

SUSAN T. ERTMER  
Winnebago County Clerk  
112 Otter Avenue, P. O. Box 2806  
Oshkosh, WI 54903-2806  
(920) 232-3430

**NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING**

NAME OF COMMISSION,  
BOARD OR COMMITTEE: Legislative Committee

TIME OF MEETING: 8:30 A.M.

DATE OF MEETING: Monday, May 22, 2023

PLACE OF MEETING: James P. Coughlin Center  
625 E. County Road Y, Oshkosh

VOTING COMMITTEES: Aviation; Board of Health; Facilities & Property Management; Highway; Human Services Board; Judiciary & Public Safety; Industrial Development Board; Information Technology; Land & Water Conservation; Parks & Recreation; Park View Health Center; Personnel & Finance; Planning & Zoning; Solid Waste Management Board; UW Education, Extension and Agriculture and Veterans Service Commission.

**To join this Zoom Meeting via video, use this link:**

<https://us02web.zoom.us/j/82403744571?pwd=cjVLLzFqZWRhZjBvUFVQR3Q4OXZnQT09>

**Meeting ID:** 824 0374 4571      **Passcode** – Legis0522

**To join this meeting by telephone (312) 626-6799 and enter the Meeting ID: 824 0374 4571**

**Passcode** 030744906

**SUBJECT MATTER OF THE MEETING**

*The Chairman reserves the right to take up any item on the agenda at any time after the meeting commences.*

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of minutes of March 27, 2023 meeting.
4. Public comments.
5. Correspondence.
6. Discussion/Action: Clark County Resolution 3-1-23 – Recommending Revision to State Wind Energy Regulations and Green Lake County Resolution 7-2023 – Resolution Recommending Revision to State Renewable Energy Contract Regulations
7. Discussion/Action: Columbia County Resolution No. 14-23 – Request State to Revise Solar Energy System Law.
8. Discussion/Action: Washington County 22 Resolution 63 – Requesting the State of Wisconsin Review and Revise the Compensation Rate for State Public Defenders.
9. Discussion/Action: State of Wisconsin 2023 Bill – AN ACT *to create* 46.281 (1n) (bm) of the statutes; **relating to:** requiring allowance for health care providers to refer individuals to aging and disability resource centers for options counseling.
10. Discuss proposed State and Federal Legislation from the Legislative Committee members

11. Update from County Executive Jon Doemel
12. Update from State Legislators:  
Sen. Dan Feyen – District 18; Sen. Rachael Cabral-Guervara – District 19; Rep. Michael Schraa – District 53; Rep. Lori Palmeri – District 54; Rep. Nate Gustafson – District 55; Rep. Rep. Lee Snodgrass – District 57
13. Update from Federal Representatives: Senator Baldwin, Senator Johnson, Congressman Grothman and Congressman Mike Gallagher (invited).
14. Discussion: Topics to be discussed at next Legislative Committee Meeting (i.e. Resolutions from other Counties)
15. Next Meeting Date: To be determined by membership.
  - October 23, 2023
16. Adjourn.

\*\*This meeting is also being posted as a committee meeting for:

\*Aviation

\*Planning & Zoning

\*Highway

\* Personnel & Finance

\*Park View Health Center

\*Information Systems

\*Parks & Recreation

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk. Phone Number: (920) 232-3430

LEGISLATIVE COMMITTEE  
Monday, March 27, 2023  
James P. Coughlin Center  
625 E. County Road Y, Oshkosh

Members Present: 14 – Chuck Farrey, David Albrecht, Steven Binder, Robert Keller, Larry Lautenschlager, Koby Schellenger, Morris Cox, Nate Gustafson, John Hinz, Karen Powers, Ralph Harrison, Bryan Stafford (arrived at 9:26 am), and Tom Snider and Patrick O'Brien (via ZOOM).

\*Member Patrick O'Brien attended virtually and could not vote due to the new County Board rule 11.6.

Also Present: Winnebago County Chairman Thomas Egan, Winnebago County Supervisors Jacob Floam and Michael Norton, Bob Doemel (Highway Commissioner), Chad Casper (Land & Water Conservation Department Director), State Representatives Michael Schraa and Dan Feyen; SydneyRose Faestel, District Director for Senator Rachael A. Cabral-Guervara's Office and Chris Grawien representing Glenn Grothman's Office

Present Via Zoom: Mike Elder, Doug Gieryn, Fawn George and L. Palmer

**1. Call to Order**

Chairman Farrey called the meeting to order at 8:30 a.m.

