

2017 DRAFTING REQUEST**Bill**

For: **Robert Brooks (608) 267-2369** Drafter: **emueller**
 By: **Christopher** Secondary Drafters: **tdodge**
 Date: **9/22/2016** May Contact:
 Same as LRB:

Submit via email: **YES**
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Pre Topic:

No specific pre topic given

Topic:

Removal of cause standard for certain county employees

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 9/27/2016				
/P1	emueller 10/12/2016	kfollett 9/29/2016	lparisi 9/29/2016		
/P2	emueller 12/9/2016	kfollett 10/13/2016	mbarman 10/13/2016		Local
/P3	emueller	kfollett	lparisi		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	emueller 12/13/2016 1/11/2017	12/13/2016	rmilford 12/13/2016		Local
/2	emueller 1/12/2017	kfollett 1/11/2017	mbarman 1/11/2017		Local
/3	tdodge 3/22/2017	kfollett 3/23/2017	rmilford 1/12/2017		Local
/4	tdodge 11/9/2017	kfollett 11/9/2017	hkohn 3/23/2017		Local
/5			mbarman 11/9/2017	mbarman 11/9/2017	Local

FE Sent For:

→ A+ Intro.

<END>

Mueller, Eric

From: Schaefer, Christopher
Sent: Wednesday, September 21, 2016 4:43 PM
To: Mueller, Eric
Subject: Removal of cause standard legislation
Attachments: Removal of Cause Standard for County Employees.docx

Eric:

Representative Brooks would like to have legislation drafted that removes the cause standard for county employees. I have attached drafting instructions.

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
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Removal of Cause Standard for County Employees

Drafting instructions

Many county employees enjoy a "cause" standard relating to termination of employment.

We request the following: **all references to a "cause" standard be removed from statutes except for those county officers that are elected by the county or unless otherwise provided by the county board.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0192/P1dn
EVM:kjf

September 29, 2016

ATTN: Rep. Rob Brooks

This draft treats only those provisions that specifically provide a “for cause” requirement for the removal of a county officer. Several other provisions require or permit the county to apply civil service standards to specified officials. Do you want to make a change to these provisions in this draft? Do you want to affect county civil service in general in this draft? Currently, only Milwaukee County is required to have a civil service system. Other counties may opt to have a civil service system.

Eric V. Mueller
Senior Legislative Attorney
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Draft
State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/P1
EVM: *[Signature]*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

9/29/16

gen

1 **AN ACT ...; relating to:** removal of certain county officers.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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

3 17.10 (1) APPOINTED BY GOVERNOR. County officers appointed by the governor

4 may be removed at pleasure by the governor ~~for cause~~.

History: 1977 c. 354; 1983 a. 192; 1985 a. 29; 1995 a. 77.

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

6 17.10 (2) APPOINTED BY COUNTY BOARD. County officers appointed by the county

7 board may be removed at pleasure by the county board ~~for cause~~. All removals may

8 be made by an affirmative vote of two-thirds of the supervisors entitled to seats on

9 the county board.

History: 1977 c. 354; 1983 a. 192; 1985 a. 29; 1995 a. 77.

1 **SECTION 3.** 17.10 (3) of the statutes is [✓]amended to read:

2 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
3 appointed by the chairperson of the county board may be removed at pleasure by the
4 chairperson ~~for cause~~, except members of the county civil service commission who
5 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
6 commissioner of elections so removed may appeal to the county board within 10 days
7 after removal; the county board shall conduct a hearing in the manner determined
8 by it and shall determine the question of removal.

History: 1977 c. 354; 1983 a. 192; 1985 a. 29; 1995 a. 77.

9 ~~SECTION 4.~~ 17.10 (6) (a) of the statutes is [✓]renumbered 17.10 (6) and amended
10 to read:

11 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
12 officers may be removed at pleasure by the officer or body that appointed them.
13 Removals by a body, other than the county board, consisting of 3 or more members
14 may be made by an affirmative vote of two-thirds of all the members thereof.

History: 1977 c. 354; 1983 a. 192; 1985 a. 29; 1995 a. 77.

15 ~~SECTION 5.~~ 17.10 (6) (b) of the statutes is [✓]repealed.

16 ~~SECTION 6.~~ 17.10 (7) of the statutes is [✓]renumbered 17.10 (7) (a) and amended
17 to read:

18 17.10 (7) (a) County Notwithstanding subs. (1) to (6), county officers appointed
19 according to merit and fitness under and subject to a civil service law, or whose
20 removal is governed by such a law, shall be removed only as therein provided.

