



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/P3
EVM&TJD:kjf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No Changes

12 / 14 / 16

1 **AN ACT to repeal** 17.10 (6) (b); **to renumber and amend** 17.10 (6) (a) and 17.10
2 (7); **to amend** 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c)
3 1., 46.22 (1m) (c) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4) (c), 51.41
4 (1d) (i) 1. a., 51.41 (1d) (i) 1. b., 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a)
5 2., 59.25 (2) (a), 59.255 (2) (b) and 119.9001 (2) (c); and **to create** 17.10 (7) (b)
6 of the statutes; **relating to:** removal of certain county officers.

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:

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

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.

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

9 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
10 appointed by the chairperson of the county board may be removed at pleasure by the
11 chairperson ~~for cause~~, except members of the county civil service commission who
12 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
13 commissioner of elections so removed may appeal to the county board within 10 days
14 after removal; the county board shall conduct a hearing in the manner determined
15 by it and shall determine the question of removal.

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

18 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
19 officers may be removed at pleasure by the officer or body that appointed them.
20 Removals by a body, other than the county board, consisting of 3 or more members
21 may be made by an affirmative vote of two-thirds of all the members thereof.

22 **SECTION 5.** 17.10 (6) (b) of the statutes is repealed.

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

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 may be removed only for inefficiency, neglect of duty,
7 official misconduct, or malfeasance in office.

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~~.

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:

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) (c) 1. of the statutes is amended to read:

14 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
15 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
16 ~~of the charges against the member~~.

17 **SECTION 13.** 46.23 (5) (i) of the statutes is amended to read:

18 46.23 (5) (i) May recommend the removal of the county human services director
19 ~~for cause~~ to each county board of supervisors which participated in the appointment
20 of the county human services board, and each such county board of supervisors may
21 remove the county human services director ~~for cause~~ by a two-thirds vote of each
22 such county, on due notice in writing ~~and hearing of the charges against the county~~
23 ~~human services director~~.

24 **SECTION 14.** 46.82 (4) (a) 2. of the statutes is amended to read:

1 46.82 (4) (a) 2. In any county that has a county executive or county
2 administrator and that has established a single-county aging unit, the county
3 executive or county administrator shall appoint, subject to confirmation by the
4 county board of supervisors, the commission on aging. A member of a commission
5 on aging appointed under this subdivision may be removed at pleasure by the county
6 executive or county administrator ~~for cause~~.

7 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

8 46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall
9 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of
10 one-third of the members shall expire each year, and no member may serve more
11 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the
12 original appointments. A ~~county or~~ tribal commission on aging member appointed
13 under par. (a) 1. may be removed from office for cause by a two-thirds vote of each
14 ~~county board of supervisors or~~ tribal governing body participating in the
15 appointment, on due notice in writing and hearing of the charges against the
16 member. A county commission on aging member appointed under par. (a) 1. may be
17 removed from office by a two-thirds vote of each county board of supervisors
18 participating in the appointment, on due notice in writing.

19 **SECTION 16.** 51.41 (1d) (i) 1. a. of the statutes is amended to read:

20 51.41 (1d) (i) 1. a. If the Milwaukee County executive solicited suggestions for
21 nomination, the Milwaukee County executive, ~~for cause~~ at pleasure.

22 **SECTION 17.** 51.41 (1d) (i) 1. b. of the statutes is amended to read:

23 51.41 (1d) (i) 1. b. If the Milwaukee County board of supervisors suggested the
24 member for nomination, the Milwaukee County board of supervisors, ~~for cause~~ at
25 pleasure.

1 **SECTION 18.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

2 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of
3 supervisors participating in the appointment, on due notice in writing and hearing
4 of the charges against the member.

5 **SECTION 19.** 51.437 (7) (a) 1. of the statutes is amended to read:

6 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
7 supervisors in a county with a single-county department of developmental
8 disabilities services or the county boards of supervisors in counties with a
9 multicounty department of developmental disabilities services shall, before
10 qualification under this section, appoint a county developmental disabilities services
11 board. A county developmental disabilities services board appointed under this
12 subdivision shall govern the single-county or multicounty department of
13 developmental disabilities services. A member of a county developmental
14 disabilities services board appointed under this subdivision may be removed from
15 office ~~for cause~~ by a two-thirds vote of the appointing authority, on due notice in
16 writing and hearing of the charges against the member.

