2017 ASSEMBLY BILL 636

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

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.

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:

SECTION 1. 17.10 (1) of the statutes is amended to read:
17.10 (1) APPOINTED BY GOVERNOR. County officers appointed by the governor may be removed at pleasure by the governor for cause.

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

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

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

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

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

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

SECTION 5. 17.10 (6) (b) of the statutes is repealed.

SECTION 6. 17.10 (7) of the statutes is renumbered 17.10 (7) (a) and amended to read:
17.10 (7) (a) County Notwithstanding subs. (1) to (6), county officers appointed according to merit and fitness under and subject to a civil service law, or whose removal is governed by such a law, shall be removed only as therein provided.

Section 7. 17.10 (7) (b) of the statutes is created to read:

17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance provide that any county officer may be removed only for inefficiency, neglect of duty, official misconduct, or malfeasance in office.

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

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

Section 9. 27.02 (2) of the statutes is amended to read:

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

Section 10. 46.22 (1m) (c) 1. of the statutes is amended to read:
46.22 (1m) (c) 1. A member of the county social services board appointed under par. (b) 2. may be removed at pleasure by the county executive or county administrator for cause.

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

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

SECTION 12. 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 13. 46.23 (4) (c) 1. of the statutes is amended to read:
46.23 (4) (c) 1. For cause, by a two-thirds vote of each county board of supervisors participating in the appointment, on due notice in writing and hearing of the charges against the member.

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

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

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

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

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

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

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

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

SECTION 18. 51.42 (4) (a) 2. (intro.) of the statutes is renumbered 51.42 (4) (a)
2. and 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 under the following circumstances: on due notice
in writing.

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

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

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

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

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

51.437 (7) (a) 2. In any county with a county executive or county administrator and which has established a single-county department of developmental disabilities services, the county executive or county administrator shall appoint, subject to confirmation by the county board of supervisors, the county developmental disabilities 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 the county developmental disabilities services board appointed under this subdivision may be removed at pleasure by the county executive or county administrator for cause.

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

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

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

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

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

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

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

DHS 5.065 (title)  Separation and performance  Performance evaluation.

SECTION 27. DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative code is repealed.

SECTION 28. DHS 5.06 (1) (title) of the administrative code is repealed.

SECTION 29. DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

SECTION 30. DHS 5.06 (2) of the administrative code is repealed.

(END)