History: 1977 c. 354; 1983 a. 192; 1985 a. 29; 1995 a. 77.

21 ~~SECTION 7.~~ 17.10 (7) (b) of the statutes is [✓]created to read:

22 17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance
23 provide that any county officer may be removed only for cause.

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

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

6 **History:** 1989 a. 324; 1991 a. 39, 316; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2015 a. 226.

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

7 27.02 (2) In any county with a county executive or county administrator except
8 a county with a population of less than 150,000 which has not by resolution provided
9 for a county park commission subject to ss. 27.02 to 27.06 or except any county
10 exercising power under s. 27.075, the county park commission shall consist of 7
11 members appointed by the county executive or county administrator, subject to
12 confirmation by the county board. The term of office for such members shall be as
13 provided by sub. (1). A member of the commission appointed under this subsection
14 may be removed at pleasure by the county executive or county administrator ~~for~~
15 ~~cause~~.

16 **History:** 1971 c. 209; 1983 a. 192; 1985 a. 29.

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

17 46.22 (1m) (c) 1. A member of the county social services board appointed under
18 par. (b) 2. may be removed at pleasure by the county executive or county
19 administrator ~~for cause~~.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334; 2011 a. 32, 126; 2015 a. 55.

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

21 46.22 (1m) (c) 2. The term of office of any member of the county social services
22 board appointed under par. (b) 3. shall be 3 years, but of the members first appointed,
23 at least one-third shall be appointed for one year; at least one-third for 2 years; and

1 the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired
 2 term in the manner that original appointments are made. Any county social services
 3 board member may be removed from office ~~for cause~~ by a two-thirds vote of the
 4 appointing authority, on due notice in writing ~~and hearing of the charges against the~~
 5 member.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334; 2011 a. 32, 126; 2015 a. 55.

6 **SECTION 12. 46.23 (4) (c) 1.** of the statutes is amended to read:

7 **46.23 (4) (c) 1.** ~~For cause, by~~ By a two-thirds vote of each county board of
 8 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
 9 ~~of the charges against the member.~~

History: 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; 2007 a. 20 ss. 878 to 891, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180; 2011 a. 32; 2015 a. 55.

10 **SECTION 13. 46.23 (5) (i)** of the statutes ~~is~~ amended to read:

11 **46.23 (5) (i)** May recommend the removal of the county human services director
 12 ~~for cause~~ to each county board of supervisors which participated in the appointment
 13 of the county human services board, and each such county board of supervisors may
 14 remove the county human services director ~~for cause~~ by a two-thirds vote of each
 15 such county, on due notice in writing ~~and hearing of the charges against the county~~
 16 ~~human services director.~~

History: 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; 2007 a. 20 ss. 878 to 891, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180; 2011 a. 32; 2015 a. 55.

17 **SECTION 14. 46.82 (4) (a) 2.** of the statutes is amended to read:

18 **46.82 (4) (a) 2.** In any county that has a county executive or county
 19 administrator and that has established a single-county aging unit, the county
 20 executive or county administrator shall appoint, subject to confirmation by the
 21 county board of supervisors, the commission on aging. A member of a commission

1 on aging appointed under this subdivision may be removed at pleasure by the county
 2 executive or county administrator ~~for cause~~.

3 **History:** 1991 a. 235; 1993 a. 213; 1995 a. 27 ss. 2332, 9126 (19); 1997 a. 79; 1999 a. 9; 2007 a. 20 s. 9121 (6) (a); 2015 a. 273.

3 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

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

15 **History:** 1991 a. 235; 1993 a. 213; 1995 a. 27 ss. 2332, 9126 (19); 1997 a. 79; 1999 a. 9; 2007 a. 20 s. 9121 (6) (a); 2015 a. 273.

15 **SECTION 16.** 51.41 (1d) (i) 1. a. of the statutes is amended to read:

16 51.41 (1d) (i) 1. a. If the Milwaukee County executive solicited suggestions for
 17 nomination, the Milwaukee County executive, ~~for cause~~ at pleasure.

18 **History:** 2013 a. 203; 2015 a. 195 ss. 15, 72, 83.

18 **SECTION 17.** 51.41 (1d) (i) 1. b. of the statutes is amended to read:

19 51.41 (1d) (i) 1. b. If the Milwaukee County board of supervisors suggested the
 20 member for nomination, the Milwaukee County board of supervisors, ~~for cause~~ at
 21 pleasure.