**2. Pledge of Allegiance**

Chairman Farrey opened the meeting with the Pledge of Allegiance.

**3. Approval of minutes of January 9, 2023 meeting**

Motion by Supervisor Cox and seconded by Supervisor Albrecht to approve the minutes of the January 9, 2023 meeting. CARRIED BY VOICE VOTE.

**4. Public Comments**

No one from the public addressed the committee.

**5. Correspondence**

No correspondence.

**6. Election of Officers:**

Motion by Supervisor Albrecht and seconded by Larry Lautenschlager to nominate Steven Binder for Vice-Chairman of the Legislative Committee. CARRIED BY VOICE VOTE.

**7. Discussion/Action: Resolution 38-10-2022 from Jackson County – "Prohibition of Private Funding of Election Administration"**

This is an old resolution from last year.

Motion by Supervisor Binder and seconded by Larry Lautenschlager to approve the resolution and bring back to the County Board. CARRIED BY VOICE VOTE.

Member Patrick O'Brien attended virtually and could not vote due to the new County Board rule.

**8. Discussion/Action: Resolution No. 04-2023 from Green Lake County – "Requesting State of Wisconsin to Use a Portion of the 2023 Budgetary Surplus for the Maintenance, Repair and Replacement of County Trunk Highway System"**

Highway Commissioner Bob Doemel stated they could always use extra funding. Any additional funding can always be put into highways.

Motion by Supervisor Cox and seconded by Supervisor Albrecht to approve the resolution and bring back to the County Board. CARRIED BY VOICE VOTE.

Member Patrick O'Brien attended virtually and could not vote due to the new County Board rule.

**9. Discussion/Action: Resolution – Urge the Wisconsin Legislature to Provide \$18.7 million in Stable, Core Funding Support for County Conservation Department Staffing**

Chairman Farrey mentioned that the State of Wisconsin is currently going through the budget process. The State under Chapter 92 provides funding for our Land & Water Conservation Department staff. This resolution primarily

is requesting full funding to support staffing. He stated the funding for the Land & Water Conservation Departments has been provided by state law but at an amount less than the law provides for. This resolution is to get adequate funding for the directors of the departments and other staff. That is what this resolution is all about. This resolution is urging Legislature to provide \$18.7 million which would fund staffing to full capacity level.

Chad Casper, Land & Water Conservation Department Director briefly explained what this resolution would mean to Winnebago County's Land & Water Conservation Department. The current 2023 funding is \$11.7 million for Land & Water Conservation Departments for the whole State of Wisconsin. This would equate to be \$185,000 for Winnebago County's Land & Water Conservation Departments staffing. If this was fully funded at \$18.7 million, it would be about \$400,000 for our department. That would fund the 1<sup>st</sup> position at 100%, the 2<sup>nd</sup> position at 70% and the other positions within the department at 50% each. The Land & Water Conservation Department is short-handed for staff so projects will still take 10-15 years.

Motion by Tom Snider and seconded by Supervisor Powers to approve the resolution and bring back to the County Board. CARRIED BY VOICE VOTE.

Member Patrick O'Brien attended virtually and could not vote due to the new County Board rule.

**10. Discussion/Action: State of Wisconsin 2023 Bill – AN ACT to create 46.281 (1n)(bm) of the statutes; relating to: requiring allowance for health care providers to refer individuals to aging and disability resource centers for options counseling.**

Motion by Larry Lautenschlager and seconded by Supervisor Powers to bring to floor.

This is not a bill and it is being circulated yet.

Motion by Supervisor Gustafson and seconded to table until next meeting which will take place on Monday, May 22, 2023. CARRIED BY VOICE VOTE.

**11. Discuss proposed State and Federal Legislation from the Legislative Committee members**

None

**12. Discuss Proposed / Potential State Legislation as Presented by Local Legislators and Committee Members**

**13. Update from County Executive Jon Doemel**

County Executive Jon Doemel was not present.