17 **SECTION 20.** 51.437 (7) (a) 2. of the statutes is amended to read:

18 51.437 (7) (a) 2. In any county with a county executive or county administrator
19 and which has established a single-county department of developmental disabilities
20 services, the county executive or county administrator shall appoint, subject to
21 confirmation by the county board of supervisors, the county developmental
22 disabilities services board, which shall be only a policy-making body determining
23 the broad outlines and principles governing the administration of programs under
24 this section. A member of the county developmental disabilities services board

1 appointed under this subdivision may be removed at pleasure by the county
2 executive or county administrator ~~for cause~~.

3 **SECTION 21.** 59.25 (2) (a) of the statutes is amended to read:

4 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
5 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~
6 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The
7 appointment shall be in writing and shall be filed and recorded in the treasurer's
8 office. Such deputy, in the absence of the treasurer from the treasurer's office or in
9 case of a vacancy in said office or any disability of the treasurer to perform the duties
10 of the office of treasurer, unless another is appointed therefor as provided in par. (b),
11 shall perform all of the duties of the office of treasurer until such vacancy is filled or
12 such disability is removed. The person so appointed shall take and file the official
13 oath. The person shall file his or her appointment with the clerk. The board may,
14 at its annual meeting or at any special meeting, provide a salary for the deputy.

15 **SECTION 22.** 59.255 (2) (b) of the statutes is amended to read:

16 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,
17 under the comptroller's direction, in the discharge of the duties of the office of
18 comptroller. ~~A deputy appointed under this paragraph may be removed only for just~~
19 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the
20 comptroller's office. Such deputy, in the absence of the comptroller from the
21 comptroller's office or in case of a vacancy in said office or any disability of the
22 comptroller to perform the duties of the office of comptroller, unless another is
23 appointed therefor as provided in par. (c), shall perform all of the duties of the office
24 of comptroller until such vacancy is filled or such disability is removed. The person
25 so appointed shall take and file the official oath. The person shall file his or her

1 appointment with the clerk. The board may, at its annual meeting or at any special
2 meeting, provide a salary for the deputy.

3 **SECTION 23.** 119.9001 (2) (c) of the statutes is amended to read:

4 119.9001 (2) (c) The commissioner shall report to the county executive and may
5 be removed from office only by the county executive ~~and only for cause.~~

6 **SECTION 24.** DHS 5.06 (title) of the administrative code is renumbered DHS
7 5.065 (title) and amended to read:

8 **DHS 5.065** (title) ~~Separation and performance~~ **Performance**
9 **evaluation.**

10 **SECTION 25.** DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative
11 code is repealed.

12 **SECTION 26.** DHS 5.06 (1) (title) of the administrative code is repealed.

13 **SECTION 27.** DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

14 **SECTION 28.** DHS 5.06 (2) of the administrative code is repealed.

15 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/1 12
EVM&TJD:kjf

RMR

2017 BILL

1/11/17

1 AN ACT *to repeal* 17.10 (6) (b); *to renumber and amend* 17.10 (6) (a) and 17.10
2 (7); *to amend* 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c)
3 1., 46.22 (1m) (c) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4) (c), 51.41
4 (1d) (i) 1. a., 51.41 (1d) (i) 1. b., 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a)
5 2., 59.25 (2) (a), 59.255 (2) (b) and 119.9001 (2) (c); and *to create* 17.10 (7) (b)
6 of the statutes; **relating to:** removal of certain county officers.

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:

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

BILL

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.

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

9 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
10 appointed by the chairperson of the county board may be removed at pleasure by the
11 chairperson ~~for cause~~, except members of the county civil service commission who
12 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
13 commissioner of elections so removed may appeal to the county board within 10 days
14 after removal; the county board shall conduct a hearing in the manner determined
15 by it and shall determine the question of removal.

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

18 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
19 officers may be removed at pleasure by the officer or body that appointed them.
20 Removals by a body, other than the county board, consisting of 3 or more members
21 may be made by an affirmative vote of two-thirds of all the members thereof.

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

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

BILL

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 may be removed only for inefficiency, neglect of duty,
7 official misconduct, or malfeasance in office.

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~~.

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:

BILL

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) (c) 1. of the statutes is amended to read:

14 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
15 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
16 ~~of the charges against the member~~.