22 **History:** 2013 a. 203; 2015 a. 195 ss. 15, 72, 83.

22 **SECTION 18.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

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

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; 2007 a. 20 ss. 1819m to 1821, 9121 (6) (a); 2007 a. 45, 97; 2009 a. 28, 180, 276, 334; 2011 a. 32, 126; 2013 a. 203, 251; 2015 a. 55.

4 **SECTION 19.** 51.437 (7) (a) 1. of the statutes is amended to read:

5 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
6 supervisors in a county with a single-county department of developmental
7 disabilities services or the county boards of supervisors in counties with a
8 multicounty department of developmental disabilities services shall, before
9 qualification under this section, appoint a county developmental disabilities services
10 board. A county developmental disabilities services board appointed under this
11 subdivision shall govern the single-county or multicounty department of
12 developmental disabilities services. A member of a county developmental
13 disabilities services board appointed under this subdivision may be removed from
14 office ~~for cause~~ by a two-thirds vote of the appointing authority, on due notice in
15 writing and hearing of the charges against the member.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33; 2005 a. 25, 264, 388; 2007 a. 20 ss. 1822 to 1824b, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334; 2011 a. 32, 126.

16 **SECTION 20.** 51.437 (7) (a) 2. of the statutes is amended to read:

17 51.437 (7) (a) 2. In any county with a county executive or county administrator
18 and which has established a single-county department of developmental disabilities
19 services, the county executive or county administrator shall appoint, subject to
20 confirmation by the county board of supervisors, the county developmental
21 disabilities services board, which shall be only a policy-making body determining
22 the broad outlines and principles governing the administration of programs under

1 this section. A member of the county developmental disabilities services board
2 appointed under this subdivision may be removed at pleasure by the county
3 executive or county administrator ~~for cause~~.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33; 2005 a. 25, 264, 388; 2007 a. 20 ss. 1822 to 1824b, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334; 2011 a. 32, 126.

4 **SECTION 21. 59.25 (2) (a)** of the statutes is amended to read:

5 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
6 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~
7 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The
8 appointment shall be in writing and shall be filed and recorded in the treasurer's
9 office. Such deputy, in the absence of the treasurer from the treasurer's office or in
10 case of a vacancy in said office or any disability of the treasurer to perform the duties
11 of the office of treasurer, unless another is appointed therefor as provided in par. (b),
12 shall perform all of the duties of the office of treasurer until such vacancy is filled or
13 such disability is removed. The person so appointed shall take and file the official
14 oath. The person shall file his or her appointment with the clerk. The board may,
15 at its annual meeting or at any special meeting, provide a salary for the deputy.

History: 1995 a. 201 ss. 266, 267, 269, 270, 284; 1995 a. 225 ss. 151 to 153; 1995 a. 227 s. 202; 1995 a. 269 s. 2; 1995 a. 408 s. 1; 1995 a. 448 s. 60; 1997 a. 27, 35, 135, 211, 237, 248; 1999 a. 9, 32, 74; 1999 a. 150 s. 672; 2001 a. 16; 2001 a. 30 s. 108; 2001 a. 56, 105; 2003 a. 33, 139, 326; 2013 a. 20; 2015 a. 55.

16 **SECTION 22. 59.255 (2) (b)** of the statutes is amended to read:

17 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,
18 under the comptroller's direction, in the discharge of the duties of the office of
19 comptroller. ~~A~~ ~~deputy appointed under this paragraph may be removed only for just~~
20 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the
21 comptroller's office. Such deputy, in the absence of the comptroller from the
22 comptroller's office or in case of a vacancy in said office or any disability of the
23 comptroller to perform the duties of the office of comptroller, unless another is

1 appointed therefor as provided in par. (c), shall perform all of the duties of the office
2 of comptroller until such vacancy is filled or such disability is removed. The person
3 so appointed shall take and file the official oath. The person shall file his or her
4 appointment with the clerk. The board may, at its annual meeting or at any special
5 meeting, provide a salary for the deputy.

History: 2011 a. 62; 2013 a. 165 s. 115.

6 **SECTION 23.** 119.9001 (2) (c) of the statutes is amended to read:

7 119.9001 (2) (c) The commissioner shall report to the county executive and may
8 be removed from office only by the county executive ~~and only for cause.~~

History: 2015 a. 55.

