

State of Wisconsin



2017 Assembly Bill 636

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2017 WISCONSIN ACT 150

AN ACT *to repeal* 17.10 (6) (b), 51.42 (4) (a) 2. a. and 51.42 (4) (a) 2. b.; *to renumber and amend* 17.10 (6) (a), 17.10 (7) and 51.42 (4) (a) 2. (intro.); *to amend* 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c) 1., 46.22 (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) (c), 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a) 2., 59.25 (2) (a), 59.255 (2) (b) and 119.9001 (2) (c); *to repeal and recreate* 17.12 (1) (c); and *to create* 17.10 (7) (b), 17.12 (1) (cm) and 17.12 (3m) of the statutes; **relating to:** removal of certain county and city officers.

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

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

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

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

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

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

17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers appointed by the chairperson of the county board may be removed at pleasure by the chairperson ~~for cause~~, except members of the county civil service commission who may be removed at plea-

sure by the county board ~~for cause~~ under sub. (2). A county commissioner of elections so removed may appeal to the county board within 10 days after removal; the county board shall conduct a hearing in the manner determined by it and shall determine the question of removal.

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

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

SECTION 5. 17.10 (6) (b) of the statutes is repealed.

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance provide that any county officer appointed by the county board or the chairperson of the county board may be removed only for inefficiency, neglect of duty, official misconduct, or malfeasance in office. This paragraph does not apply to an officer who is appointed to the classified civil service of the county or who serves at the pleasure of an appointing authority other than the county board or chairperson of the county board.

SECTION 7g. 17.12 (1) (c) of the statutes is repealed and recreated to read:

17.12 (1) (c) *Appointed officers.* An appointed officer may be removed in any of the following manners:

1. An officer appointed by the common council, by the common council, at pleasure.
2. An officer appointed by an officer or body other than the common council, whether or not the appointment was confirmed by the common council, in any of the following manners:
 - a. By the appointing officer or body, at pleasure.
 - b. By the common council, for cause.

SECTION 7i. 17.12 (1) (cm) of the statutes is created to read:

17.12 (1) (cm) *Board of police and fire commissioners.* Notwithstanding par. (c), a member of a board of police and fire commissioners who is appointed by the mayor and confirmed by the common council may be removed by the common council, for cause.

SECTION 7k. 17.12 (3m) of the statutes is created to read:

17.12 (3m) COMMON COUNCIL AUTHORITY. Notwithstanding subs. (1) and (2) and subject to sub. (4), a city may by ordinance provide that any appointed city officer may be removed only for inefficiency, neglect of duty, official misconduct, or malfeasance in office.

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

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

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

27.02 (2) In any county with a county executive or county administrator except a county with a population of less than 150,000 which has not by resolution provided for a county park commission subject to ss. 27.02 to 27.06 or except any county exercising power under s. 27.075, the county park commission shall consist of 7

members appointed by the county executive or county administrator, subject to confirmation by the county board. The term of office for such members shall be as provided by sub. (1). A member of the commission appointed under this subsection may be removed at pleasure by the county executive or county administrator ~~for cause~~.

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

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

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

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

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

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

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

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

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

46.23 (5) (i) May recommend the removal of the county human services director ~~for cause~~ to each county board of supervisors which participated in the appointment of the county human services board, and each such county board of supervisors may remove the county human services director ~~for cause~~ by a two-thirds vote of

each such county, on due notice in writing ~~and hearing of the charges against the county human services director.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller, under the comptroller's

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

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

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

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

DHS 5.065 (title) ~~Separation and performance~~ **Performance evaluation.**

SECTION 27. DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative code is repealed.

SECTION 28. DHS 5.06 (1) (title) of the administrative code is repealed.

SECTION 29. DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

SECTION 30. DHS 5.06 (2) of the administrative code is repealed.
