



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5894/2
EVM:cjs&emw

2021 BILL

1 **AN ACT** *to repeal* 62.09 (5) (e); *to renumber* 17.03 (10); *to renumber and*
2 *amend* 61.23 (1); *to amend* 62.03 (1) and 62.51 (2); and *to create* 17.03 (10)
3 (b), 59.20 (2) (e), 60.30 (4) (c), 61.23 (1) (b) and 62.09 (5) (cm) of the statutes;
4 **relating to:** terms of office for certain appointed local officers.

Analysis by the Legislative Reference Bureau

This bill provides terms of office for appointed local officers for which no term is currently specified by statute. Under the bill, the term of any officer who is appointed by a political subdivision's chief executive ends on the date that the chief executive's term ends or an earlier date provided by ordinance. The term of any officer who is appointed by a political subdivision's governing body ends after two years or an earlier date provided by ordinance. The term of any officer who is appointed by a local officer who is serving an indefinite term ends after two years or an earlier date provided by ordinance. The term of any other appointed officer is provided by ordinance. The bill also provides that, unless otherwise specifically provided by statute, an appointive local office is vacant at the expiration of the appointed officer's term.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **SECTION 1.** 17.03 (10) of the statutes is renumbered 17.03 (10) (a).

2 **SECTION 2.** 17.03 (10) (b) of the statutes is created to read:

3 17.03 **(10)** (b) Except as otherwise specifically provided by statute, if the office
4 is local and appointive, the incumbent's term expires.

5 **SECTION 3.** 59.20 (2) (e) of the statutes is created to read:

6 59.20 **(2)** (e) 1. Except as otherwise specifically provided by statute or as
7 provided by subd. 2., an appointed county officer shall hold office for the following
8 term:

9 a. If appointed by the county executive, or if the county does not have a county
10 executive, the chairperson of the board, until the term of office of the appointing
11 officer during which the officer is appointed expires.

12 b. If appointed by the board, 2 years.

13 c. If appointed by a county officer who is serving for an indefinite term, 2 years.

14 d. If subd. 1. a. to c. do not apply, the term provided by ordinance.

15 2. The board may provide by ordinance for terms shorter than provided under
16 subd. 1. a., b., or c.

17 3. This paragraph does not affect the authority of an officer or body to remove
18 an appointed officer who serves at the pleasure of the appointing officer or body
19 before the end of the appointed officer's full term.

20 **SECTION 4.** 60.30 (4) (c) of the statutes is created to read:

21 60.30 **(4)** (c) 1. Except as otherwise specifically provided by statute or as
22 provided by subd. 2., an appointed town officer shall hold office for the following term:

23 a. If appointed by the town board chairperson, until the term of office of the
24 town board chairperson during which the officer is appointed expires.

25 b. If appointed by the town board, 2 years.

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1 c. If appointed by a town officer who is serving for an indefinite term, 2 years.

2 d. If subd. 1. a. to c. do not apply, the term provided by ordinance.

3 2. The town board may provide by ordinance for terms shorter than provided
4 under subd. 1. a., b., or c.

5 3. This paragraph does not affect the authority of an officer or body to remove
6 an appointed officer who serves at the pleasure of the appointing officer or body
7 before the end of the appointed officer's full term.

8 **SECTION 5.** 61.23 (1) of the statutes is renumbered 61.23 (1) (a) and amended
9 to read:

10 61.23 (1) (a) Except as otherwise provided by law or as provided by par. (b), the
11 term of office of all village officers is 2 years. ~~Persons serving in appointive offices~~
12 ~~shall serve until their respective successors are appointed and qualify, unless~~
13 ~~otherwise provided by ordinance.~~

14 **(3) (a)** If any officer other than a trustee is absent or temporarily incapacitated
15 from any cause the board may appoint some person to discharge the officer's duties
16 until the officer returns or until such disability is removed.

17 **(b)** If a trustee is temporarily incapacitated because of physical or mental
18 disability, the board may appoint a person to discharge the trustee's duties until the
19 disability is removed.

20 **SECTION 6.** 61.23 (1) (b) of the statutes is created to read:

21 61.23 (1) (b) 1. Except as otherwise specifically provided by statute or as
22 provided by subd. 2., an appointed village officer shall hold office for the following
23 term:

24 a. If appointed by the village president, until the term of office of the village
25 president during which the officer is appointed expires.

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- 1 b. If appointed by the board of trustees, 2 years.
- 2 c. If appointed by a village officer who is serving for an indefinite term, 2 years.
- 3 d. If subd. 1. a. to c. do not apply, the term provided by ordinance.
- 4 2. The board of trustees may provide by ordinance for terms shorter than
- 5 provided under subd. 1. a., b., or c.
- 6 3. This paragraph does not affect the authority of an officer or body to remove
- 7 an appointed officer who serves at the pleasure of the appointing officer or body
- 8 before the end of the appointed officer’s full term.

9 **SECTION 7.** 62.03 (1) of the statutes is amended to read:

10 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e), (5) (cm), and
11 (11) (j) and (k), 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class
12 cities under special charter.

13 **SECTION 8.** 62.09 (5) (cm) of the statutes is created to read:

14 62.09 (5) (cm) 1. Except as otherwise specifically provided by statute or as
15 provided by subd. 2., an appointed city officer shall hold office for the following term:

- 16 a. If appointed by the mayor or city manager, until the term of office of the
- 17 mayor or city manager during which the officer is appointed expires.
- 18 b. If appointed by the common council, 2 years.
- 19 c. Notwithstanding subd. 1. a., if appointed by a city officer who is serving for
- 20 an indefinite term, 2 years.
- 21 d. If subd. 1. a. to c. do not apply, the term provided by ordinance.

22 2. The common council may provide by ordinance for terms shorter than
23 provided under subd.1. a., b., or c.