9 (END)

Dnbte

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0192/P1dn

EVM: *sf*

Date

ATTN: Rep. Rob Brooks

X This draft treats only those provisions that specifically provide a "for cause" requirement for the removal of a county officer. Several other provisions require or permit the county to apply civil service standards to specified officials. Do you want to make a change to these provisions in this draft? Do you want to affect county civil service in general in this draft? Currently, only Milwaukee County is required to have a civil service system. Other counties may opt to have a civil service system.

Eric V. Mueller
Senior Legislative Attorney
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0192/P1dn
EVM:kjf

September 29, 2016

ATTN: Rep. Rob Brooks

This draft treats only those provisions that specifically provide a “for cause” requirement for the removal of a county officer. Several other provisions require or permit the county to apply civil service standards to specified officials. Do you want to make a change to these provisions in this draft? Do you want to affect county civil service in general in this draft? Currently, only Milwaukee County is required to have a civil service system. Other counties may opt to have a civil service system.

Eric V. Mueller
Senior Legislative Attorney
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eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Schaefer, Christopher
Sent: Thursday, October 06, 2016 3:18 PM
To: Shovers, Marc; Mueller, Eric
Subject: Changes to LRB 0192
Attachments: PROPOSED AMENDMENTS TO LRB 0192 (002).pdf

Marc and Eric:

Attached is the set of proposed modifications to LRB 0192/P1 dealing with elimination of the cause standard for county employees. Please note that we took the language from LRB 0191 (relating to human/social service employees) and incorporated it into the attached document. Therefore, if these changes are incorporated, there is no need for LRB 0191.

PROPOSED AMENDMENTS TO LRB 0192/P1

October 6, 2016

(NOTE: Unless otherwise provided herein, the text of the bill draft is acceptable.)

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 may be removed only for cause as defined in s. 17.001.

SECTION 24. 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 25. DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative code is repealed.

SECTION 26. DHS 5.06 (1) (title) of the administrative code is repealed.

SECTION 27. DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

SECTION 28. DHS 5.06 (2) of the administrative code is repealed.

(NOTE: These suggested amendments incorporate the changes reflected in LRB 0191/P1.)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/P1 P2
EVM:kjf

FJD

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERTS

10/14/16

rejen

1 **AN ACT** *to repeal* 17.10 (6) (b); *to renumber and amend* 17.10 (6) (a) and 17.10
2 (7); *to amend* 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c)
3 1., 46.22 (1m) (c) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4) (c), 51.41
4 (1d) (i) 1. a., 51.41 (1d) (i) 1. b., 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a)
5 2., 59.25 (2) (a), 59.255 (2) (b) and 119.9001 (2) (c); and *to create* 17.10 (7) (b)
6 of the statutes; **relating to:** removal of certain county officers.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

INS-Analysis

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

7 **SECTION 1.** 17.10 (1) of the statutes is amended to read:
8 17.10 (1) APPOINTED BY GOVERNOR. County officers appointed by the governor
9 may be removed at pleasure by the governor for cause.

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

2 **17.10 (2) APPOINTED BY COUNTY BOARD.** County officers appointed by the county
3 board may be removed at pleasure by the county board ~~for cause~~. All removals may
4 be made by an affirmative vote of two-thirds of the supervisors entitled to seats on
5 the county board.

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

7 **17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD.** County officers
8 appointed by the chairperson of the county board may be removed at pleasure by the
9 chairperson ~~for cause~~, except members of the county civil service commission who
10 may be removed at pleasure by the county board ~~for cause~~ under sub. (2). A county
11 commissioner of elections so removed may appeal to the county board within 10 days
12 after removal; the county board shall conduct a hearing in the manner determined
13 by it and shall determine the question of removal.

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

16 **17.10 (6)** ~~Except as provided under par. (b), all~~ All other appointive county
17 officers may be removed at pleasure by the officer or body that appointed them.
18 Removals by a body, other than the county board, consisting of 3 or more members
19 may be made by an affirmative vote of two-thirds of all the members thereof.

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

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

23 **17.10 (7) (a)** ~~County~~ Notwithstanding subs. (1) to (6), county officers appointed
24 according to merit and fitness under and subject to a civil service law, or whose
25 removal is governed by such a law, shall be removed only as therein provided.

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

2 17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance
3 provide that any county officer may be removed only for cause.

