

2017 Assembly Bill 636 (LRB -0192)

An Act to repeal 17.10 (6) (b), 51.42 (4) (a) 2. a. and 51.42 (4) (a) 2. b.; to renumber and amend 17.10 (6) (a), 17.10 (7) and 51.42 (4) (a) 2. (intro.); to amend 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c) 1., 46.22 (1m) (c) 2., 46.23 (4) (b) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4) (c), 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a) 2., 59.25 (2) (a), 59.255 (2) (b) and 119.9001 (2) (c); and to create 17.10 (7) (b) of the statutes; relating to: removal of certain county officers. (FE)

2017

11-10.	A.	Introduced by Representatives R. Brooks, Ballweg, Rohrkaste, Kremer, Tusler, Born, E. Brooks, Horlacher, Nygren, Knodl, Felzkowski, Steffen, Macco, Jarchow and Spiros ; cosponsored by Senators Olsen, Stroebel, Darling and Marklein.	558
11-10.	A.	Read first time and referred to Committee on Local Government	558
11-15.	A.	Public hearing held	
11-28.	A.	Fiscal estimate received	
11-28.	A.	Fiscal estimate received	
12-12.	A.	Fiscal estimate received	

2018

01-04.	A.	Assembly Amendment 1 offered by Representative R. Brooks (LRB a1616)	617
01-12.	A.	Assembly Amendment 2 offered by Representative R. Brooks (LRB a1778)	631
01-17.	A.	Executive action taken	
01-18.	A.	Report Assembly Amendment 2 adoption recommended by Committee on Local Government, Ayes 7, Noes 0	650
01-18.	A.	Report passage as amended recommended by Committee on Local Government, Ayes 4, Noes 3	650
01-18.	A.	Referred to committee on Rules	650
01-18.	A.	Placed on calendar 1-23-2018 by Committee on Rules	
01-22.	A.	Assembly Amendment 3 offered by Representative R. Brooks (LRB a1839)	656
01-23.	A.	Read a second time	664
01-23.	A.	Assembly Amendment 2 laid on table	664
01-23.	A.	Assembly Amendment 3 adopted	664
01-23.	A.	Ordered to a third reading	664
01-23.	A.	Rules suspended	664
01-23.	A.	Read a third time and passed , Ayes 59, Noes 32	664
01-23.	A.	Ordered immediately messaged	665
01-23.	S.	Received from Assembly	657
01-24.	S.	Read first time and referred to committee on Senate Organization	671
01-25.	S.	Available for scheduling	
03-15.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2	832
03-15.	S.	Placed on calendar 3-20-2018 pursuant to Senate Rule 18(1)	833
03-20.	S.	Read a second time	
03-20.	S.	Ordered to a third reading	
03-20.	S.	Rules suspended	
03-20.	S.	Read a third time and concurred in	
03-20.	S.	Ordered immediately messaged	
03-21.	A.	Received from Senate concurred in	891



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2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17 -0192, 5

Amendments: None or Listed below.

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Corrections: None or Listed by date below.

Topic: Same as relating clause or other, indicated below.

3/26/18

Date

Enrolling Drafter



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/5
EVM&TJD:kjf

2017 ASSEMBLY BILL 636

November 10, 2017 - Introduced by Representatives R. BROOKS, BALLWEG, ROHRKASTE, KREMER, TUSLER, BORN, E. BROOKS, HORLACHER, NYGREN, KNODL, FELZKOWSKI, STEFFEN, MACCO, JARCHOW and SPIROS, cosponsored by Senators OLSEN, STROEBEL, DARLING and MARKLEIN. Referred to Committee on Local Government.

1 AN ACT *to repeal* 17.10 (6) (b), 51.42 (4) (a) 2. a. and 51.42 (4) (a) 2. b.; *to*
2 *renumber and amend* 17.10 (6) (a), 17.10 (7) and 51.42 (4) (a) 2. (intro.); *to*
3 *amend* 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c) 1., 46.22
4 (1m) (c) 2., 46.23 (4) (b) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4)
5 (c), 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a) 2., 59.25 (2) (a), 59.255 (2)
6 (b) and 119.9001 (2) (c); and *to create* 17.10 (7) (b) of the statutes; **relating to:**
7 removal of certain county officers.
and city AA3
1.

