2007 – Offered by Representative NYGREN.

1 **AN ACT** *to renumber and amend* 66.0505; and *to create* 66.0505 (1) and
2 66.0505 (3) of the statutes; **relating to:** authorizing an elective member of a
3 political subdivision’s governing body to refuse his or her salary.

Analysis by the Legislative Reference Bureau

Generally under current law, the salary or compensation received by a member of a common council, village board, or county board is set by the governing body. The salary or compensation received by a member of a town board is set by the town meeting.

This substitute amendment authorizes a member or member–elect of the governing body of a political subdivision (city, village, town, or county) to refuse to accept the salary to which he or she is otherwise entitled, in which case the local treasurer may not pay the individual his or her salary. To refuse the salary, the member or member–elect must send written notification of his or her refusal to the political subdivision’s clerk and treasurer.

To be valid, the notification may only be sent within 30 days after the certification of the individual’s election or at least 30 days before the start of the individual’s next taxable year. Notifications apply only to the taxable year in which the individual’s election is certified or to the taxable year to which the notification relates, except that if an individual’s taxable year ends within three months of the certification of his or her election, the notification applies until the end of the

following taxable year. Notifications may not be rescinded but, to have continued applicability, they must be renewed annually.

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

1 **SECTION 1.** 66.0505 of the statutes is renumbered 66.0505 (2) and amended to
2 read:

3 66.0505 (2) ESTABLISHMENT OF SALARY. An elected official of any ~~county, city,~~
4 ~~town or village~~ political subdivision, who by virtue of the office held by that official
5 is entitled to participate in the establishment of the salary attending that office, shall
6 not during the term of the office collect salary in excess of the salary provided at the
7 time of that official's taking office. This provision is of statewide concern and applies
8 only to officials elected after October 22, 1961.

9 **SECTION 2.** 66.0505 (1) of the statutes is created to read:

10 66.0505 (1) **DEFINITIONS.** In this section:

11 (a) "Elective officer" means a member or member-elect of the governing body
12 of a political subdivision.

13 (b) "Political subdivision" means any city, village, town, or county.

14 **SECTION 3.** 66.0505 (3) of the statutes is created to read:

15 66.0505 (3) **REFUSAL OF SALARY.** (a) 1. Notwithstanding the provisions of s.
16 59.10 (1) (c), (2) (c), (3) (f) to (j), 60.32, 61.32, or 62.09 (6), an elective officer may send
17 written notification to the clerk and treasurer of the political subdivision on whose
18 governing body he or she serves that he or she wishes to refuse to accept the salary
19 that he or she is otherwise entitled to receive.

20 2. Except as provided in subd. 3., to be valid the notification must be sent no
21 later than 30 days after an elective officer's election is certified, and the notification

1 applies only to the taxable year in which the officer's election is certified or, if the
2 elective officer's current taxable year ends within 3 months of his or her certification,
3 the notification applies until the end of his or her next taxable year.

4 3. Except as provided in subd. 2., to be valid the notification must be sent at
5 least 30 days before the start of the elective officer's next taxable year, and the
6 notification applies only to that taxable year although the notification may be
7 renewed annually as provided in this subdivision.

8 4. If a clerk and treasurer receive notification as described in subd. 2. or 3., the
9 treasurer may not pay the elective officer his or her salary during the time period to
10 which the notification applies. Upon receipt of such notification, the political
11 subdivision's treasurer shall not pay the elective officer the salary that he or she is
12 otherwise entitled to receive, beginning with the first pay period that commences
13 after notification applies.

14 (b) An elective officer, or officer-elect, who sends the written notification
15 described under par. (a) may not rescind the notification. If an elective officer's
16 notification no longer applies, the political subdivision's treasurer shall pay the
17 elective officer any salary that he or she is entitled to receive, beginning with the first
18 pay period that commences after the expiration of the notification.

19 (END)