**14. Update from State Legislators**

Senator Dan Feyen – District 18:

- There is a lot of legislation that is pending out there.
- The big thing is talk about budget. They want to take a deeper look at education. They've been meeting with a lot of people, what do they want to see in the budget?
- Shared revenue and to increase that for municipalities. Some townships are not even and would like to try to equal that out.
- Getting rid of personal property tax and fixing Milwaukee pension system are a couple of other items that were discussed.
- The Joint Finance Committee will be having 4 listening sessions next week in Waukesha, Eau Claire, WI Dells and Minocqua. If interested, anyone can submit comments on-line.

Representative Michael Schraa – District 53:

- There is not a lot to add as Senator Feyen stated.
- It has been slower for potential bills to move along.
- He is still working on increasing starting wage for correction officers. There are 7 facilities that are at a 40% vacant rate, very short-staffed. They need to get the starting wage up so they can recruit better.
- Another topic being discussed is townships and shared revenue and how they could address that.
- Representative Schraa has concerns that solar farms are purchasing many acres of farmland. Big companies are making attractive offers to lease land.
- Medical Marijuana Bill. They are working on language for that. There is some interest in Senate to move forward depending on the language used.

Representative Nate Gustafson – District 55:

- Trouble in workforce, a crisis in all levels.
- Listening session in Neenah and Fox Crossing on 04/15/2023.

#### **15. Update from Federal Representatives**

Congressman Glenn Grothman – 6<sup>th</sup> Congressional District:

- Chris Grawien, representative for Glenn Grothman, stated that the Congressman sends his regards. He is in Washington D.C. this week.
- In January 2023, the House of Representatives switched from Democrat to Republican control.
- Major focus is inflation, energy prices and immigration.
- Currently in budget session. In May or June they will see where they are. There is too much spending in Federal government. The average spending was 4 trillion in 2019. In 2020 and 2021, 8 trillion was spent each year. Our normal right now is 7-7 ½ trillion. This is creating an issue. Money is not worth what it used to be and doesn't go as far as it used to.
- Need to bring back some fiscal restraint to help cool things off a bit.
- Introduced Able Bodies without Dependence (ABOD).
- Tighten up on Immigration.

#### **16. Topics to be discussed at next Legislative Committee Meeting**

- Resolutions from other counties referred from County Board
- State of Wisconsin 2023 Bill – AN ACT *to create* 46.281 (1n)(bm) of the statutes; **relating to:** requiring allowance for health care providers to refer individuals to aging and disability resource centers for options counseling.

#### **17. Next Meeting Date and Time**


The next meeting will take place on Monday, May 22, 2023 at 8:30 am.

#### **18. Adjourn**

Motion by Supervisor Albrecht and seconded to adjourn. CARRIED BY VOICE VOTE.

The meeting was adjourned at 9:47 a.m.

Respectfully Submitted by:  
Cassie J. Smith-Gregor  
Winnebago County Deputy Clerk

 <p>Clark County, WI Founded In 1853</p>	<b>Type/Number</b>	<b>Resolution 3-1-23</b>		
	<b>Title</b>	<b>Recommending Revision to State Wind Energy Regulations</b>		
	Overview/Synopsis	Clark County opposes the current Wind Energy regulations promulgated by the Wisconsin Public Service Commission (“PSC”) and recommend revision and consideration of the impacts of regulation on Wisconsin Counties.		
	Submitted By	Planning, Zoning & Land Information Committee		
	Fiscal Impact	None		
	Review (Initial & Date)	Legal	PN 2/6/23	Finance

1 WHEREAS, the Wisconsin Legislature has limited how counties can regulate solar and wind energy  
2 Systems. *See* Wis. Stat. § 66.0401.

3  
4 WHEREAS, The Wisconsin Public Service Commission (“PSC”) has promulgated rules that limit how  
5 counties can regulate wind energy systems. *See* PSC 128 of the Wisconsin Administrative Code.

6  
7 WHEREAS, Planning and Zoning is a fundamental regulatory function and authority of Wisconsin  
8 counties.

9  
10 WHEREAS, Clark County residents have expressed concerns about contractual provisions proposed by  
11 both solar and wind renewable energy companies in renewable energy easement agreements.

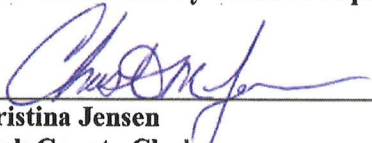
12  
13 WHEREAS, the Clark County Planning, Zoning and Land Information Committee and the Clark County  
14 Board of Supervisors have concerns about the regulatory limitations placed on the counties by PSC 128  
15 and Chapter 66, Wisconsin Statutes.