Analysis by the Legislative Reference Bureau

Under current law, certain county officers may be removed from office by their appointing authority only for cause. This bill allows an appointing authority to remove these officers from office at pleasure.

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

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

8 SECTION 1. 17.10 (1) of the statutes is amended to read:

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1 17.10 (1) APPOINTED BY GOVERNOR. County officers appointed by the governor
2 may be removed at pleasure by the governor ~~for cause~~.

3 **SECTION 2.** 17.10 (2) of the statutes is amended to read:

4 17.10 (2) APPOINTED BY COUNTY BOARD. County officers appointed by the county
5 board may be removed at pleasure by the county board ~~for cause~~. All removals may
6 be made by an affirmative vote of two-thirds of the supervisors entitled to seats on
7 the county board. Removal of personnel supported by federal funds shall comply
8 with federal law applicable to those personnel.

9 **SECTION 3.** 17.10 (3) of the statutes is amended to read:

10 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
11 appointed by the chairperson of the county board may be removed at pleasure by the
12 chairperson ~~for cause~~, except members of the county civil service commission who
13 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
14 commissioner of elections so removed may appeal to the county board within 10 days
15 after removal; the county board shall conduct a hearing in the manner determined
16 by it and shall determine the question of removal.

17 **SECTION 4.** 17.10 (6) (a) of the statutes is renumbered 17.10 (6) and amended
18 to read:

19 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
20 officers may be removed at pleasure by the officer or body that appointed them.
21 Removals by a body, other than the county board, consisting of 3 or more members
22 may be made by an affirmative vote of two-thirds of all the members thereof.

23 **SECTION 5.** 17.10 (6) (b) of the statutes is repealed.

24 **SECTION 6.** 17.10 (7) of the statutes is renumbered 17.10 (7) (a) and amended
25 to read:

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1 17.10 (7) (a) ~~County~~ Notwithstanding subs. (1) to (6), county officers appointed
2 according to merit and fitness under and subject to a civil service law, or whose
3 removal is governed by such a law, shall be removed only as therein provided.

4 **SECTION 7.** 17.10 (7) (b) of the statutes is created to read:

5 17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance
6 provide that any county officer ^{appointed by the county board or the chairperson} may be removed only for inefficiency, neglect of duty,
7 official misconduct, or malfeasance in office. _{INS AA 33.}

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of
the
county
board

8 **SECTION 8.** 17.15 (1) of the statutes is amended to read:

9 17.15 (1) JOINT COUNTY INSTITUTIONS. Any member of the governing body of any
10 joint county school, hospital, sanatorium, asylum or other joint county institution,
11 appointed by the county board of any county, may be removed at pleasure by said
12 county board, ~~for cause~~; and any other officer of any such institution may be removed
13 at pleasure by the officer or body that appointed the officer, ~~for cause~~.

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14 **SECTION 9.** 27.02 (2) of the statutes is amended to read:

15 27.02 (2) In any county with a county executive or county administrator except
16 a county with a population of less than 150,000 which has not by resolution provided
17 for a county park commission subject to ss. 27.02 to 27.06 or except any county
18 exercising power under s. 27.075, the county park commission shall consist of 7
19 members appointed by the county executive or county administrator, subject to
20 confirmation by the county board. The term of office for such members shall be as
21 provided by sub. (1). A member of the commission appointed under this subsection
22 may be removed at pleasure by the county executive or county administrator ~~for~~
23 ~~cause~~.

24 **SECTION 10.** 46.22 (1m) (c) 1. of the statutes is amended to read:

ASSEMBLY BILL 636**SECTION 10**

1 46.22 (1m) (c) 1. A member of the county social services board appointed under
2 par. (b) 2. may be removed at pleasure by the county executive or county
3 administrator ~~for cause~~.