17 **SECTION 13.** 46.23 (5) (i) of the statutes is amended to read:

18 46.23 (5) (i) May recommend the removal of the county human services director
19 ~~for cause~~ to each county board of supervisors which participated in the appointment
20 of the county human services board, and each such county board of supervisors may
21 remove the county human services director ~~for cause~~ by a two-thirds vote of each
22 such county, on due notice in writing ~~and hearing of the charges against the county~~
23 ~~human services director~~.

24 **SECTION 14.** 46.82 (4) (a) 2. of the statutes is amended to read:

BILL

1 46.82 (4) (a) 2. In any county that has a county executive or county
2 administrator and that has established a single-county aging unit, the county
3 executive or county administrator shall appoint, subject to confirmation by the
4 county board of supervisors, the commission on aging. A member of a commission
5 on aging appointed under this subdivision may be removed at pleasure by the county
6 executive or county administrator ~~for cause~~.

7 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

8 46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall
9 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of
10 one-third of the members shall expire each year, and no member may serve more
11 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the
12 original appointments. A ~~county or~~ tribal commission on aging member appointed
13 under par. (a) 1. may be removed from office for cause by a two-thirds vote of each
14 ~~county board of supervisors or~~ tribal governing body participating in the
15 appointment, on due notice in writing and hearing of the charges against the
16 member. A county commission on aging member appointed under par. (a) 1. may be
17 removed from office by a two-thirds vote of each county board of supervisors
18 participating in the appointment, on due notice in writing.

19 **SECTION 16.** 51.41 (1d) (i) 1. a. of the statutes is amended to read:

20 51.41 (1d) (i) 1. a. If the Milwaukee County executive solicited suggestions for
21 nomination, the Milwaukee County executive, ~~for cause~~ at pleasure.

22 **SECTION 17.** 51.41 (1d) (i) 1. b. of the statutes is amended to read:

23 51.41 (1d) (i) 1. b. If the Milwaukee County board of supervisors suggested the
24 member for nomination, the Milwaukee County board of supervisors, ~~for cause~~ at
25 pleasure.

BILL

1 **SECTION 18.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

2 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of
3 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
4 ~~of the charges against the member.~~

5 **SECTION 19.** 51.437 (7) (a) 1. of the statutes is amended to read:

6 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
7 supervisors in a county with a single-county department of developmental
8 disabilities services or the county boards of supervisors in counties with a
9 multicounty department of developmental disabilities services shall, before
10 qualification under this section, appoint a county developmental disabilities services
11 board. A county developmental disabilities services board appointed under this
12 subdivision shall govern the single-county or multicounty department of
13 developmental disabilities services. A member of a county developmental
14 disabilities services board appointed under this subdivision may be removed from
15 office ~~for cause~~ by a two-thirds vote of the appointing authority, on due notice in
16 writing ~~and hearing of the charges against the member.~~

17 **SECTION 20.** 51.437 (7) (a) 2. of the statutes is amended to read:

18 51.437 (7) (a) 2. In any county with a county executive or county administrator
19 and which has established a single-county department of developmental disabilities
20 services, the county executive or county administrator shall appoint, subject to
21 confirmation by the county board of supervisors, the county developmental
22 disabilities services board, which shall be only a policy-making body determining
23 the broad outlines and principles governing the administration of programs under
24 this section. A member of the county developmental disabilities services board

BILL

1 appointed under this subdivision may be removed at pleasure by the county
2 executive or county administrator ~~for cause~~.

3 **SECTION 21.** 59.25 (2) (a) of the statutes is amended to read:

4 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
5 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~
6 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The
7 appointment shall be in writing and shall be filed and recorded in the treasurer's
8 office. Such deputy, in the absence of the treasurer from the treasurer's office or in
9 case of a vacancy in said office or any disability of the treasurer to perform the duties
10 of the office of treasurer, unless another is appointed therefor as provided in par. (b),
11 shall perform all of the duties of the office of treasurer until such vacancy is filled or
12 such disability is removed. The person so appointed shall take and file the official
13 oath. The person shall file his or her appointment with the clerk. The board may,
14 at its annual meeting or at any special meeting, provide a salary for the deputy.

