

Kenosha



County

Legislation Committee

Agenda

Kenosha County Administration Building

2nd Floor Committee Room

January 17, 2023 at 6:30pm.

NOTE: UNDER THE KENOSHA COUNTY BOARD RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SECTION 2 C OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE DISCUSSED AND ACTED UPON DURING THE COURSE OF THIS MEETING AND ANY NEW MATTER NOT GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

1. Call To Order
2. Citizen Comments
3. Reports From Chairperson
4. Reports From Committee Members
5. Communications
6. Approval Of Minutes
7. A Resolution Requesting That The State Revise The Current Real Estate Transfer Fees Revenue Sharing Formula

Documents:

[RESOLUTION 23-1-3 REVISION OF CURRENT REAL ESTATE TRANSFER FEES REVENUE SHARING FORMULA.PDF](#)

8. Discussion Of Proposed Constitutional Amendment On Imposition Of Cash Bail

Documents:

[2023 BAIL LEGISLATION VW.PDF](#)

9. Other Matters As May Be Appropriately Brought Before The Committee
10. Adjourn

There may be a quorum of other Committees of the County Board.



# KENOSHA COUNTY

## BOARD OF SUPERVISORS

Resolution No. \_\_\_\_\_

Subject: <b>A Resolution to Request the State of Wisconsin to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula</b>			
Original [ x ]	Corrected [ ]	2nd Correction [ ]	Resubmitted [ ]
Date Submitted: Date Submitted:		Date Resubmitted:	
Submitted by: Chairman Nudo and the Legislative Committee			
Fiscal Note Attached [ ]		Legal Note Attached [ ] Agreement	
Prepared by: Chairman Gabe Nudo		Signature:	

**WHEREAS**, the collection of counties of a real estate transfer fee was mandated by the State of Wisconsin in 1969, and included a requirement that counties remit 50% of all transfer fees collection to the State, and;

**WHEREAS**, in 1981 the State changed the transfer fee formula to now require counties to remit to the State 80% of all transfer fees collected and, and;

**WHEREAS**, the County through the office of the Register of Deeds assumes the annual operating costs of recording all real estate transfers occurring in Kenosha County, including the collection of real estate transfer fees, and;

**WHEREAS**, in 2021, Kenosha County collected \$4,704,757 in real estate transfer fees with the County's 20% retained share totaling \$963,317.95, and was required to remit 80% or \$3,741,439.05 to the State, and;

**WHEREAS**, Kenosha County real estate transfer fee collections as averaged over the past five years totaled \$3,390,890 of which the County retained \$686,543.25, and over that same period \$2,704,346.75 was remitted to the State, and;

**WHEREAS**, in 2021 the State of Wisconsin has built up a budget surplus of approximately \$2.5 billion with a projected 2023 budget surplus of \$6.6 billion, while many Wisconsin counties continue to struggle financially due to the ever-increasing costs of providing county government services in an inflationary economy, coupled with the financial restrictions imposed by State mandated levy limits, and;

**WHEREAS**, in an effort to financially assist all Wisconsin Counties, Kenosha County requests that the State of Wisconsin return the real estate transfer fee share formula to again allow Wisconsin Counties to retain 50% of all

real estate transfer fees collected, with 50% to be remitted to the State.

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors hereby requests that the State of Wisconsin revise the real estate transfer fee share formula to again allow Wisconsin Counties to retain 50% of all real estate transfer fees collected, with 50% to be remitted to the State, and;

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to Governor Evers, to Kenosha County's legislative delegation, all other Wisconsin counties, and to the Wisconsin Counties Association.

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Chairman Nudo

**LEGISLATIVE COMMITTEE:**AyeNayAbstainExcused

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Brian Thomas, Chair☐☐☐☐

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John Poole, Vice Chair☐☐☐☐

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Amanda Nedweski☐☐☐☐

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Zack Stock☐☐☐☐

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Andy Berg☐☐☐☐

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Daniel Gaschke☐☐☐☐

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Monica Yuhas☐☐☐☐



## 2023 SENATE JOINT RESOLUTION

1     **To amend** section 8 (2) of article I of the constitution; **relating to:** conditions for  
2           release prior to conviction, including the imposition of bail (second  
3           consideration).

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### *Analysis by the Legislative Reference Bureau*

#### EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2023 legislature for submittal to the voters in April 2023, was first considered by the 2021 legislature in 2021 Assembly Joint Resolution 107, which became 2021 Enrolled Joint Resolution 6.

Under the Wisconsin Constitution, a person accused of a crime is eligible for release before conviction under reasonable conditions designed to assure the appearance of the accused in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. Such conditions of release may include monetary bail only upon a finding that there is a reasonable basis to believe that bail is necessary to assure the appearance of the accused in court.

This constitutional amendment provides that the accused is eligible for release before conviction under reasonable conditions designed to protect members of the community from serious harm as defined by the legislature by law, not just serious bodily harm, in addition to the other conditions specified above.

The constitutional amendment also eliminates, only with respect to violent crimes as defined by the legislature by law, the requirement that monetary bail may be imposed as a condition of release before conviction only upon a finding that there

is a reasonable basis to believe that it is necessary to assure the appearance of the accused in court. Instead, the constitutional amendment authorizes the imposition of bail as a condition of release for persons accused of violent crimes only upon a finding that there is a reasonable basis to believe that it is necessary based on the totality of the circumstances, taking into account the seriousness of the offense charged; whether the accused has a previous conviction for a violent crime as defined by the legislature by law; the probability that the accused will fail to appear in court; the need to protect members of the community from serious harm as defined by the legislature by law; the need to prevent the intimidation of witnesses; and the potential affirmative defenses of the accused.

### **PROCEDURE FOR SECOND CONSIDERATION**

When a proposed constitutional amendment is before the legislature on second consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

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1       Whereas, the 2021 legislature in regular session considered a proposed  
2       amendment to the constitution in 2021 Assembly Joint Resolution 107, which  
3       became 2021 Enrolled Joint Resolution 6, and agreed to it by a majority of the  
4       members elected to each of the two houses, which proposed amendment reads as  
5       follows:

**SECTION 1.** Section 8 (2) of article I of the constitution is amended to read:

[Article I] Section 8 (2) All persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearance in court, protect members of the community from serious bodily harm as defined by the legislature by law, or prevent the intimidation of witnesses. Monetary conditions of release may be imposed at or after the initial appearance only upon a finding that there is a reasonable basis to believe that the conditions are necessary to assure appearance in court, or if the person is accused of a violent crime as defined by the legislature by law, only upon a finding that there is a reasonable basis to believe that the conditions are necessary based on the totality of the circumstances, taking into account whether the accused has a previous conviction for a violent crime as defined by the legislature by

law, the probability that the accused will fail to appear in court, the need to protect members of the community from serious harm as defined by the legislature by law, the need to prevent the intimidation of witnesses, and the potential affirmative defenses of the accused. The legislature may authorize, by law, courts to revoke a person's release for a violation of a condition of release.

*Now, therefore, be it resolved by the senate, the assembly concurring,*

***That*** the foregoing proposed amendment to the constitution is agreed to by the 2023 legislature; and, be it further

***Resolved, That*** the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the first Tuesday of April, 2023; and, be it further

***Resolved, That*** the question concerning ratification of the foregoing proposed amendment to the constitution be stated on the ballot as follows:

**QUESTION 1: “*Conditions of release before conviction.* Shall section 8 (2) of article I of the constitution be amended to allow a court to impose on an accused person being released before conviction conditions that are designed to protect the community from serious harm?”**

**QUESTION 2: “Cash bail before conviction.** Shall section 8 (2) of article I of the constitution be amended to allow a court to impose cash bail on a person accused of a violent crime based on the totality of the circumstances, including the seriousness of the crime, previous convictions of the accused, the probability that the accused will fail to appear, the need to protect the community from serious harm and prevent witness intimidation, and potential affirmative defenses?”

**(END)**