16  
17 NOW, THEREFORE, BE IT RESOLVED, that Clark County recommends and requests the Wisconsin  
18 Public Service Commission and the Wisconsin State Legislature to revise PSC 128 and/or Chapter 66 of  
19 the Wisconsin Statutes to address the following concerns:

- 20  
21 a. Some renewable energy contracts under the current regulations appear to bind owners and their  
22 property to decades worth of encumbrances while allowing renewable energy companies to  
23 terminate the contracts at any time for any or no reason.  
24  
25 b. The law does not prohibit energy companies from shifting liability created by the renewable  
26 energy company to the landowners. This includes liability for stray voltage, diminished  
27 property values, neurological problems, cancer, and death that the renewable energy  
28 companies cause.  
29  
30 c. State Law prohibits the regulation of the density and footprint of renewable energy systems by  
31 Municipalities, and prohibits Clark County from requiring bonding certain to ensure proper  
32 decommissioning of renewable energy systems.  
33  
34 d. Clark County has concerns about the use of renewable energy systems and their impact on  
35 agricultural land and production, at a time when war abroad disrupts food chains and causes  
36 food shortages, and as domestically we are experiencing uncontrolled inflation.



<b>Committee/Board/Supervisor Action</b>	
Committee/Board/Supervisor Name:	Planning, Zoning & Land Information Committee
Result/Date:	Approved 12/28/2022
Mover:	Tom Wilcox
Seconder:	William Neville
Ayes:	Wilcox, Hoover, and Neville
Abstained:	Ken Gerhardt
Absent:	Dean Zank

<b>Clark County Board of Supervisors Action</b>	
Vote Required:	Majority
Result/Date:	Adopted 01/19/2023
Type of Vote:	Roll Call: 26 Yes, 2 No, 1 Absent
Mover:	Zank
Seconder:	Wilcox
Ayes:	Brodhagen, Molitor, Schindler, Wilcox, Klabon, Waichulis, Zank, Thielman, Kolzow, Jalling, Bower, Ashbeck, Hendrickson, C. Rueth, W. Rueth, Bobrofsky, Krause Jr., Rollins, Smagacz, Boon, Trunkel, Gerhardt, Bakker, Garbisch, Neville, Sebesta
Nayes:	Kodl & Tyznik
Absent:	Krempasky
<p><b>I, Christina M. Jensen, Clerk for Clark County, hereby certify that Resolution 3-1-23 was adopted by the Clark County Board of Supervisors at the meeting held on January 19, 2023.</b></p>	
	
<p><b>Christina Jensen</b>  <b>Clark County Clerk</b>  <b>Neillsville, Wisconsin 54456</b></p>	
<p><b>SEAL</b></p>	

**RESOLUTION NUMBER 7-2023**

**Resolution Recommending Revision to State Renewable Energy Contract Regulations**

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting on this 18<sup>th</sup> day of April, 2023, does resolve as follows:

1 **WHEREAS**, the Wisconsin Legislature has limited how counties can regulate solar and  
2 wind energy systems. See Wis stats. 66.0401, 196.02, 196.025 & 196.378.

3  
4 **WHEREAS**, The Wisconsin Public Service Commission (“PSC”) has promulgated rules  
5 that limit how counties can regulate wind energy systems. See PSC 128 of the  
6 Wisconsin Administrative Code.

7  
8 Fiscal note is not applicable.

9 Majority vote is needed to pass.

Submitted by Land Use Planning and  
Zoning Committee

Roll Call on Resolution No. 7 -2023

Ayes 16, Nays 0, Absent 2, Abstain 1

*/s/ Curt Talma*

Passed and Adopted/~~Rejected~~ this day of  
18<sup>th</sup> day of April 2023.

\_\_\_\_\_  
Curt Talma, Chair

*/s/ Chuck Buss*

\_\_\_\_\_  
Chuck Buss, Vice Chair

*/s/ David Abendroth*

\_\_\_\_\_  
County Board Chairman

*absent*

\_\_\_\_\_  
Bill Boutwell

*/s/ Elizabeth A. Otto*

\_\_\_\_\_  
ATTEST: County Clerk  
Approve as to Form:

*absent*

\_\_\_\_\_  
Harley Reabe

*/s/ Jeffrey Mann*

\_\_\_\_\_  
Corporation Counsel

*/s/ Gene Thom*

\_\_\_\_\_  
Gene Thom



10 **WHEREAS**, Planning and Zoning is a fundamental regulatory function and authority of  
11 Wisconsin counties.

