

1987 Senate Bill 387

Date of enactment: April 15, 1988  
Date of publication: April 25, 1988

## 1987 Wisconsin Act 289

AN ACT to amend 63.27, 65.05 (4), 65.20 (1) (b), 65.20 (1) (e) and 65.20 (1) (i); to repeal and recreate 141.02 (5); and to create 30.37 (3m), 66.144 and 66.146 of the statutes; and to affect laws of 1874, chapter 184, CHAPTER XVIII, section 2, relating to mayoral appointments, certain public offices and budget procedures in 1st class cities.

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

SECTION 1. 30.37 (3m) of the statutes is created to read:

30.37 (3m) TERMS OF MEMBERS; 1ST CLASS CITIES. Notwithstanding sub. (3), s. 66.146 applies to the appointment and terms of harbor commissioners in 1st class cities.

SECTION 2. 63.27 of the statutes is amended to read:

**63.27 Rules not applicable to certain officers.** Officers who are elected by the people, or who by the statutes are required to be elected by the city council, inspectors and clerks of election, one deputy in each department whose office was created and exists by reason of statute, the superintendent and teachers of schools, the members and secretary-business manager of the board of school directors, staff of the board of school directors if the board so decides under s. 119.18

(10) (c), heads of principal departments of the city, all members of the law, fire and police departments, permanent or temporary technical advisers and experts employed by the board of assessment under s. 32.52 (4), one private secretary of the mayor, the appointees of the mayor under s. 66.146 and any other officers, clerks or employes in the service of the city whose positions, in the judgment of the city service commissioners, cannot for the time being be subjected, with advantage to the public service, to the general rules prepared under this chapter shall not be affected as to their election, selection or appointment by rules made by the commissioners.

SECTION 3. 65.05 (4) of the statutes is amended to read:

65.05 (4) The common council, on or before November 20 1 shall adopt the proposed budget by a majority vote of all the aldermen either as submitted or as changed by the council. It shall not be necessary

to refer the budget to a committee of the common council.

SECTION 3m. 65.20 (1) (b) of the statutes is amended to read:

65.20 (1) (b) Each department shall submit to the mayor not later than ~~June 1~~ the 2nd Tuesday in May of each year on forms approved by the budget director an estimate in detail of the department's needs for the ensuing fiscal year, including a statement of any permanent improvements to be made and an estimate of expenditures therefor, and including such information supplied in such form as the mayor requests.

SECTION 4. 65.20 (1) (e) of the statutes is amended to read:

65.20 (1) (e) From the estimates before him or her, the mayor shall make and submit to the common council, on or before ~~October 1~~ September 10 each year, a proposed budget setting forth in detail the amounts proposed to be spent by each department and the various purposes therefor and the amounts of money for each purpose it is proposed shall be appropriated by the council. The proposed budget shall comply with s. 65.02 (5) to (11). The proposed budget summary shall be published forthwith in at least one and not more than 2 daily newspapers having the largest circulation in the city as a class 1 notice, under ch. 985, and the proposed budget summary shall be printed forthwith in the proceedings of the common council. A complete copy of the entire proposed budget shall be made available for inspection in the office of the city clerk. If any department fails to file its estimates as provided in this section, the mayor shall make a proposed budget for the department specifying the purposes for which and the amount of funds the department may expend.

SECTION 5. 65.20 (1) (i) of the statutes is amended to read:

65.20 (1) (i) At the meeting of the common council at which the proposed budget is submitted by the mayor, the common council shall determine the place and time of a public hearing on the budget which shall be held jointly by the common council and by the mayor not less than 10 days after the publication under par. (e), nor later than ~~November 10~~ October 20. The common council shall cause a notice of the place and time of the hearing to be published as a class 1 notice, under ch. 985, which hearing ~~shall~~ may not be ~~not~~ less than 7 days after the date of the last publication of the notice in at least one and not more than 2 daily newspapers having the largest circulation in the city.

SECTION 6. 66.144 of the statutes is created to read:

**66.144 Residency required for public officials in 1st class cities.** Any public official, as defined in s. 66.146 (1) (b), may not serve more than 180 days after his or her confirmation unless he or she resides within the boundaries of the 1st class city by which he or she is employed.

SECTION 7. 66.146 of the statutes is created to read:

**66.146 Mayoral appointments in 1st class cities.** (1) In this section:

(a) "Public office" means the following positions or their equivalent: city engineer; city purchasing agent; commissioner of building inspection, of city development, of health or of public works; director of budget and management, of community development agency, of office of telecommunications, or of safety; emergency government coordinator; employe benefits administrator; executive director of the commission on community relations; harbor commissioner; and supervisor of the central electronics board.

(b) "Public official" means a person appointed to a public office under this section.

(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.

(3) If a 1st class city authorizes the position of deputy for a public office, the public official in that office shall appoint a person to serve in the unclassified service as deputy. That deputy shall serve at the pleasure of the public official, but not longer than the public official's term of office unless reappointed.

(4) This section does not affect the authority of a 1st class city to abolish, consolidate or create a public office or other position.

SECTION 8. 141.02 (5) of the statutes is repealed and recreated to read:

141.02 (5) The commissioner of health of any 1st class city shall be appointed under s. 66.146. The commissioner shall appoint a deputy outside the civil service. The deputy shall file the official oath and official bond in the amount and with the sureties directed by the common council. The deputy may perform all acts which the commissioner is authorized or required to perform. If the commissioner is absent or the office of the commissioner vacant, the deputy shall act in the commissioner's place and is subject to the same liabilities and penalties. The commissioner of health and his or her deputy appointed under this subsection shall hold the degree of doctor of public health or be a graduate of a recognized medical college and shall have had not less than one year of practical experience in public hygiene and sanitation.

SECTION 9. Laws of 1874, chapter 184, CHAPTER XVIII, section 2 is amended to read:

(Laws of 1874, chapter 184) CHAPTER XVIII Section 2. The mayor shall on the first Monday of January of every second year appoint, subject to confirmation by the common council, a tax commissioner, ~~who shall be at the time of his appointment a resident freeholder in said city of Milwaukee.~~ Such commissioner shall take and subscribe an oath of office and shall enter into a bond in the penal sum of ~~five thousand dollars~~ \$5,000, with at least ~~two~~ 2 sureties to be approved by the mayor, for the faithful performance of his or her official duties. The present tax commissioner shall remain in office until the expira-

tion of the term for which he was appointed, and the first appointment under this section shall be then made.

SECTION 10. **Initial applicability.** The treatment of sections 30.37 (3m), 66.144, 66.146 and 141.02 (5) of the statutes and of chapter 184, laws of 1874, CHAPTER XVIII, section 2 first applies to a public office, as defined in section 66.146 (1) (a) of the statutes, as created by this act, when a vacancy occurs in that public office and no individual has been appointed to and has qualified for that public office.

---