4 **SECTION 11.** 46.22 (1m) (c) 2. of the statutes is amended to read:

5 46.22 (1m) (c) 2. The term of office of any member of the county social services
6 board appointed under par. (b) 3. shall be 3 years, but of the members first appointed,
7 at least one-third shall be appointed for one year; at least one-third for 2 years; and
8 the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired
9 term in the manner that original appointments are made. Any county social services
10 board member may be removed from office ~~for cause~~ by a two-thirds vote of the
11 appointing authority, on due notice in writing ~~and hearing of the charges against the~~
12 ~~member~~.

13 **SECTION 12.** 46.23 (4) (b) 2. of the statutes is amended to read:

14 46.23 (4) (b) 2. In any county with a county executive or county administrator
15 and which has established a single-county department of human services, the
16 county executive or county administrator shall appoint, subject to confirmation by
17 the county board of supervisors, the county human services board, which shall be
18 only a policy-making body determining the broad outlines and principles governing
19 the administration of programs under this section. A member of a county human
20 services board appointed under this subdivision may be removed by the county
21 executive or county administrator ~~for cause or~~, on due notice in writing, ~~if the~~
22 ~~member when appointed was a member of the county board of supervisors and was~~
23 ~~not reelected to that office~~.

24 **SECTION 13.** 46.23 (4) (c) 1. of the statutes is amended to read:

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1 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
2 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
3 ~~of the charges against the member.~~

4 **SECTION 14.** 46.23 (5) (i) of the statutes is amended to read:

5 46.23 (5) (i) May recommend the removal of the county human services director
6 ~~for cause~~ to each county board of supervisors which participated in the appointment
7 of the county human services board, and each such county board of supervisors may
8 remove the county human services director ~~for cause~~ by a two-thirds vote of each
9 such county, on due notice in writing ~~and hearing of the charges against the county~~
10 ~~human services director.~~

11 **SECTION 15.** 46.82 (4) (a) 2. of the statutes is amended to read:

12 46.82 (4) (a) 2. In any county that has a county executive or county
13 administrator and that has established a single-county aging unit, the county
14 executive or county administrator shall appoint, subject to confirmation by the
15 county board of supervisors, the commission on aging. A member of a commission
16 on aging appointed under this subdivision may be removed at pleasure by the county
17 executive or county administrator ~~for cause.~~

18 **SECTION 16.** 46.82 (4) (c) of the statutes is amended to read:

19 46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall
20 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of
21 one-third of the members shall expire each year, and no member may serve more
22 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the
23 original appointments. A ~~county or~~ tribal commission on aging member appointed
24 under par. (a) 1. may be removed from office for cause by a two-thirds vote of each
25 ~~county board of supervisors or~~ tribal governing body participating in the

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1 appointment, on due notice in writing and hearing of the charges against the
2 member. A county commission on aging member appointed under par. (a) 1. may be
3 removed from office by a two-thirds vote of each county board of supervisors
4 participating in the appointment, on due notice in writing.

5 **SECTION 17.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

6 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of
7 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
8 ~~of the charges against the member.~~

9 **SECTION 18.** 51.42 (4) (a) 2. (intro.) of the statutes is renumbered 51.42 (4) (a)
10 2. and amended to read:

11 51.42 (4) (a) 2. In any county with a county executive or county administrator
12 and which has established a single-county department of community programs, the
13 county executive or county administrator shall appoint, subject to confirmation by
14 the Milwaukee County mental health board in Milwaukee County or the county
15 board of supervisors, the county community programs board, which shall be only a
16 policy-making body determining the broad outlines and principles governing the
17 administration of programs under this section. A member of a county community
18 programs board appointed under this subdivision may be removed by the county
19 executive or county administrator ~~under the following circumstances:~~ on due notice
20 in writing.

21 **SECTION 19.** 51.42 (4) (a) 2. a. of the statutes is repealed.

