



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0192/5  
EVM&TJD:kjf

## 2017 ASSEMBLY BILL 636

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

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT to repeal** 17.10 (6) (b), 51.42 (4) (a) 2. a. and 51.42 (4) (a) 2. b.; **to**  
2     **renumber and amend** 17.10 (6) (a), 17.10 (7) and 51.42 (4) (a) 2. (intro.); **to**  
3     **amend** 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c) 1., 46.22  
4     (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)  
5     (c), 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a) 2., 59.25 (2) (a), 59.255 (2)  
6     (b) and 119.9001 (2) (c); and **to create** 17.10 (7) (b) of the statutes; **relating to:**  
7     removal of certain county officers.

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### *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.

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

8     **SECTION 1.** 17.10 (1) of the statutes is amended to read:

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1           17.10 (1) APPOINTED BY GOVERNOR. County officers appointed by the governor  
2 may be removed at pleasure by the governor ~~for cause~~.

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

4           17.10 (2) APPOINTED BY COUNTY BOARD. County officers appointed by the county  
5 board may be removed at pleasure by the county board ~~for cause~~. All removals may  
6 be made by an affirmative vote of two-thirds of the supervisors entitled to seats on  
7 the county board. Removal of personnel supported by federal funds shall comply  
8 with federal law applicable to those personnel.

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

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

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

19          17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county  
20 officers may be removed at pleasure by the officer or body that appointed them.  
21 Removals by a body, other than the county board, consisting of 3 or more members  
22 may be made by an affirmative vote of two-thirds of all the members thereof.

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

24          **SECTION 6.** 17.10 (7) of the statutes is renumbered 17.10 (7) (a) and amended  
25 to read:

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1           17.10 (7) (a) ~~County~~ Notwithstanding subs. (1) to (6), county officers appointed  
2 according to merit and fitness under and subject to a civil service law, or whose  
3 removal is governed by such a law, shall be removed only as therein provided.

4           **SECTION 7.** 17.10 (7) (b) of the statutes is created to read:

5           17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance  
6 provide that any county officer may be removed only for inefficiency, neglect of duty,  
7 official misconduct, or malfeasance in office.

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

9           17.15 (1) JOINT COUNTY INSTITUTIONS. Any member of the governing body of any  
10 joint county school, hospital, sanatorium, asylum or other joint county institution,  
11 appointed by the county board of any county, may be removed at pleasure by said  
12 county board, ~~for cause~~; and any other officer of any such institution may be removed  
13 at pleasure by the officer or body that appointed the officer, ~~for cause~~.

14           **SECTION 9.** 27.02 (2) of the statutes is amended to read:

15           27.02 (2) In any county with a county executive or county administrator except  
16 a county with a population of less than 150,000 which has not by resolution provided  
17 for a county park commission subject to ss. 27.02 to 27.06 or except any county  
18 exercising power under s. 27.075, the county park commission shall consist of 7  
19 members appointed by the county executive or county administrator, subject to  
20 confirmation by the county board. The term of office for such members shall be as  
21 provided by sub. (1). A member of the commission appointed under this subsection  
22 may be removed at pleasure by the county executive or county administrator ~~for~~  
23 ~~cause~~.

24           **SECTION 10.** 46.22 (1m) (c) 1. of the statutes is amended to read:

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1           46.22 **(1m)** (c) 1. A member of the county social services board appointed under  
2 par. (b) 2. may be removed at pleasure by the county executive or county  
3 administrator ~~for cause~~.

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

5           46.22 **(1m)** (c) 2. The term of office of any member of the county social services  
6 board appointed under par. (b) 3. shall be 3 years, but of the members first appointed,  
7 at least one-third shall be appointed for one year; at least one-third for 2 years; and  
8 the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired  
9 term in the manner that original appointments are made. Any county social services  
10 board member may be removed from office ~~for cause~~ by a two-thirds vote of the  
11 appointing authority, on due notice in writing ~~and hearing of the charges against the~~  
12 ~~member~~.

13           **SECTION 12.** 46.23 (4) (b) 2. of the statutes is amended to read:

14           46.23 **(4)** (b) 2. In any county with a county executive or county administrator  
15 and which has established a single-county department of human services, the  
16 county executive or county administrator shall appoint, subject to confirmation by  
17 the county board of supervisors, the county human services board, which shall be  
18 only a policy-making body determining the broad outlines and principles governing  
19 the administration of programs under this section. A member of a county human  
20 services board appointed under this subdivision may be removed by the county  
21 executive or county administrator ~~for cause or~~, on due notice in writing, ~~if the~~  
22 ~~member when appointed was a member of the county board of supervisors and was~~  
23 ~~not reelected to that office~~.

