

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/13/2000

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Miller (608) 266-5342**

By/Representing: **Rep. Miller**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Counties - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Procedures for county board removal of an officer of the board

**Instructions:**

See Attached. Redraft 1999 LRB -4885/1, with marked-up changes

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 11/14/2000	gilfokm 11/16/2000		_____			Local
/1			martykr 11/20/2000	_____	lrb_docadmin 11/20/2000		Local
/2	shoveme 01/23/2001	gilfokm 01/26/2001	martykr 02/01/2001	_____	lrb_docadmin 02/01/2001	lrb_docadmin 03/29/2001	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/13/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Rep. Miller

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject: Counties - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Procedures for county board removal of an officer of the board

Instructions:

See Attached. Redraft 1999 LRB -4885/1, with marked-up changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 11/14/2000	gilfokm 11/16/2000		_____			Local
/1			martykr 11/20/2000	_____	lrb_docadmin 11/20/2000		Local
/2	shoveme 01/23/2001	gilfokm 01/26/2001	martykr 02/01/2001	_____	lrb_docadmin 02/01/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/13/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Rep. Miller

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject: Counties - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Procedures for county board removal of an officer of the board

Instructions:

See Attached. Redraft 1999 LRB -4885/1, with marked-up changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 11/14/2000	gilfokm 11/16/2000					Local
/1	12 MFS 1/23/01	2-1/Kmg 23-01	martykr 11/20/2000		lrb_docadmin 11/20/2000		
			Km 2/1	KB Km 2/1			
	FE Sent For:						

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/13/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Rep. Miller

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject: Counties - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Procedures for county board removal of an officer of the board

Instructions:

See Attached. Redraft 1999 LRB -4885/1, with marked-up changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	shoveme	A-11/16/00 kmg	km 11/20	Pa km 11/20			

11 MES 11/14/00

FE Sent For:

<END>



STATE REPRESENTATIVE

MARK MILLER

November 8, 2000

Marc,

Please draft the attached draft 1999  
4885/1 for introduction in the next  
legislative session.

It seems to me that putting boundaries  
on the percentage vote necessary to  
remove an officer of a county board is  
unnecessary.

Thanks,

Mark

A handwritten signature in black ink, appearing to read "Mark", with a long, sweeping horizontal line extending to the right.

State Capitol Address: P.O. Box 8953 Madison, Wisconsin 53708  
(608) 266-5342 • Fax: (608) 282-3648  
E-Mail: [rep.miller@legis.state.wi.us](mailto:rep.miller@legis.state.wi.us) • Web Site: [www.miller4wi.org](http://www.miller4wi.org)

*Printed on Recycled Paper*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4885/1  
MES:kmg:km

1999 BILL

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

[Redacted text]

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

Delete →

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

3 SECTION 1. 59.12 (title) of the statutes is amended to read:  
4 59.12 (title) Chairperson; vice chairperson; other officers; powers and  
5 duties; removal by the board.

1999 - 2000 Legislature

- 2 -

LRB-4885/1  
MES:kmg:km  
SECTION 2

**BILL**

1 SECTION 2. 59.12 (4) of the statutes is created to read:

2 59.12 (4) All officers of a board who are elected under this section by the board,  
3 and any other officers of the board who are elected by the board, serve at the pleasure  
4 of the board. A board may enact an ordinance that specifies a procedure to remove  
5 such officers as officers of the board. [REDACTED]

6 [REDACTED]  
7 [REDACTED]

8 (END)

*Delete* →

2001/1999 BILL

R M NR

D-NOTE

regen

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. ~~The ordinance must provide that the officers of the board may be removed either by a simple majority vote of the members-elect or by a super-majority vote, of not more than two-thirds, of the members-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.

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,



**BILL**

make investigation, and report the testimony and proceedings to the common council. This bill creates a similar procedure for a county board that has more than 20 members.

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:*

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

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

P.W.F.