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

5 17.15 (1) JOINT COUNTY INSTITUTIONS. Any member of the governing body of any
6 joint county school, hospital, sanatorium, asylum or other joint county institution,
7 appointed by the county board of any county, may be removed at pleasure by said
8 county board, ~~for cause~~; and any other officer of any such institution may be removed
9 at pleasure by the officer or body that appointed the officer, ~~for cause~~.

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

11 27.02 (2) In any county with a county executive or county administrator except
12 a county with a population of less than 150,000 which has not by resolution provided
13 for a county park commission subject to ss. 27.02 to 27.06 or except any county
14 exercising power under s. 27.075, the county park commission shall consist of 7
15 members appointed by the county executive or county administrator, subject to
16 confirmation by the county board. The term of office for such members shall be as
17 provided by sub. (1). A member of the commission appointed under this subsection
18 may be removed at pleasure by the county executive or county administrator ~~for~~
19 ~~cause~~.

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

21 46.22 (1m) (c) 1. A member of the county social services board appointed under
22 par. (b) 2. may be removed at pleasure by the county executive or county
23 administrator ~~for cause~~.

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

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

9 **SECTION 12.** 46.23 (4) (c) 1. of the statutes is amended to read:

10 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
11 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
12 ~~of the charges against the member.~~

13 **SECTION 13.** 46.23 (5) (i) of the statutes is amended to read:

14 46.23 (5) (i) May recommend the removal of the county human services director
15 ~~for cause~~ to each county board of supervisors which participated in the appointment
16 of the county human services board, and each such county board of supervisors may
17 remove the county human services director ~~for cause~~ by a two-thirds vote of each
18 such county, on due notice in writing ~~and hearing of the charges against the county~~
19 ~~human services director.~~

20 **SECTION 14.** 46.82 (4) (a) 2. of the statutes is amended to read:

21 46.82 (4) (a) 2. In any county that has a county executive or county
22 administrator and that has established a single-county aging unit, the county
23 executive or county administrator shall appoint, subject to confirmation by the
24 county board of supervisors, the commission on aging. A member of a commission

1 on aging appointed under this subdivision may be removed at pleasure by the county
2 executive or county administrator ~~for cause~~.

3 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

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

15 **SECTION 16.** 51.41 (1d) (i) 1. a. of the statutes is amended to read:

16 51.41 (1d) (i) 1. a. If the Milwaukee County executive solicited suggestions for
17 nomination, the Milwaukee County executive, ~~for cause~~ at pleasure.

18 **SECTION 17.** 51.41 (1d) (i) 1. b. of the statutes is amended to read:

19 51.41 (1d) (i) 1. b. If the Milwaukee County board of supervisors suggested the
20 member for nomination, the Milwaukee County board of supervisors, ~~for cause~~ at
21 pleasure.

22 **SECTION 18.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

23 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of
24 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
25 ~~of the charges against the member.~~

1 **SECTION 19.** 51.437 (7) (a) 1. of the statutes is amended to read:

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

13 **SECTION 20.** 51.437 (7) (a) 2. of the statutes is amended to read:

14 51.437 (7) (a) 2. In any county with a county executive or county administrator
15 and which has established a single-county department of developmental disabilities
16 services, the county executive or county administrator shall appoint, subject to
17 confirmation by the county board of supervisors, the county developmental
18 disabilities services board, which shall be only a policy-making body determining
19 the broad outlines and principles governing the administration of programs under
20 this section. A member of the county developmental disabilities services board
21 appointed under this subdivision may be removed at pleasure by the county
22 executive or county administrator ~~for cause.~~

23 **SECTION 21.** 59.25 (2) (a) of the statutes is amended to read:

24 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
25 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~

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

10 **SECTION 22.** 59.255 (2) (b) of the statutes is amended to read:

11 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,
12 under the comptroller's direction, in the discharge of the duties of the office of
13 comptroller. ~~A deputy appointed under this paragraph may be removed only for just~~
14 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the
15 comptroller's office. Such deputy, in the absence of the comptroller from the
16 comptroller's office or in case of a vacancy in said office or any disability of the
17 comptroller to perform the duties of the office of comptroller, unless another is
18 appointed therefor as provided in par. (c), shall perform all of the duties of the office
19 of comptroller until such vacancy is filled or such disability is removed. The person
20 so appointed shall take and file the official oath. The person shall file his or her
21 appointment with the clerk. The board may, at its annual meeting or at any special
22 meeting, provide a salary for the deputy.

23 **SECTION 23.** 119.9001 (2) (c) of the statutes is amended to read:

1 119.9001 (2) (c) The commissioner shall report to the county executive and may
2 be removed from office only by the county executive ~~and only for cause.~~

3

(END)

INS
8-2

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0192/P2ins
EVM:kjf

1 INS-Analysis

2

Under current law, certain county officers may be removed from office by their appointing authority only for cause. This bill allows an appointing authority to remove these officers from office at pleasure.

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



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0191/P1

TJD:ahc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

1 ~~AN ACT to amend 17.10 (6) (b) 2. of the statutes; relating to: removal of directors~~
2 ~~and employees of certain local health departments.~~

Analysis by the Legislative Reference Bureau

~~This bill specifies that a director of a social or human services department in a county other than Milwaukee County; a department of community programs in a county other than Milwaukee County; or a department of developmental disabilities in any county who is appointed by the county board, administrator, or executive may be removed only for cause. Currently, and as unchanged in the bill, all other appointive county officers may be removed at the pleasure of the appointing officer or body. Also unchanged in the bill is the current requirement that county officers appointed according to merit and fitness under civil service law may only be removed as provided in civil service law.~~

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

3 ~~SECTION 1. 17.10 (6) (b) 2. of the statutes is amended to read:~~
4 ~~17.10 (6) (b) 2. Any person director appointed to administer services by a county~~
5 ~~board, county administrator, or county executive under s. 46.22, 46.23, 51.42, or~~
6 ~~51.437.~~

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SECTION 2. 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 3. DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative code is repealed.

g
****NOTE: DHS 5.06 has an introductory sentence that has an ambiguous meaning and seems to contradict even the current code provision. The sentence reads, "Employees shall be retained on the basis of the adequacy of their performance." This draft repeals this sentence. Please advise if you want this sentence retained.

SECTION 4. DHS 5.06 (1) (title) of the administrative code is repealed.

SECTION 5. DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

SECTION 6. DHS 5.06 (2) of the administrative code is repealed.

(END)

INS
8-2

Mueller, Eric

From: Schaefer, Christopher
Sent: Tuesday, November 22, 2016 1:06 PM
To: Mueller, Eric
Subject: LRB 0192

Hello, Eric:

We have one finally change that we would like to see made to LRB 0192: Sec. 7 by adding "as defined in s. 17.001" after the word "cause" in s. 17.10(7)(b).

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov

instead use lang
from def. in
s. 17.10(7)(b)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0192/P2 P3
EVM&TJD:kjf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/13/16

1 **AN ACT to repeal** 17.10 (6) (b); **to renumber and amend** 17.10 (6) (a) and 17.10
2 (7); **to amend** 17.10 (1), 17.10 (2), 17.10 (3), 17.15 (1), 27.02 (2), 46.22 (1m) (c)
3 1., 46.22 (1m) (c) 2., 46.23 (4) (c) 1., 46.23 (5) (i), 46.82 (4) (a) 2., 46.82 (4) (c), 51.41
4 (1d) (i) 1. a., 51.41 (1d) (i) 1. b., 51.42 (4) (a) 1. a., 51.437 (7) (a) 1., 51.437 (7) (a)
5 2., 59.25 (2) (a), 59.255 (2) (b) and 119.9001 (2) (c); and **to create** 17.10 (7) (b)
6 of the statutes; **relating to:** removal of certain county officers.

Analysis by the Legislative Reference Bureau

Under current law, certain county officers may be removed from office by their appointing authority only for cause. This bill allows an appointing authority to remove these officers from office at pleasure.

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:

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

SECTION 1

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

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

4 17.10 (2) APPOINTED BY COUNTY BOARD. County officers appointed by the county
5 board may be removed at pleasure by the county board ~~for-cause~~. All removals may
6 be made by an affirmative vote of two-thirds of the supervisors entitled to seats on
7 the county board.

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

9 17.10 (3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers
10 appointed by the chairperson of the county board may be removed at pleasure by the
11 chairperson ~~for-cause~~, except members of the county civil service commission who
12 may be removed at pleasure by the county board ~~for-cause~~ under sub. (2). A county
13 commissioner of elections so removed may appeal to the county board within 10 days
14 after removal; the county board shall conduct a hearing in the manner determined
15 by it and shall determine the question of removal.

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

18 17.10 (6) ~~Except as provided under par. (b), all~~ All other appointive county
19 officers may be removed at pleasure by the officer or body that appointed them.
20 Removals by a body, other than the county board, consisting of 3 or more members
21 may be made by an affirmative vote of two-thirds of all the members thereof.