24           **SECTION 13.** 46.23 (4) (c) 1. of the statutes is amended to read:

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1           46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of  
2 supervisors participating in the appointment, on due notice in writing ~~and hearing~~  
3 ~~of the charges against the member.~~

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

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

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

12           46.82 (4) (a) 2. In any county that has a county executive or county  
13 administrator and that has established a single-county aging unit, the county  
14 executive or county administrator shall appoint, subject to confirmation by the  
15 county board of supervisors, the commission on aging. A member of a commission  
16 on aging appointed under this subdivision may be removed at pleasure by the county  
17 executive or county administrator ~~for cause.~~

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

19           46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall  
20 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of  
21 one-third of the members shall expire each year, and no member may serve more  
22 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the  
23 original appointments. ~~A county or tribal commission on aging member appointed~~  
24 ~~under par. (a) 1. may be removed from office for cause by a two-thirds vote of each~~  
25 ~~county board of supervisors or tribal governing body participating in the~~

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1 appointment, on due notice in writing and hearing of the charges against the  
2 member. A county commission on aging member appointed under par. (a) 1. may be  
3 removed from office by a two-thirds vote of each county board of supervisors  
4 participating in the appointment, on due notice in writing.

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

6 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of  
7 supervisors participating in the appointment, on due notice in writing ~~and hearing~~  
8 ~~of the charges against the member.~~

9 **SECTION 18.** 51.42 (4) (a) 2. (intro.) of the statutes is renumbered 51.42 (4) (a)  
10 2. and amended to read:

11 51.42 (4) (a) 2. In any county with a county executive or county administrator  
12 and which has established a single-county department of community programs, the  
13 county executive or county administrator shall appoint, subject to confirmation by  
14 the Milwaukee County mental health board in Milwaukee County or the county  
15 board of supervisors, the county community programs board, which shall be only a  
16 policy-making body determining the broad outlines and principles governing the  
17 administration of programs under this section. A member of a county community  
18 programs board appointed under this subdivision may be removed by the county  
19 executive or county administrator ~~under the following circumstances:~~ on due notice  
20 in writing.

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

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

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

24 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of  
25 supervisors in a county with a single-county department of developmental

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

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

11 51.437 (7) (a) 2. In any county with a county executive or county administrator  
12 and which has established a single-county department of developmental disabilities  
13 services, the county executive or county administrator shall appoint, subject to  
14 confirmation by the county board of supervisors, the county developmental  
15 disabilities services board, which shall be only a policy-making body determining  
16 the broad outlines and principles governing the administration of programs under  
17 this section. A member of the county developmental disabilities services board  
18 appointed under this subdivision may be removed at pleasure by the county  
19 executive or county administrator ~~for cause~~.

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

21 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under  
22 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~  
23 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The  
24 appointment shall be in writing and shall be filed and recorded in the treasurer's  
25 office. Such deputy, in the absence of the treasurer from the treasurer's office or in

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1 case of a vacancy in said office or any disability of the treasurer to perform the duties  
2 of the office of treasurer, unless another is appointed therefor as provided in par. (b),  
3 shall perform all of the duties of the office of treasurer until such vacancy is filled or  
4 such disability is removed. The person so appointed shall take and file the official  
5 oath. The person shall file his or her appointment with the clerk. The board may,  
6 at its annual meeting or at any special meeting, provide a salary for the deputy.

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

8 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,  
9 under the comptroller's direction, in the discharge of the duties of the office of  
10 comptroller. ~~A deputy appointed under this paragraph may be removed only for just~~  
11 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the  
12 comptroller's office. Such deputy, in the absence of the comptroller from the  
13 comptroller's office or in case of a vacancy in said office or any disability of the  
14 comptroller to perform the duties of the office of comptroller, unless another is  
15 appointed therefor as provided in par. (c), shall perform all of the duties of the office  
16 of comptroller until such vacancy is filled or such disability is removed. The person  
17 so appointed shall take and file the official oath. The person shall file his or her  
18 appointment with the clerk. The board may, at its annual meeting or at any special  
19 meeting, provide a salary for the deputy.

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

21 119.9001 (2) (c) The commissioner shall report to the county executive and may  
22 be removed from office only by the county executive ~~and only for cause.~~

23 **SECTION 26.** DHS 5.06 (title) of the administrative code is renumbered DHS  
24 5.065 (title) and amended to read:



