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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Assembly Bill 82

Relating to: recall of elective town sanitary district commissioners.

By Representatives Hubler and Ziegelbauer; cosponsored by Senator Jauch, by request of Ron Helstern of Barronett, Wisconsin.

November 02, 2007 Referred to Committee on Labor, Elections and Urban Affairs.

December 4, 2007 **PUBLIC HEARING HELD**

Present: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.

Absent: (0) None.

Appearances For

- Steve Engelbert — Rep. Mary Hubler's Office

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Mary Hubler — Representative

Registrations Against

- None.

Registrations for Information Only

- None.

December 4, 2007 **EXECUTIVE SESSION HELD**

Present: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.


Absent: (0) None.

Moved by Senator Coggs, seconded by Senator Lehman that
Assembly Bill 82 be recommended for concurrence.

Ayes: (4) Senators Coggs, Wirch, Lehman and A.
Lasee.

Noes: (1) Senator Grothman.

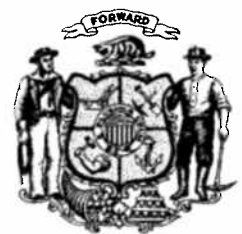
CONCURRENCE RECOMMENDED, Ayes 4, Noes 1

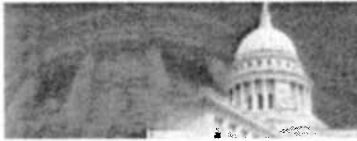


Adam Plotkin
Committee Clerk

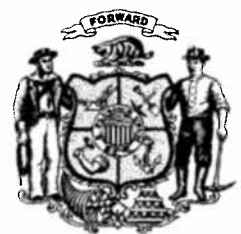


WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE





Mary Hubler

State Representative

NOV 7 2007

November 7, 2007

Senator Spencer Coggs
Chair – Senate Committee on Labor, Elections and Urban Affairs
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Coggs:

Assembly Bill 82, which was passed on a voice vote in the Assembly on October 24, has been referred to the Committee on Labor, Elections and Urban Affairs. This bill establishes the right in statute to recall elected members of town sanitary district board members.

Elected sanitary district boards have the right to make policy, control a budget and, most important, levy taxes. The right to recall these board members should be firmly established in statute, as it is for members of every other elective body. I proposed this bill in response to frustrations of constituents of sanitary district boards who were dissatisfied with the performance of board members. My research shows that the right to recall these members is not established by statute.

I ask that you schedule Assembly Bill 82 for a public hearing and then a vote so that what I perceive as a gap in Wisconsin law can be remedied as soon as possible.

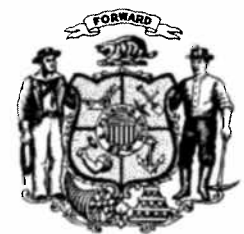
Sincerely,

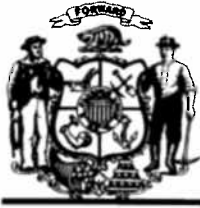
MARY HUBLER
State Representative
75th Assembly District

MH/se



WISCONSIN STATE LEGISLATURE





Mary Hubler

State Representative--75th Assembly District

December 4, 2007

Hubler testimony to the Senate Committee on Labor, Elections and Urban Affairs - AB 82

Dear Chairman Coggs and members of the Committee:

I regret that I could not be present to testify personally for this bill.

The reason I introduced AB 82 is that it addresses what I see as an oversight in the law: There is no provision for recalling elected members of a sanitary district board.

I conferred with the Towns Association, whose representative was surprised that no specific provision in Wisconsin law referred to the recall of these board members. He suggested that perhaps because sanitary district boards are instruments of town boards that the members could be recalled under the part of the statute that references town boards.

I ran that by attorneys at our own Legislative Council who doubted a court would agree with that interpretation. At the very least a legal clarification of the law is in order.

I believe that any elected member of any board that has authority to set rates and levy taxes ought to be subject to recall for cause. I believe that the recall statutes that exist were put in place by legislators who believe in full accountability of public officials.

I was prompted to draft this bill by residents of a particular sanitary district, who believed that the actions of their board were arbitrary and compromised by conflicts of interests and that the board was ignoring open meetings and open records law. These residents allege a host of other improprieties and have been unable to interest the district attorney in pursuing their complaints.

Unfortunately, the board had operated without much attention from its constituents for many years. The public began to pay attention shortly after the re-election of one of the members. When some members of the public decided that the actions of the board required immediate recall, they found that no mechanism for recall existed.

The specific complaints and their validity are important but not really relevant to this discussion. While the complaints of these sanitary district residents caused me to propose AB 82, the bill really addresses a principle that is already part of Wisconsin Statute. Passage of AB 82 will fix a part of the law and make another group of public officials more accountable to the public.