15 **SECTION 22.** 59.255 (2) (b) of the statutes is amended to read:

16 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,
17 under the comptroller's direction, in the discharge of the duties of the office of
18 comptroller. ~~A deputy appointed under this paragraph may be removed only for just~~
19 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the
20 comptroller's office. Such deputy, in the absence of the comptroller from the
21 comptroller's office or in case of a vacancy in said office or any disability of the
22 comptroller to perform the duties of the office of comptroller, unless another is
23 appointed therefor as provided in par. (c), shall perform all of the duties of the office
24 of comptroller until such vacancy is filled or such disability is removed. The person
25 so appointed shall take and file the official oath. The person shall file his or her

BILL

1 appointment with the clerk. The board may, at its annual meeting or at any special
2 meeting, provide a salary for the deputy.

3 **SECTION 23.** 119.9001 (2) (c) of the statutes is amended to read:

4 119.9001 (2) (c) The commissioner shall report to the county executive and may
5 be removed from office only by the county executive ~~and only for cause.~~

6 **SECTION 24.** DHS 5.06 (title) of the administrative code is renumbered DHS
7 5.065 (title) and amended to read:

8 **DHS 5.065** (title) ~~Separation and performance~~ **Performance**
9 **evaluation.**

10 **SECTION 25.** DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative
11 code is repealed.

12 **SECTION 26.** DHS 5.06 (1) (title) of the administrative code is repealed.

13 **SECTION 27.** DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

14 **SECTION 28.** DHS 5.06 (2) of the administrative code is repealed.

15 (END)

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



1/10

Christopher @ Rep. Brooks

R.

0192

remove § 16

Mueller, Eric

From: Schaefer, Christopher
Sent: Thursday, January 12, 2017 3:06 PM
To: Mueller, Eric
Subject: LRB 0192

Hello, Eric:

I was also wondering if we could remove section 16 from LRB 0192 and have a slash three drafted?
Thank you.

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov



13

Rmk

2017 BILL

1/13/17

Regen

1 **AN ACT** *to repeal* 17.10 (6) (b); *to renumber and amend* 17.10 (6) (a) and 17.10
2 (7); *to amend* 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c)
3 1., 46.22 (1m) (c) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4) (c), 51.41
4 (1d) (i) 1. b., 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a) 2., 59.25 (2) (a),
5 59.255 (2) (b) and 119.9001 (2) (c); and *to create* 17.10 (7) (b) of the statutes;
6 **relating to:** removal of certain county officers.

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:

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

BILL

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.

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

9 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
10 appointed by the chairperson of the county board may be removed at pleasure by the
11 chairperson ~~for cause~~, except members of the county civil service commission who
12 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
13 commissioner of elections so removed may appeal to the county board within 10 days
14 after removal; the county board shall conduct a hearing in the manner determined
15 by it and shall determine the question of removal.

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

18 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
19 officers may be removed at pleasure by the officer or body that appointed them.
20 Removals by a body, other than the county board, consisting of 3 or more members
21 may be made by an affirmative vote of two-thirds of all the members thereof.

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

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

BILL

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 may be removed only for inefficiency, neglect of duty,
7 official misconduct, or malfeasance in office.

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~~.

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:

BILL

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) (c) 1. of the statutes is amended to read:

14 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
15 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
16 ~~of the charges against the member~~.

17 **SECTION 13.** 46.23 (5) (i) of the statutes is amended to read:

18 46.23 (5) (i) May recommend the removal of the county human services director
19 ~~for cause~~ to each county board of supervisors which participated in the appointment
20 of the county human services board, and each such county board of supervisors may
21 remove the county human services director ~~for cause~~ by a two-thirds vote of each
22 such county, on due notice in writing ~~and hearing of the charges against the county~~
23 ~~human services director~~.

24 **SECTION 14.** 46.82 (4) (a) 2. of the statutes is amended to read:

BILL

1 46.82 (4) (a) 2. In any county that has a county executive or county
2 administrator and that has established a single-county aging unit, the county
3 executive or county administrator shall appoint, subject to confirmation by the
4 county board of supervisors, the commission on aging. A member of a commission
5 on aging appointed under this subdivision may be removed at pleasure by the county
6 executive or county administrator ~~for cause~~.

7 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

8 46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall
9 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of
10 one-third of the members shall expire each year, and no member may serve more
11 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the
12 original appointments. A ~~county or tribal~~ commission on aging member appointed
13 under par. (a) 1. may be removed from office for cause by a two-thirds vote of each
14 ~~county board of supervisors or tribal governing body~~ participating in the
15 appointment, on due notice in writing and hearing of the charges against the
16 member. A county commission on aging member appointed under par. (a) 1. may be
17 removed from office by a two-thirds vote of each county board of supervisors
18 participating in the appointment, on due notice in writing.

19 **SECTION 16.** 51.41 (1d) (i) 1. b. of the statutes is amended to read:

20 51.41 (1d) (i) 1. b. If the Milwaukee County board of supervisors suggested the
21 member for nomination, the Milwaukee County board of supervisors, ~~for cause~~ at
22 pleasure.

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

BILL

1 51.42 (4) (a) 1. a. ~~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 18.** 51.437 (7) (a) 1. of the statutes is amended to read:

5 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
6 supervisors in a county with a single-county department of developmental
7 disabilities services or the county boards of supervisors in counties with a
8 multicounty department of developmental disabilities services shall, before
9 qualification under this section, appoint a county developmental disabilities services
10 board. A county developmental disabilities services board appointed under this
11 subdivision shall govern the single-county or multicounty department of
12 developmental disabilities services. A member of a county developmental
13 disabilities services board appointed under this subdivision may be removed from
14 office ~~for cause~~ by a two-thirds vote of the appointing authority, on due notice in
15 writing ~~and hearing of the charges against the member.~~

16 **SECTION 19.** 51.437 (7) (a) 2. of the statutes is amended to read:

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

BILL

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

2 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
3 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~
4 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The
5 appointment shall be in writing and shall be filed and recorded in the treasurer's
6 office. Such deputy, in the absence of the treasurer from the treasurer's office or in
7 case of a vacancy in said office or any disability of the treasurer to perform the duties
8 of the office of treasurer, unless another is appointed therefor as provided in par. (b),
9 shall perform all of the duties of the office of treasurer until such vacancy is filled or
10 such disability is removed. The person so appointed shall take and file the official
11 oath. The person shall file his or her appointment with the clerk. The board may,
12 at its annual meeting or at any special meeting, provide a salary for the deputy.

13 **SECTION 21.** 59.255 (2) (b) of the statutes is amended to read:

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

PROPOSED AMENDMENTS TO LRB 0192/3

March 20, 2017

(NOTE: Unless otherwise provided herein, the text of the bill draft is acceptable.)

Add New Sections:

SECTION []. 46.23 (4) (b) 2. of the statutes is amended to read:

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

SECTION []. 51.42 (4) (a) 2. of the statutes is amended to read

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

~~a. For cause.~~

~~b. If the member when appointed was a member of the county board of supervisors and the member is not reelected to that office.~~



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/3
EVM&TJD:kjf e4

In: 3/22

Due Fri
3/24

2017 BILL

regen

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

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:

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

BILL

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.

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

9 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
10 appointed by the chairperson of the county board may be removed at pleasure by the
11 chairperson ~~for cause~~, except members of the county civil service commission who
12 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
13 commissioner of elections so removed may appeal to the county board within 10 days
14 after removal; the county board shall conduct a hearing in the manner determined
15 by it and shall determine the question of removal.

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

18 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
19 officers may be removed at pleasure by the officer or body that appointed them.
20 Removals by a body, other than the county board, consisting of 3 or more members
21 may be made by an affirmative vote of two-thirds of all the members thereof.

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

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

BILL

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 may be removed only for inefficiency, neglect of duty,
7 official misconduct, or malfeasance in office.

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~~.

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:

BILL

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.

Insert
134-13

→ **SECTION 12.** 46.23 (4) (c) 1. of the statutes is amended to read:

14 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
15 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
16 ~~of the charges against the member~~.

17 **SECTION 13.** 46.23 (5) (i) of the statutes is amended to read:

18 46.23 (5) (i) May recommend the removal of the county human services director
19 ~~for cause~~ to each county board of supervisors which participated in the appointment
20 of the county human services board, and each such county board of supervisors may
21 remove the county human services director ~~for cause~~ by a two-thirds vote of each
22 such county, on due notice in writing ~~and hearing of the charges against the county~~
23 ~~human services director~~.

24 **SECTION 14.** 46.82 (4) (a) 2. of the statutes is amended to read:

BILL

1 46.82 (4) (a) 2. In any county that has a county executive or county
2 administrator and that has established a single-county aging unit, the county
3 executive or county administrator shall appoint, subject to confirmation by the
4 county board of supervisors, the commission on aging. A member of a commission
5 on aging appointed under this subdivision may be removed at pleasure by the county
6 executive or county administrator ~~for cause~~.

