February 25, 2022 - Introduced by Representative Sortwell. Referred to Committee on Local Government.

AN ACT to repeal 62.09 (5) (e); to renumber 17.03 (10); to renumber and amend 61.23 (1); to amend 62.03 (1) and 62.51 (2); and to create 17.03 (10) (b), 59.20 (2) (e), 60.30 (4) (c), 61.23 (1) (b) and 62.09 (5) (cm) of the statutes; relating to: terms of office for certain appointed local officers.

Analysis by the Legislative Reference Bureau

This bill provides terms of office for appointed local officers for which no term is currently specified by statute. Under the bill, the term of any officer who is appointed by a political subdivision’s chief executive ends on the date that the chief executive’s term ends or an earlier date provided by ordinance. The term of any officer who is appointed by a political subdivision’s governing body ends after two years or an earlier date provided by ordinance. The term of any officer who is appointed by a local officer who is serving an indefinite term ends after two years or an earlier date provided by ordinance. The term of any other appointed officer is provided by ordinance. The bill also provides that, unless otherwise specifically provided by statute, an appointive local office is vacant at the expiration of the appointed officer’s term.

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. 17.03 (10) of the statutes is renumbered 17.03 (10) (a).

SECTION 2. 17.03 (10) (b) of the statutes is created to read:

17.03 (10) (b) Except as otherwise specifically provided by statute, if the office is local and appointive, the incumbent's term expires.

SECTION 3. 59.20 (2) (e) of the statutes is created to read:

59.20 (2) (e) 1. Except as otherwise specifically provided by statute or as provided by subd. 2., an appointed county officer shall hold office for the following term:

   a. If appointed by the county executive, or if the county does not have a county executive, the chairperson of the board, until the term of office of the appointing officer during which the officer is appointed expires.

   b. If appointed by the board, 2 years.

   c. If appointed by a county officer who is serving for an indefinite term, 2 years.

   d. If subd. 1. a. to c. do not apply, the term provided by ordinance.

2. The board may provide by ordinance for terms shorter than provided under subd. 1. a., b., or c.

3. This paragraph does not affect the authority of an officer or body to remove an appointed officer who serves at the pleasure of the appointing officer or body before the end of the appointed officer’s full term.

SECTION 4. 60.30 (4) (c) of the statutes is created to read:

60.30 (4) (c) 1. Except as otherwise specifically provided by statute or as provided by subd. 2., an appointed town officer shall hold office for the following term:

   a. If appointed by the town board chairperson, until the term of office of the town board chairperson during which the officer is appointed expires.

   b. If appointed by the town board, 2 years.
c. If appointed by a town officer who is serving for an indefinite term, 2 years.
d. If subd. 1. a. to c. do not apply, the term provided by ordinance.
2. The town board may provide by ordinance for terms shorter than provided
under subd. 1. a., b., or c.
3. This paragraph does not affect the authority of an officer or body to remove
an appointed officer who serves at the pleasure of the appointing officer or body
before the end of the appointed officer’s full term.

SECTION 5. 61.23 (1) of the statutes is renumbered 61.23 (1) (a) and amended
to read:

61.23 (1) (a) Except as otherwise provided by law or as provided by par. (b), the
term of office of all village officers is 2 years. Persons serving in appointive offices
shall serve until their respective successors are appointed and qualify, unless
otherwise provided by ordinance.

(3) (a) If any officer other than a trustee is absent or temporarily incapacitated
from any cause the board may appoint some person to discharge the officer’s duties
until the officer returns or until such disability is removed.

(b) If a trustee is temporarily incapacitated because of physical or mental
disability, the board may appoint a person to discharge the trustee’s duties until the
disability is removed.

SECTION 6. 61.23 (1) (b) of the statutes is created to read:

61.23 (1) (b) 1. Except as otherwise specifically provided by statute or as
provided by subd. 2., an appointed village officer shall hold office for the following
term:

a. If appointed by the village president, until the term of office of the village
president during which the officer is appointed expires.
b. If appointed by the board of trustees, 2 years.
c. If appointed by a village officer who is serving for an indefinite term, 2 years.
d. If subd. 1. a. to c. do not apply, the term provided by ordinance.

2. The board of trustees may provide by ordinance for terms shorter than provided under subd. 1. a., b., or c.

3. This paragraph does not affect the authority of an officer or body to remove an appointed officer who serves at the pleasure of the appointing officer or body before the end of the appointed officer’s full term.

**SECTION 7.** 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e), (5) (cm), and (11) (j) and (k), 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class cities under special charter.

**SECTION 8.** 62.09 (5) (cm) of the statutes is created to read:

62.09 (5) (cm) 1. Except as otherwise specifically provided by statute or as provided by subd. 2., an appointed city officer shall hold office for the following term:

a. If appointed by the mayor or city manager, until the term of office of the mayor or city manager during which the officer is appointed expires.

b. If appointed by the common council, 2 years.

c. Notwithstanding subd. 1. a., if appointed by a city officer who is serving for an indefinite term, 2 years.

d. If subd. 1. a. to c. do not apply, the term provided by ordinance.

2. The common council may provide by ordinance for terms shorter than provided under subd. 1. a., b., or c.
3. This paragraph does not affect the authority of an officer or body to remove an appointed officer who serves at the pleasure of the appointing officer or body before the end of the appointed officer’s full term.

**SECTION 9.** 62.09 (5) (e) of the statutes is repealed.

**SECTION 10.** 62.51 (2) of the statutes is amended to read:

62.51 (2) In any 1st class city, the mayor shall appoint, subject to confirmation of the common council, a person to serve in the unclassified service in each public office. A public official serves at the pleasure of the mayor until the end of the mayoral term of office during which the public official is appointed unless reappointed and reconfirmed or until a successor is appointed and confirmed, whichever is later. The mayor shall make appointments under this subsection within 90 days after taking office or within 90 days after a vacancy in the public office occurs, whichever is later. The common council shall vote on confirmation of any appointment under this subsection within 45 days after that appointment.

(END)