**BILL**

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. Such an ordinance shall provide that the officers

12 ~~may be removed either by a simple majority vote of the members-elect or by a~~  
13 ~~super-majority vote, of not more than two-thirds, of the members-elect.~~

14 (END)

D-Note

This bill is based on 1999 LRB -4885/2,  
the last version <sup>of the bill</sup> that you requested last session,  
although it incorporates the changes <sup>that</sup> you requested  
on the marked-up copy of 1999 LRB-4885/1  
which you sent to me. The "1/2" version of <sup>LRB</sup> 4885, <sup>and the</sup>  
bill, amends D.17.16 (3). Is this bill consistent  
with your intent, or do you want the  
amendment of D.17.16 (3) removed from the bill?

AM 3A

P.W.F.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0998/1dn  
MES:kmg:km

November 20, 2000

This bill is based on 1999 LRB-4885/2, the last version of the bill that you requested last session, although it incorporates the changes that you requested on the marked-up copy of 1999 LRB-4885/1 which you sent to me. The "/2" version of LRB-4885, and this bill, amends s. 17.16 (3). Is this bill consistent with your intent, or do you want the amendment of s. 17.16 (3) removed from the bill?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)

**Miller, Mark**

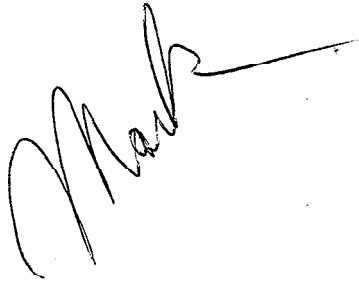
---

**To:** Shovers, Marc  
**Subject:** LRB 0998, Removal of County Board Officers

Marc, I checked with the League of Municipalities regarding municipalities with councils of more than 20 members...there are none. Therefore, I want to ~~modify 0998~~ so that it authorizes a city council or county board [regardless of size] to appoint a committee of not less than five of its members to conduct the hearing, etc. in case of charges brought before it. I'm sending 0998/1 to you via inter-D

Thanks  
Mark

**Rep. Mark Miller**  
48th Assembly District  
Capitol Room 112 North  
P.O. 8953  
Madison, WI 53708  
608-266-5342  
608-282-3648 Fax  
Rep.Miller@legis.state.wi.us



Instructions  
for / 2

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0998/1dn  
MES:kmg:km

November 20, 2000

This bill is based on 1999 LRB-4885/2, the last version of the bill that you requested last session, although it incorporates the changes that you requested on the marked-up copy of 1999 LRB-4885/1 which you sent to me. The "/2" version of LRB-4885, and this bill, amends s. 17.16 (3). Is this bill consistent with your intent, or do you want the amendment of s. 17.16 (3) removed from the bill?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)



## 2001 BILL

INSTRUCTIONS

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.

~~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 to the common

**BILL**

council. This bill creates a similar procedure for a county board, ~~that has more than 20 members.~~

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 or the board of any county having a membership of more than 20,  
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  
20 proceedings to it. The commissioner or committee shall have the same power and

**BILL**

1 authority as the governor ~~or~~ the council, or the county board, as the case may be, in  
2 the conduct of the hearing on and investigation of the charges.

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

4 **59.12 (title) Chairperson; vice chairperson; other officers; powers and**  
5 **duties; removal by the board.**

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

7 59.12 (4) All officers of a board who are elected under this section by the board,  
8 and any other officers of the board who are elected by the board, serve at the pleasure  
9 of the board. A board may enact an ordinance that specifies a procedure to remove  
10 such officers as officers of the board.

11 (END)





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0998/12

MES:kmg:ken

RMR

2001 BILL

1 *open* 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 to the common

**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 a county board that has more than 20 members.

council. This bill creates a similar procedure for a county board that has more than 20 members.

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:*

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

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

17

**BILL**

1 authority as the governor ~~or~~, the council, or the county board, as the case may be, in  
2 the conduct of the hearing on and investigation of the charges.

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

4 **59.12 (title) Chairperson; vice chairperson; other officers; powers and**  
5 **duties; removal by the board.**

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

7 59.12 (4) All officers of a board who are elected under this section by the board,  
8 and any other officers of the board who are elected by the board, serve at the pleasure  
9 of the board. A board may enact an ordinance that specifies a procedure to remove  
10 such officers as officers of the board.

11 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 1, 2001

### MEMORANDUM

To: Representative Miller

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-0998 Procedures for county board removal of an officer of the board

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.