7 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

8 46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall
9 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of
10 one-third of the members shall expire each year, and no member may serve more
11 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the
12 original appointments. A ~~county or~~ tribal commission on aging member appointed
13 under par. (a) 1. may be removed from office for cause by a two-thirds vote of each
14 ~~county board of supervisors or~~ tribal governing body participating in the
15 appointment, on due notice in writing and hearing of the charges against the
16 member. A county commission on aging member appointed under par. (a) 1. may be
17 removed from office by a two-thirds vote of each county board of supervisors
18 participating in the appointment, on due notice in writing.

19 **SECTION 16.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

20 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of
21 supervisors participating in the appointment, on due notice in writing and hearing
22 ~~of the charges against the member.~~

Insert 5-23

23 **SECTION 17.** 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

BILL

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 18.** 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 19.** 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

BILL

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 20.** 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 21.** 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 22.** DHS 5.06 (title) of the administrative code is renumbered DHS
24 5.065 (title) and amended to read:

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0192/4ins
TJD:...

1 INSERT 4-13

2 **SECTION 1.** 46.23 (4) (b) 2. of the statutes is amended to read:

3 46.23 (4) (b) 2. In any county with a county executive or county administrator
4 and which has established a single-county department of human services, the
5 county executive or county administrator shall appoint, subject to confirmation by
6 the county board of supervisors, the county human services board, which shall be
7 only a policy-making body determining the broad outlines and principles governing
8 the administration of programs under this section. A member of a county human
9 services board appointed under this subdivision may be removed by the county
10 executive or county administrator ~~for cause or, on due notice in writing, if the~~
11 ~~member when appointed was a member of the county board of supervisors and was~~
12 ~~not reelected to that office.~~

History: 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; 2007 a. 20 ss. 878 to 891, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180; 2011 a. 32; 2015 a. 55.

13 **END INSERT 4-13**

14 INSERT 5-23

15 **SECTION 2.** 51.42 (4) (a) 2. (intro.) of the statutes is renumbered 51.42 (4) (a)

16 2. and amended to read:

17 51.42 (4) (a) 2. (intro.) In any county with a county executive or county
18 administrator and which has established a single-county department of community
19 programs, the county executive or county administrator shall appoint, subject to
20 confirmation by the Milwaukee County mental health board in Milwaukee County
21 or the county board of supervisors, the county community programs board, which
22 shall be only a policy-making body determining the broad outlines and principles

1 governing the administration of programs under this section. A member of a county
2 community programs board appointed under this subdivision may be removed by the
3 county executive or county administrator under the following circumstances: on due
4 notice in writing.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; 2007 a. 20 ss. 1819m to 1821, 9121 (6) (a); 2007 a. 45, 97; 2009 a. 28, 180, 276, 334; 2011 a. 32, 126; 2013 a. 203, 251; 2015 a. 55.

5 **SECTION 3.** 51.42 (4) (a) 2. a. of the statutes is repealed.

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

7 **END INSERT 5-23**

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



-0192

11/9

T/C w/ Dan from Brooks's office

Add. sentence - removal of personnel supported
by federal funds shall comply w/
applicable federal law



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/4
EVM&TJD:kjf 5

In: 11/9

Due
Today

2017 BILL

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.

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:

BILL**SECTION 1**

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 with federal law applicable to those personnel.

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

9 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
10 appointed by the chairperson of the county board may be removed at pleasure by the
11 chairperson ~~for cause~~, except members of the county civil service commission who
12 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
13 commissioner of elections so removed may appeal to the county board within 10 days
14 after removal; the county board shall conduct a hearing in the manner determined
15 by it and shall determine the question of removal.

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

18 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
19 officers may be removed at pleasure by the officer or body that appointed them.
20 Removals by a body, other than the county board, consisting of 3 or more members
21 may be made by an affirmative vote of two-thirds of all the members thereof.

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

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

BILL

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 may be removed only for inefficiency, neglect of duty,
7 official misconduct, or malfeasance in office.

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~~.

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:

BILL

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:

BILL

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~~

BILL

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

BILL

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

BILL

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:

Barman, Mike

From: Perchinsky, Dan
Sent: Thursday, November 09, 2017 2:39 PM
To: LRB.Legal
Subject: Draft Review: LRB -0192/5

Please Jacket LRB -0192/5 for the ASSEMBLY.