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

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

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

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

5 17.10 (7) (b) Notwithstanding subs. (1) to (6), a county may by ordinance
6 provide that any county officer may be removed only for cause.

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

8 17.15 (1) JOINT COUNTY INSTITUTIONS. Any member of the governing body of any
9 joint county school, hospital, sanatorium, asylum or other joint county institution,
10 appointed by the county board of any county, may be removed at pleasure by said
11 county board, ~~for cause~~; and any other officer of any such institution may be removed
12 at pleasure by the officer or body that appointed the officer, ~~for cause~~.

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

14 27.02 (2) In any county with a county executive or county administrator except
15 a county with a population of less than 150,000 which has not by resolution provided
16 for a county park commission subject to ss. 27.02 to 27.06 or except any county
17 exercising power under s. 27.075, the county park commission shall consist of 7
18 members appointed by the county executive or county administrator, subject to
19 confirmation by the county board. The term of office for such members shall be as
20 provided by sub. (1). A member of the commission appointed under this subsection
21 may be removed at pleasure by the county executive or county administrator ~~for~~
22 ~~cause~~.

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

*inefficiency, neglect of duty, official misconduct, or
malfeasance in office*

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

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

5 46.22 (1m) (c) 2. The term of office of any member of the county social services
6 board appointed under par. (b) 3. shall be 3 years, but of the members first appointed,
7 at least one-third shall be appointed for one year; at least one-third for 2 years; and
8 the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired
9 term in the manner that original appointments are made. Any county social services
10 board member may be removed from office ~~for cause~~ by a two-thirds vote of the
11 appointing authority, on due notice in writing ~~and hearing of the charges against the~~
12 ~~member~~.

13 **SECTION 12.** 46.23 (4) (c) 1. of the statutes is amended to read:

14 46.23 (4) (c) 1. ~~For cause, by~~ By a two-thirds vote of each county board of
15 supervisors participating in the appointment, on due notice in writing ~~and hearing~~
16 ~~of the charges against the member~~.

17 **SECTION 13.** 46.23 (5) (i) of the statutes is amended to read:

18 46.23 (5) (i) May recommend the removal of the county human services director
19 ~~for cause~~ to each county board of supervisors which participated in the appointment
20 of the county human services board, and each such county board of supervisors may
21 remove the county human services director ~~for cause~~ by a two-thirds vote of each
22 such county, on due notice in writing ~~and hearing of the charges against the county~~
23 ~~human services director~~.

24 **SECTION 14.** 46.82 (4) (a) 2. of the statutes is amended to read:

1 46.82 (4) (a) 2. In any county that has a county executive or county
2 administrator and that has established a single-county aging unit, the county
3 executive or county administrator shall appoint, subject to confirmation by the
4 county board of supervisors, the commission on aging. A member of a commission
5 on aging appointed under this subdivision may be removed at pleasure by the county
6 executive or county administrator ~~for cause~~.

7 **SECTION 15.** 46.82 (4) (c) of the statutes is amended to read:

8 46.82 (4) (c) *Terms.* Members of a county or tribal commission on aging shall
9 serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of
10 one-third of the members shall expire each year, and no member may serve more
11 than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the
12 original appointments. ~~A county or tribal commission on aging member appointed~~
13 ~~under par. (a) 1. may be removed from office for cause by a two-thirds vote of each~~
14 ~~county board of supervisors or tribal governing body participating in the~~
15 ~~appointment, on due notice in writing and hearing of the charges against the~~
16 ~~member. A county commission on aging member appointed under par. (a) 1. may be~~
17 ~~removed from office by a two-thirds vote of each county board of supervisors~~
18 ~~participating in the appointment, on due notice in writing.~~

19 **SECTION 16.** 51.41 (1d) (i) 1. a. of the statutes is amended to read:

20 51.41 (1d) (i) 1. a. If the Milwaukee County executive solicited suggestions for
21 nomination, the Milwaukee County executive, ~~for cause~~ at pleasure.

22 **SECTION 17.** 51.41 (1d) (i) 1. b. of the statutes is amended to read:

23 51.41 (1d) (i) 1. b. If the Milwaukee County board of supervisors suggested the
24 member for nomination, the Milwaukee County board of supervisors, ~~for cause~~ at
25 pleasure.