12

13 **WHEREAS**, Green Lake County residents have expressed concerns about contractual  
14 provisions proposed by both solar and wind renewable energy companies in renewable  
15 energy easement agreements.

16

17 **WHEREAS**, Green Lake County Land Use Planning & Zoning Committee and the  
18 Green Lake County Board of Supervisors have concerns about the use of renewable  
19 energy systems and their impacts on our residents, agricultural land and production, as  
20 well as our water ways.

21

22 **WHEREAS**, Green Lake County Land Use Planning & Zoning Committee and the  
23 Green Lake County Board of Supervisors have concerns about the regulatory limitations  
24 placed on the counties by PSC 128, Chapter 66 and Chapter 196, Wisconsin Statutes.

25

26 **NOW THEREFORE BE IT RESOLVED:** by the Green Lake County Board of  
27 Supervisors recommends and requests the Wisconsin Public Service Commission and  
28 the Wisconsin State Legislature to revise PAC 128 and/or Chapters 66 & 196 of the  
29 Wisconsin Statutes to address the following concerns:

30 a. Some renewable energy contracts under the current regulations appear to  
31 bind owners and their property to decades worth of encumbrances while  
32 allowing renewable energy companies to terminate the contracts at any time  
33 for any or no reason.

34 b. The law does not prohibit energy companies from shifting liability created by  
35 the renewable energy company to the landowners. This includes liability for  
36 stray voltage, diminished property values, neurological problems, cancer, and  
37 death that the renewable energy company causes.

38 c. State Law prohibits the regulation of the density and footprint of renewable  
39 energy systems by Municipalities and prohibits Green Lake County from  
40 requiring bonding certain to ensure proper decommissioning of renewable  
41 energy systems.

42 **NOW THEREFORE BE FURTHER RESOLVED**, a copy of this resolution be sent to  
43 Governor Tony Evers, all members of the State Legislature, the Wisconsin Counties  
44 Association, and all other Wisconsin Counties.

45

1  
2 **RESOLUTION NO. 14-23**

3 **SYNOPSIS: Request State to Revise Solar Energy System Law**

4 **INTRODUCED BY: Planning and Zoning Committee**

5  
6 **To the Honorable Board of Supervisors of Columbia County:**

7  
8 WHEREAS, Wisconsin counties possess limited authority to regulate solar energy  
9 systems in their communities as a result of Wisconsin State law; and,

10  
11 WHEREAS, the regulation of solar energy systems is generally dependent on size, with  
12 smaller solar energy systems being subject to within Wis. Stat. § 66.0401(1m), and those above  
13 one hundred (100) megawatts the Wisconsin Public Service Commission (PSC);

14  
15 WHEREAS, while Wis. Stat. § 66.0401(1m) provides a mechanism for counties to  
16 consider areas of local concern, it provides little ability for counties to restrict or even deny a  
17 project based on local concerns from residents, environmental impact, or economic impact.  
18 Within Wis. Stat. § 66.0401(1m), terms like “public health” or “safety” are undefined, a clear  
19 evidentiary threshold was never included; and, while found with Wis. Stat. § 59.69, the term  
20 “welfare” was not included with the reason for its omission uncertain; and,

21  
22 WHEREAS, there are currently 14 solar and battery energy storage systems being  
23 proposed in the Midcontinent Independent System Operator, Inc. queue as of February 23, 2023  
24 to be constructed within Columbia County, totaling 1220 MW of solar energy generation  
25 potential and 1000 MW of battery storage potential; and with many of these developers stating  
26 that there will be a phase 2 for their projects, an untold number of acres of prime farmland,  
27 wildlife habitat, threatened and endangered species of plants and animals that have been  
28 documented within project areas, scenic country views, lives, and livelihoods could be destroyed  
29 with little to no opportunity for the County to intervene; and,

30  
31 WHEREAS, public utilities and private developers are using a loophole in Wis. Stat. §  
32 196.491(3)(d)2 and 3 that exempts wholesale merchant plants from meeting the same standards  
33 as public utility companies in order to receive their Certificate of Public Convenience and  
34 Necessity (CPCN) and then immediately turn around and sell the project to a public utility  
35 company.

