



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 473**

February 20, 2006 – Offered by Representative GRONEMUS.

1 **AN ACT** *to renumber and amend* 83.01 (2); and *to amend* 17.22 (1) and 17.22
2 (2) (b) of the statutes; **relating to:** terms of office of and vacancies in the office
3 of county highway commissioner.

Analysis by the Legislative Reference Bureau

Currently, if a county has a county executive or administrator, the executive or administrator appoints the county highway commissioner (commissioner), subject to certain qualifications. Otherwise, the commissioner is elected by the county board of supervisors (county board). Unless otherwise provided by county ordinance, the commissioner serves until the second year following his or her election and if reelected serves for a two-year term. A vacancy in the office of commissioner is filled by temporary appointment of the county highway committee. The temporary appointee serves until the first Monday in January following his or her appointment. The county board then must appoint a regular successor at its first regular meeting after the vacancy occurs. The regular successor's term begins one day after the term of the temporary appointee expires.

This substitute amendment provides that the county board must elect a regular successor to a temporary appointee serving as commissioner at a meeting of the county board held no later than 120 days after the date on which the vacancy occurs. Under the substitute amendment, the regular successor takes office upon his or her election or appointment and qualification and the temporary appointee serves until

his or her successor is elected or appointed and qualified. The substitute amendment also provides that the procedure for filling of vacancies in the office of commissioner by the county board applies only if the county board regularly elects the commissioner. In addition, the substitute amendment provides that, unless a county establishes a different term for the office of county highway commissioner, the commissioner shall serve for a term of two years. However, unless a county establishes a different term of service, a person who is initially elected or appointed to the office of county highway commissioner serves until the first Monday in January of the second year succeeding the year of the person's election or appointment.

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

1 **SECTION 1.** 17.22 (1) of the statutes is amended to read:

2 17.22 (1) Vacancies in any appointive county office shall be filled by
3 appointment for the residue of the unexpired term by the appointing power and in
4 the manner prescribed by law for making regular full term appointments thereto;
5 but ~~the term of any person elected or appointed by the county board to fill a~~
6 permanent vacancy in the office of county highway commissioner shall ~~terminate the~~
7 ~~first Monday of January of the second year next succeeding the appointment~~ serve
8 for the term prescribed under s. 83.01 (2). All appointments, subject to confirmation
9 by the county board, made while the board is not in session, shall be acted upon by
10 said board at its meeting next following such appointment.

11 **SECTION 2.** 17.22 (2) (b) of the statutes is amended to read:

12 17.22 (2) (b) In the office of the county highway commissioner, by appointment
13 by the county highway committee. A person so appointed shall hold office until the
14 ~~first Monday of January next succeeding the person's appointment and the~~ his or her
15 successor is elected or appointed and qualified. ~~The person's successor, if the office~~
16 is regularly filled by election, shall be ~~appointed~~ elected by the county board at its
17 ~~first regular a meeting next succeeding such appointment and~~ held no later than 120

1 days after the date on which the vacancy occurs. The person's successor, if the office
2 is regularly filled by appointment, shall be appointed as provided in s. 83.01 (1). The
3 person's successor shall take office on the Tuesday following the first Monday of
4 January next succeeding upon his or her election or appointment and qualification
5 and shall hold office for the term as prescribed in sub. (1) under s. 83.01 (2).

6 **SECTION 3.** 83.01 (2) of the statutes is renumbered 83.01 (2) (a) and amended
7 to read:

8 83.01 (2) (a) Unless the county board establishes a different term of service by
9 ordinance, the county highway commissioner shall serve for a term of 2 years, except
10 as provided in par. (b).

11 (b) Unless the county board establishes a different term of service under par.
12 (a), upon his or her first election or appointment the county highway commissioner
13 shall serve until the first Monday in January of the 2nd year succeeding the year of
14 the election, and if reelected it shall be for a 2-year term or appointment.

15 **SECTION 4. Initial applicability.**

16 (1) This act first applies to with respect to vacancies occurring in the office of
17 county highway commissioner on the effective date of this subsection.

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(END)