

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0568/P1dn
MES&EVM:...:md

Don Dyke:

With regard to ss. 61.23 (1) and 62.09 (5) (e), we have a question. Because no term is specified, a person serving in an appointive office serves at the pleasure of the appointing authority. The statutes in question state that such a person shall serve until his or her successor is appointed and qualified. What if someone serving in such an appointed office is arrested for possession of crack cocaine?. As the statute is written, couldn't the appointee claim that he or she must continue to serve until a successor is appointed and qualified, even though the appointing authority would probably want the person fired immediately? Do you want these statutes to address this situation?

Also, these statutes (ss. 61.23 (1) and 62.09 (5) (e)) contain the phrase, “. unless otherwise provided by ordinance.” I think that this phrase is probably OK, but Jeff Kuesel felt that such an ordinance would be unusual, and that the “holdover rule” applies both to appointees serving terms and appointees serving at pleasure, so the phrase may not be necessary. Let us know if you'd like any changes made.

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