1 **SECTION 18.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

2 51.42 (4) (a) 1. a. ~~For cause, by~~ By a two-thirds vote of each county board of
3 supervisors participating in the appointment, on due notice in writing and ~~hearing~~
4 ~~of the charges against the member.~~

5 **SECTION 19.** 51.437 (7) (a) 1. of the statutes is amended to read:

6 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
7 supervisors in a county with a single-county department of developmental
8 disabilities services or the county boards of supervisors in counties with a
9 multicounty department of developmental disabilities services shall, before
10 qualification under this section, appoint a county developmental disabilities services
11 board. A county developmental disabilities services board appointed under this
12 subdivision shall govern the single-county or multicounty department of
13 developmental disabilities services. A member of a county developmental
14 disabilities services board appointed under this subdivision may be removed from
15 office ~~for cause~~ by a two-thirds vote of the appointing authority, on due notice in
16 writing and ~~hearing of the charges against the member.~~

17 **SECTION 20.** 51.437 (7) (a) 2. of the statutes is amended to read:

18 51.437 (7) (a) 2. In any county with a county executive or county administrator
19 and which has established a single-county department of developmental disabilities
20 services, the county executive or county administrator shall appoint, subject to
21 confirmation by the county board of supervisors, the county developmental
22 disabilities services board, which shall be only a policy-making body determining
23 the broad outlines and principles governing the administration of programs under
24 this section. A member of the county developmental disabilities services board

1 appointed under this subdivision may be removed at pleasure by the county
2 executive or county administrator ~~for cause~~.

3 **SECTION 21.** 59.25 (2) (a) of the statutes is amended to read:

4 59.25 (2) (a) The treasurer shall appoint one deputy to aid the treasurer, under
5 the treasurer's direction, in the discharge of the duties of the office of treasurer. ~~A~~
6 ~~deputy appointed under this paragraph may be removed only for just cause.~~ The
7 appointment shall be in writing and shall be filed and recorded in the treasurer's
8 office. Such deputy, in the absence of the treasurer from the treasurer's office or in
9 case of a vacancy in said office or any disability of the treasurer to perform the duties
10 of the office of treasurer, unless another is appointed therefor as provided in par. (b),
11 shall perform all of the duties of the office of treasurer until such vacancy is filled or
12 such disability is removed. The person so appointed shall take and file the official
13 oath. The person shall file his or her appointment with the clerk. The board may,
14 at its annual meeting or at any special meeting, provide a salary for the deputy.

15 **SECTION 22.** 59.255 (2) (b) of the statutes is amended to read:

16 59.255 (2) (b) The comptroller shall appoint one deputy to aid the comptroller,
17 under the comptroller's direction, in the discharge of the duties of the office of
18 comptroller. ~~A deputy appointed under this paragraph may be removed only for just~~
19 ~~cause.~~ The appointment shall be in writing and shall be filed and recorded in the
20 comptroller's office. Such deputy, in the absence of the comptroller from the
21 comptroller's office or in case of a vacancy in said office or any disability of the
22 comptroller to perform the duties of the office of comptroller, unless another is
23 appointed therefor as provided in par. (c), shall perform all of the duties of the office
24 of comptroller until such vacancy is filled or such disability is removed. The person
25 so appointed shall take and file the official oath. The person shall file his or her

1 appointment with the clerk. The board may, at its annual meeting or at any special
2 meeting, provide a salary for the deputy.

3 **SECTION 23.** 119.9001 (2) (c) of the statutes is amended to read:

4 119.9001 (2) (c) The commissioner shall report to the county executive and may
5 be removed from office only by the county executive ~~and only for cause.~~

6 **SECTION 24.** DHS 5.06 (title) of the administrative code is renumbered DHS
7 5.065 (title) and amended to read:

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

10 **SECTION 25.** DHS 5.06 (intro.) (except DHS 5.06 (title)) of the administrative
11 code is repealed.

12 **SECTION 26.** DHS 5.06 (1) (title) of the administrative code is repealed.

13 **SECTION 27.** DHS 5.06 (1) of the administrative code is renumbered DHS 5.065.

14 **SECTION 28.** DHS 5.06 (2) of the administrative code is repealed.

15 (END)

Mueller, Eric

From: Schaefer, Christopher
Sent: Tuesday, December 13, 2016 11:35 AM
To: Mueller, Eric
Subject: LRB 0192

Eric:

Could we get a slash one version of LRB 0192 drafted? Thank you.

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov