



## 1995 ASSEMBLY BILL 119

February 8, 1995 – Introduced by Representatives WARD, KAUFERT, HANDRICK, MUSSER, URBAN, UNDERHEIM, WOOD, SILBAUGH, OWENS, GOETSCH, JENSEN, GREEN, HAHN, OTT, SKINDRUD, SCHNEIDERS, OTTE and VRAKAS, cosponsored by Senators FITZGERALD, RUDE, FARROW and DARLING. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to amend** 17.13 (1), 60.30 (title) and 60.30 (1) (a) 2.; and **to create** 60.10  
2           (1) (b) 2m. and 60.30 (1e) of the statutes; **relating to:** authorizing town  
3           meetings and town boards to fill the offices of town clerk and town treasurer or  
4           the combined office of town clerk and town treasurer by appointment.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the offices of town clerk, town treasurer and the combined office of town clerk and town treasurer are elective. This bill authorizes a town meeting to make these offices appointive. The bill also authorizes a town board to enact an ordinance, which would take effect upon approval by the electors in a referendum, to make these offices appointive. If a person is appointed to one of these offices by the town board, he or she will serve for a term not to exceed 3 years, and may be reappointed. The board may dismiss the person only for cause. If a town board later decides to make these offices elective, the board may return to an electoral system without a referendum.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

5           **SECTION 1.** 17.13 (1) of the statutes is amended to read:  
6           17.13 (1) APPOINTIVE OFFICERS. Any Except as provided in s. 60.30 (1e) (c) and  
7           (f), any appointive village, town, town sanitary district, school district and technical  
8           college district officer, by the officer or body that appointed him or her, at pleasure.

1 Removal of any such officer by a body shall be by a majority vote of all the members  
2 thereof.

3 **SECTION 2.** 60.10 (1) (b) 2m. of the statutes is created to read:

4 60.10 (1) (b) 2m. Provide for the appointment by the town board of the town  
5 clerk, town treasurer, or both, or of the combined office of town clerk and town  
6 treasurer under s. 60.305 (1), at a level of compensation to be set by the board that  
7 may not be reduced during the term to which the person is appointed.

8 **SECTION 3.** 60.30 (title) of the statutes is amended to read:

9 **60.30 (title) Election, appointment of town officers; general provisions.**

10 **SECTION 4.** 60.30 (1) (a) 2. of the statutes is amended to read:

11 60.30 (1) (a) 2. A Except as provided in sub. (1e), a town clerk and a town  
12 treasurer or a person to serve in the combined office of town clerk and town treasurer  
13 under s. 60.305 (1).

14 **SECTION 5.** 60.30 (1e) of the statutes is created to read:

15 60.30 (1e) APPOINTED TOWN OFFICERS. (a) Notwithstanding sub. (1) (a) 2. and  
16 subject to pars. (b) and (c), a town board may enact an ordinance that provides for  
17 the appointment of a person by a majority of the members-elect of the town board,  
18 as defined in s. 59.001 (2m), to fill the office of town clerk, town treasurer, or both,  
19 or to fill the combined office of town clerk and town treasurer under s. 60.305 (1).

20 (b) An ordinance enacted under par. (a) may not take effect until it is approved  
21 in a referendum called by the town board for that purpose at the next spring or  
22 general election, to be held not sooner than 45 days after the referendum is called by  
23 the town board. The referendum question shall be: "Shall the person holding the  
24 office of ... [town clerk or town treasurer, or both; or the combined office of town clerk  
25 and town treasurer] in the town of ... be appointed by the town board?"

1           (c) If an ordinance is approved in a referendum under par. (b), the change from  
2           an elective office to an appointive office may not take effect until the term of office  
3           of the incumbent town clerk, town treasurer or combined town clerk and town  
4           treasurer expires. If an ordinance is approved under par. (b) at a general election the  
5           ordinance takes effect upon the expiration of the term or terms of the incumbent  
6           officer or officers. If an ordinance is approved under par. (b) at a spring election at  
7           which the office of town clerk or town treasurer is filled, the ordinance takes effect  
8           upon the expiration of the term or terms of each officer who is elected at that election.  
9           A person appointed to the office of town clerk, town treasurer or to the combined  
10          office of town clerk and town treasurer shall serve for a term, not to exceed 3 years,  
11          that is set by the town board. The person may be reappointed and may be dismissed  
12          by the board only for cause, as defined in s. 17.16 (2).

13          (d) Not sooner than 2 years after an ordinance is approved in a referendum  
14          under par. (b), the town board may enact an ordinance to return to a system of  
15          electing the town clerk and town treasurer or the combined office of town clerk and  
16          town treasurer, under sub. (1) (a) 2., without a referendum. If the ordinance under  
17          this paragraph is enacted on or after the date of the spring election and on or before  
18          November 1 in any year, a town clerk, town treasurer or combined town clerk and  
19          town treasurer shall be elected to succeed the appointive officer at the next spring  
20          election following enactment of the ordinance. If the ordinance is enacted on any  
21          other date, a town clerk, town treasurer or combined town clerk and town treasurer  
22          shall be elected to succeed the appointive officer at the 2nd spring election following  
23          enactment of the ordinance.

24          (e) Notwithstanding sub. (1) (a) 2. and subject to pars. (f) and (g), a town board  
25          that is authorized to do so by a town meeting under s. 60.10 (1) (b) 2m. shall appoint,

1 by a majority of the members-elect of the town board, as defined in s. 59.001 (2m),  
2 a person to fill the office of town clerk, town treasurer, or both, or to fill the combined  
3 office of town clerk and town treasurer under s. 60.305 (1). The town board shall  
4 make the initial appointment not less than 30 days nor more than 60 days after the  
5 annual town meeting at which the authorization is given.

6 (f) If a person is appointed to office under par. (e), the person initially appointed  
7 may not take office until the term of office of the incumbent town clerk, town  
8 treasurer or combined town clerk and town treasurer expires. A person appointed  
9 to the office of town clerk, town treasurer or to the combined office of town clerk and  
10 town treasurer shall serve for a term, not to exceed 3 years, that is set by the town  
11 board. The person may be reappointed and may be dismissed by the board only for  
12 cause, as defined in s. 17.16 (2).

13 (g) Not sooner than 2 years after a person is appointed to office under par. (e),  
14 the town board may enact an ordinance to return to a system of electing the town  
15 clerk and town treasurer or the combined office of town clerk and town treasurer,  
16 under sub. (1) (a) 2. without a vote of a town meeting. An ordinance enacted under  
17 this paragraph shall follow the procedures in par. (d).

18 (END)