22 **SECTION 20.** 51.42 (4) (a) 2. b. of the statutes is repealed.

23 **SECTION 21.** 51.437 (7) (a) 1. of the statutes is amended to read:

24 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
25 supervisors in a county with a single-county department of developmental

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1 disabilities services or the county boards of supervisors in counties with a
2 multicounty department of developmental disabilities services shall, before
3 qualification under this section, appoint a county developmental disabilities services
4 board. A county developmental disabilities services board appointed under this
5 subdivision shall govern the single-county or multicounty department of
6 developmental disabilities services. A member of a county developmental
7 disabilities services board appointed under this subdivision may be removed from
8 office ~~for cause~~ by a two-thirds vote of the appointing authority, on due notice in
9 writing ~~and hearing of the charges against the member.~~

10 **SECTION 22.** 51.437 (7) (a) 2. of the statutes is amended to read:

11 51.437 (7) (a) 2. In any county with a county executive or county administrator
12 and which has established a single-county department of developmental disabilities
13 services, the county executive or county administrator shall appoint, subject to
14 confirmation by the county board of supervisors, the county developmental
15 disabilities services board, which shall be only a policy-making body determining
16 the broad outlines and principles governing the administration of programs under
17 this section. A member of the county developmental disabilities services board
18 appointed under this subdivision may be removed at pleasure by the county
19 executive or county administrator ~~for cause.~~

20 **SECTION 23.** 59.25 (2) (a) of the statutes is amended to read:

21 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
22 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~
23 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The
24 appointment shall be in writing and shall be filed and recorded in the treasurer's
25 office. Such deputy, in the absence of the treasurer from the treasurer's office or in

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1 case of a vacancy in said office or any disability of the treasurer to perform the duties
2 of the office of treasurer, unless another is appointed therefor as provided in par. (b),
3 shall perform all of the duties of the office of treasurer until such vacancy is filled or
4 such disability is removed. The person so appointed shall take and file the official
5 oath. The person shall file his or her appointment with the clerk. The board may,
6 at its annual meeting or at any special meeting, provide a salary for the deputy.

7 **SECTION 24.** 59.255 (2) (b) of the statutes is amended to read:

8 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,
9 under the comptroller's direction, in the discharge of the duties of the office of
10 comptroller. ~~A deputy appointed under this paragraph may be removed only for just~~
11 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the
12 comptroller's office. Such deputy, in the absence of the comptroller from the
13 comptroller's office or in case of a vacancy in said office or any disability of the
14 comptroller to perform the duties of the office of comptroller, unless another is
15 appointed therefor as provided in par. (c), shall perform all of the duties of the office
16 of comptroller until such vacancy is filled or such disability is removed. The person
17 so appointed shall take and file the official oath. The person shall file his or her
18 appointment with the clerk. The board may, at its annual meeting or at any special
19 meeting, provide a salary for the deputy.

20 **SECTION 25.** 119.9001 (2) (c) of the statutes is amended to read:

21 119.9001 (2) (c) The commissioner shall report to the county executive and may
22 be removed from office only by the county executive ~~and only for cause.~~

23 **SECTION 26.** DHS 5.06 (title) of the administrative code is renumbered DHS
24 5.065 (title) and amended to read:



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1839/1
EVM:amn&wlj

**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY BILL 636**

January 22, 2018 - Offered by Representative R. BROOKS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 7: after "county" insert "and city".

3 **2.** Page 3, line 6: after "officer" insert "appointed by the county board or the
4 chairperson of the county board".

5 **3.** Page 3, line 7: after "office." insert "This paragraph does not apply to an
6 officer who is appointed to the classified civil service of the county or who serves at
7 the pleasure of an appointing authority other than the county board or chairperson
8 of the county board." CAA 3 3

9 **4.** Page 3, line 7: after that line insert:

10 "SECTION 7g. 17.12 (1) (c) of the statutes is repealed and recreated to read:

11 17.12 (1) (c) *Appointed officers.* An appointed officer may be removed in any
12 of the following manners:

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