



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 473

**Assembly Substitute
Amendment 1**

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Senate Bill 473 modifies current law relating to terms of office and vacancies in the office of county highway commissioner.

Term of Office

Under current law, upon a county highway commissioner's first election, he or she serves until the first Monday in January of the second year succeeding the year of the election. If the county highway commissioner is re-elected, the term is two years. The county board may establish a different term of service by ordinance.

Senate Bill 473 provides that, unless the county board establishes a different term of service by ordinance, the county highway commissioner serves a term of two years, except that unless the county board establishes an indefinite term of service, upon the county highway commissioner's first election or appointment (the commissioner is appointed by the county executive in counties with a county executive) the county highway commissioner serves until the first Monday in January of the second year succeeding the year of the election or appointment.

Assembly Substitute Amendment 1 provides that a county highway commissioner serves a term of two years unless the county board establishes a different term of service, as provided in the bill. The substitute amendment also provides that, upon a county highway commissioner's first election or appointment, the county highway commissioner serves until the first Monday in January of the second year succeeding the year of the election or appointment unless the county board establishes a *different* term of service. Under the bill, a newly elected county highway commissioner serves the term set forth in the statutes unless the county board establishes an *indefinite* term of service.

Vacancies

Under current law, an appointment to fill a vacancy in the office of county highway commissioner terminates the first Monday of January of the second year next succeeding the appointment. If a vacancy occurs while the county board is not in session, the county highway committee must make a temporary appointment. A person appointed on a temporary basis holds office until the first Monday of January next succeeding the person's appointment. The person's successor must be appointed by the county board at its first regular meeting next succeeding such appointment and the successor must take office on the Tuesday following the first Monday of January next succeeding.

Under the bill, a person elected or appointed to fill a permanent vacancy in the office of county highway commissioner serves a regular term, as described above. Also, under the bill, a person appointed on a temporary basis must hold office until his or her successor is elected or appointed and qualified. The person's successor, if the office is regularly filled by election by the county board, must be elected at a meeting held no later than 120 days after the date on which the vacancy occurs. If the office is regularly filled by appointment by the county executive, the person must be appointed as provided under current law. The person's successor must take office upon his or her election or appointment and qualification.

The substitute amendment does not affect these provisions.

Legislative History

Representative Gronemus offered Assembly Substitute Amendment 1. On March 2, 2006, the Assembly Committee on State Affairs unanimously recommended adoption of Assembly Substitute Amendment 1 and passage of the bill, as amended.

AS:ksm