36  
37 WHEREAS, the State has given planning and zoning authority to the County through  
38 Wis. Stat. § 59.69, specifically in order to “promote the public health, safety, convenience and  
39 general welfare; to encourage planned and orderly land use development; to protect property  
40 values and the property tax base” and to “preserve wetlands; to conserve soil, water and forest  
41 resources; to protect the beauty and amenities of landscape and man-made developments; to  
42 provide healthy surroundings for family life.” However, when it comes to utility-scale solar, the  
43 County process and authority is completely circumvented.

44  
45 NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of  
46 Supervisors hereby requests that the Wisconsin State Legislature revise Wis. Stat. § 66.0401(1m)  
47 and Wis. Stat. § 196.491 as follows in order to grant Wisconsin counties the authority to  
48 responsibly site utility-scale solar installations in order to maintain orderly planning and comply  
49 with the statutory requirement laid out in Wis. Stat. § 66.1001(3) to adhere to the objectives,  
50 goals, and policies contained in the County’s comprehensive plan:

51  
52 ~~66.0401(1m) Authority to restrict systems limited. No political subdivision may place~~  
53 ~~any restriction, either directly or in effect, on the installation or use of a wind energy~~  
54 ~~system that is more restrictive than the rules promulgated by the commission under~~

s. 196.378 (4g) (b). No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, unless the restriction satisfies one of the following conditions:

(a) Serves to preserve or protect the public health or safety.

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

66.0401(1m)(e)

(c) Allows for an alternative system of comparable cost and efficiency.

196.491(3)(d)2 Except as provided under par. (e), the commission shall approve an application filed under par. (a) 1. for a certificate of public convenience and necessity only if the commission determines all of the following:

196.491(3)(d)2.

2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy. This subdivision does not apply to a wholesale merchant plant.

3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors, except that the commission may not consider alternative sources of supply or engineering or economic factors if the application is for a wholesale merchant plant. In its consideration of environmental factors, the commission may not determine that the design and location or route is not in the public interest because of the impact of air pollution if the proposed facility will meet the requirements of ch. 285.

BE IT FURTHER RESOLVED, that the County Clerk will send a copy of this Resolution to Governor Tony Evers, all members of the State Legislature representing Columbia County, the Wisconsin Counties Association and an electronic copy to all Wisconsin county board supervisors and the full State Legislature.

Fiscal Note: None.

Fiscal Impact: None.

STATE OF WISCONSIN  
COUNTY OF COLUMBIA  
CERTIFIED COPY

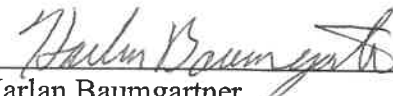
I certify that this is a true and exact copy of the original of which I am legal custodian for the County Clerk of Columbia County.

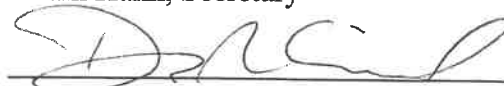
Signed by

  
County Clerk or Deputy County Clerk

3-15-2023  
Date

  
Andrew Kolberg

  
Harlan Baumgartner

~~Adam Hahn, Secretary~~  
  
Douglas Richmond, Vice Chair

  
Denise Brusveen, Chair

PLANNING & ZONING COMMITTEE

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# WASHINGTON COUNTY, WISCONSIN

Date of enactment: 2/8/2023  
Date of publication: 2/15/2023

## 2022 RESOLUTION 63

### Requesting the State of Wisconsin Review and Revise the Compensation Rate for State Public Defenders

**WHEREAS**, criminal cases continue to rise due to a variety of factors with a backlog of 35,000 pending criminal cases across the state due to a shortage of public defenders; and

**WHEREAS**, both the United States Constitution and the Wisconsin Constitution provide that persons accused of crimes have the right to counsel; and

**WHEREAS**, the Wisconsin Office of the Public Defender provides legal counsel to criminal defendants and other persons meeting income eligibility guidelines for services; and

**WHEREAS**, public defender offices do not have enough staff attorneys available or public defender assigned private attorneys willing to assist the Public Defender's office because of inadequate pay, 17 to 20 percent of staff attorney jobs are currently unfilled as well as a shortage of private attorneys willing to take public defender cases; and

