



2001 ASSEMBLY BILL 287

April 3, 2001 - Introduced by Representatives MILLER, BERCEAU, POWERS, OTT, SYKORA and RYBA, cosponsored by Senator BURKE. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 17.16 (3) and 59.12 (title); and **to create** 59.12 (4) of the
2 statutes; **relating to:** the procedures for a county board to remove an officer of
3 the board.

Analysis by the Legislative Reference Bureau

Under current law, a county board is required to elect a member of the board chairperson of the board. A board is also required to elect a member of the board vice chairperson and may also elect a member second vice chairperson. The statutes do not specify a procedure for such officers of the board to be removed as officers of the board.

Under this bill, a county board is authorized to enact an ordinance that specifies procedures for the removal of such officers of the board, and any other officers of the board that the board may elect.

Current law provides a procedure for the removal from office, for cause, of certain officers of the state and of local governmental units. The procedure includes the filing and verification of written charges against an officer and a speedy public hearing at which the officer has the opportunity to be heard and present a defense to the charges. The hearing is conducted by the person or body who has the power to remove the officer, such as the governor or the governing body of a city, village, town, county, school district, sanitary district, or technical college district.

Currently, if a common council has more than 20 members, however, the common council may appoint a committee of not less than five of its members to conduct the hearing, make investigation, and report the testimony and proceedings

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to the common council. This bill removes the requirement that a common council have more than 20 members before it may appoint such a committee, and also authorizes a county board to follow a similar procedure.

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:

1 **SECTION 1.** 17.16 (3) of the statutes is amended to read:

2 17.16 (3) Removals from office for cause under this chapter, except as provided
3 in s. 17.14, shall be made as provided in this section, and may be made only upon
4 written verified charges brought by a resident taxpayer of the governmental unit of
5 which the person against whom the charges are filed is an officer, and after a speedy
6 public hearing at which the officer shall have full opportunity to be heard to present
7 a defense against the charges, personally and by counsel. A copy of the charges and
8 written notice of the time and place for the hearing shall be given the officer by the
9 removing power by delivery to the officer in person or by mailing the same to the
10 officer at the officer's last and usual post-office address not less than 10 days prior
11 to the hearing. The officer may within 10 days from service of the charges file with
12 the removing power a verified answer thereto. The Except as otherwise provided in
13 this subsection, the hearing shall be conducted and investigation made by the
14 removing power with due dispatch, ~~but in.~~ In case of charges brought before the
15 governor, the governor may appoint a commissioner to conduct the hearing, make the
16 investigation and report the testimony and proceedings to the governor, ~~and the.~~ The
17 council of any city having a membership of more than 20 or the board of any county,
18 in case of charges brought before it, may appoint a committee of not less than 5 of its
19 members, to conduct the hearing, make investigation and report the testimony and

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1 proceedings to it. The commissioner or committee shall have the same power and
2 authority as the governor ~~or~~, the council, or the county board, as the case may be, in
3 the conduct of the hearing on and investigation of the charges.

4 **SECTION 2.** 59.12 (title) of the statutes is amended to read:

5 **59.12 (title) Chairperson; vice chairperson; other officers; powers and**
6 **duties; removal by the board.**

7 **SECTION 3.** 59.12 (4) of the statutes is created to read:

8 59.12 (4) All officers of a board who are elected under this section by the board,
9 and any other officers of the board who are elected by the board, serve at the pleasure
10 of the board. A board may enact an ordinance that specifies a procedure to remove
11 such officers as officers of the board.

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(END)