**WHEREAS**, this results in increased costs to counties by requiring counties to pay significantly higher hourly rates for private attorneys to represent criminal defendants, holding inmates in jail for longer periods of time pending court appointment of private attorneys, reducing efficiency of Courts and law enforcement, and delaying justice for victims; and

**WHEREAS**, the State Public Defenders (SPD) rate was adjusted down in 1995 to \$40 per hour making it the lowest private attorney rate in the nation, in January 2020 that rate increased to \$70 per hour; and

**WHEREAS**, Wisconsin is the only state in the country with a state-funded, state-administered public defense system that requires counties to pay a higher rate for attorneys when the state cannot obtain counsel; and

**WHEREAS**, Wisconsin's Circuit Court system is a partnership funded by a mix of state general purpose revenue (GPR), court fees and surcharges, and county taxes; and

**WHEREAS**, in recent years, however, that partnership has frayed as counties have borne a growing share of the costs including the salaries and benefits of the clerks of circuit court and their employees, salaries and benefits for court commissioners, courtroom security personnel and equipment, office supplies, law libraries, and jury costs;

1 **NOW, THEREFORE, BE IT RESOLVED** by the Washington County Board of  
2 Supervisors that this Board supports providing sufficient resources to the Office of the Public  
3 Defender to ensure that the criminal justice system operates effectively and efficiently.  
4

5 **BE IT FURTHER RESOLVED** that the Washington County Board of Supervisors does  
6 hereby support an increase in the rate of reimbursement for assigned public defender private  
7 attorneys to a market rate that will help ensure prompt legal representation for criminal defendants  
8 and allow cases to be handled in a timely and efficient manner.  
9

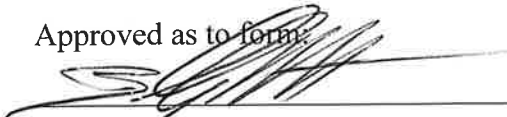
10 **BE IT FURTHER RESOLVED** that the Washington County Board of Supervisors does  
11 hereby support that if the Office of the Public Defender cannot find a qualified attorney to take a  
12 case as an appointed State Public Defender and the County is required to appoint counsel at a  
13 higher rate, that the Office of the Public Defender reimburse the County the hourly rate that has  
14 been appropriated by the state to provide required counsel coverage.  
15

16 **BE IT FURTHER RESOLVED** that a copy of this resolution is sent to Governor Tony  
17 Evers, members of the Wisconsin State Assembly and State Senate, every county in the State of  
18 Wisconsin, and the Wisconsin Counties Association.  
19  
20  
21

22 VOTE REQUIREMENT FOR PASSAGE: Majority

23 RESOLUTION SUMMARY:

24 Approved as to form:

25  
26   
27 \_\_\_\_\_  
28 Bradley S. Stern, County Attorney

29 Dated 2/9/2023

Introduced by members of the PUBLIC SAFETY  
COMMITTEE as filed with the County Clerk.

30   
\_\_\_\_\_

Christopher Bossert, Chairperson

31 Approved:

32   
\_\_\_\_\_

33 Josh Schoemann, County Executive

34 Dated 13 Feb 23

35 Considered 2/8/2023

36 Adopted 2/8/2023

37 Ayes 21 Noes 6 Absent 0

38  Veto

Voice Vote \_\_\_\_\_

Partial Veto

(No fiscal impact.)



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-1817/1  
SWB:amn

## 2023 BILL

1     **AN ACT to create** 46.281 (1n) (bm) of the statutes; **relating to:** requiring  
2             allowance for health care providers to refer individuals to aging and disability  
3             resource centers for options counseling.

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

This bill requires the Department of Health Services to allow a health care provider to send communications to a patient referring the patient to an aging and disability resource center or to the website of an ADRC or DHS for information regarding long-term care options counseling. The bill also requires DHS to make a long-term care options counseling referral letter available on its website for use by health care providers. ADRCs provide information on various programs, counsel on available options, and assist individuals in applying for certain programs and benefits, including participation in the Family Care program, which provides community-based, long-term care services for frail elders and adults with physical, developmental, or intellectual disabilities. Options counseling is a decision support service intended to empower older adults, adults with disabilities, and their families and caregivers to make informed decisions about current or future long-term care choices.

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

