

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB1032)

Received: **03/08/2006**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Brian Hayes**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - 1st class cities**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Payment and repayment of a 1st class city police officer's salary after discharge

Instructions:

See attached. Based on s0646, w/ attached 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>
/?	mshovers 03/08/2006	kfollett 03/08/2006		_____			
/1	mshovers 03/09/2006	kfollett 03/09/2006	chaugen 03/08/2006	_____	mbarman 03/08/2006	mbarman 03/08/2006	
/2	chanaman 03/09/2006	rschluet 03/09/2006	rschluet 03/09/2006	_____	lnorthro 03/09/2006	lnorthro 03/09/2006	
/3			chaugen	_____	lnorthro	lnorthro	

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			03/09/2006 _____		03/09/2006	03/09/2006	

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/1	mshovers 03/09/2006	kfollett 03/09/2006	chaugen 03/08/2006	_____	mbarman 03/08/2006	mbarman 03/08/2006	
/2		<i>CMH</i>	rschluet 03/09/2006	<i>ch 3/9</i> <i>Def 3/9</i>	Inorthro 03/09/2006	Inorthro 03/09/2006	

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/?	mshovers 03/08/2006	kfollett 03/08/2006		_____			
/1		12kf 3/9/05	chaugen 03/08/2006	_____	mbarman 03/08/2006	mbarman 03/08/2006	

12MS 3/9/05
FE Sent For:
[Handwritten signature]
346

<END>

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1/?	mshovers	1/1/08	dh	3-8			
1/1/08	3/8/08	3/8	3-8	pk			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

APP - new sub to AB1032
based on 50646 Brian Hayes



50648/1

RMDR

Assembly
SENATE SUBSTITUTE AMENDMENT ,
TO 2005 SENATE BILL 649 1032

today
5pm

gls

1 **AN ACT to renumber and amend 62.50 (18); to amend 62.50 (14); and to create**
2 **62.50 (18) (b) of the statutes; relating to: repayment of a 1st class city police**
3 **officer's pay and benefits after suspension or discharge.**

Analysis by the Legislative Reference Bureau

Under current law, no member of the police force of a first class city (presently only Milwaukee) may be suspended or discharged without pay or benefits until the matter that is the subject of the suspension or discharge is disposed of by the Board of Fire and Police Commissioners (board) or the time for an appeal passes without an appeal being made. Currently, no member of a police force of a second, third, or fourth class city may be deprived of compensation while suspended, pending disposition of the charges.

Also under current law, if the board's decision upholding the discharge or suspension is reversed, the member must be reinstated to his or her former position in the department and is entitled to pay as if he or she was not suspended or discharged. Similar provisions apply to a second, third, or fourth class city police officer whose suspension or removal is reversed.

Under this substitute amendment, if a member of the police department appeals his or her discharge and the discharge is sustained, or if the appeal is not conducted due to the police officer's resignation, the officer is required to reimburse the city for any salary, pay, wages, or benefits he or she received, as a police officer,

or because the officer vacates his or her position

from the time that he or she was given notice of the discharge until the dismissal is disposed of by the board if the discharge results from conduct by, or an incident involving, an officer that resulted in felony charges being filed against the officer. The substitute amendment, however, provides that the officer may not be required to reimburse the city for all pay and benefits received if the officer and the city enter into an agreement specifying a lesser amount of reimbursement, including no reimbursement.

Currently, if the board receives a notice of appeal, it must schedule a trial within five and 15 days after service of the notice and copy of the complaint. This substitute amendment changes the time frame for scheduling a trial to between 30 and 60 days.

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

1 SECTION 1. 62.50 (14) of the statutes is amended to read:

2 62.50 (14) COMPLAINT. The board, after receiving the notice of appeal shall,
3 within 5 days, serve the appellant with a copy of the complaint and a notice fixing
4 the time and place of trial, which time of trial may not be less than 5 30 days nor more
5 than ~~15~~ 60 days after service of the notice and a copy of the complaint.

6 SECTION 2. 62.50 (18) of the statutes is renumbered 62.50 (18) (a) and amended
7 to read:

8 62.50 (18) (a) No chief officer of either department or member of the fire
9 department may be deprived of any salary ~~or, pay, wages, or benefits~~ for the period
10 of time suspended preceding an investigation or trial, unless the charge is sustained.
11 No member of the police force may be suspended or discharged under sub. (11) or (13)
12 without salary, pay, wages, or benefits until the matter that is the subject of the
13 suspension or discharge is disposed of by the board or the time for appeal under sub.
14 (13) passes without an appeal being made. If a member of the police force appeals
15 and if the discharge of the member is sustained by the board, or if the appeal is not
16 conducted due to the member's resignation, the member shall reimburse the city for
17 all salary, pay, wages, or benefits he or she received as a member of the police force

or because the member vacates his or her position

1 from the time that he or or she was given notice of the discharge until the date that
2 his or her discharge is disposed of by the board if the discharge results from conduct
3 of or an incident involving that member which resulted in felony charges being filed
4 against that member.

5 **SECTION 3.** 62.50 (18) (b) of the statutes is created to read:

6 62.50 (18) (b) Notwithstanding the requirement that a member of the police
7 force reimburse the city for all salary, pay, wages, or benefits he or she received, as
8 provided in par. (a), the member may reimburse the city a lesser amount, or no
9 amount, if the member and the city enter into a written agreement that specifies the
10 amount that the member must reimburse the city.

11 **SECTION 4. Initial applicability.**

12 (1) This act first applies to any member of the police force or fire department
13 who is covered by a collective bargaining agreement that contains provisions
14 inconsistent with this act on the day on which the collective bargaining agreement
15 expires or is extended, modified, or renewed, whichever occurs first.

16 (END)

Shovers, Marc

From: Hayes, Brian
Sent: Wednesday, March 08, 2006 4:59 PM
To: Shovers, Marc
Cc: Hogan, John
Subject: RE: Sub to SB 469

Substantivley, I don't think there's much difference between the versions.

But yes, it is the intent to have one amendment version so that the bills can be swapped more easily tomorrow.

The Senate committee has put forward a position. The Assembly would like a copy of that -- s0648/2 -- to Substitute for SSA1 to AB 1032.

From: Shovers, Marc
Sent: Wednesday, March 08, 2006 4:51 PM
To: Hogan, John; Hayes, Brian; Sklansky, Ron
Subject: RE: Sub to SB 469

I've drafted s0648/1 for the Speaker, based on instructions I received from Brian. Are you saying that s0648 should be redrafted to be identical to s0646/2, which is based on the instructions I just received from Ron?

From: Hogan, John
Sent: Wednesday, March 08, 2006 4:37 PM
To: Hayes, Brian; Sklansky, Ron
Cc: Shovers, Marc
Subject: RE: Sub to SB 469

Good point. I should have mentioned that.

From: Hayes, Brian
Sent: Wednesday, March 08, 2006 4:37 PM
To: Hogan, John; Sklansky, Ron
Subject: RE: Sub to SB 469

I've been working with Marc Shovers in LRB.

From: Hogan, John
Sent: Wednesday, March 08, 2006 4:31 PM
To: Sklansky, Ron
Cc: Hayes, Brian
Subject: Sub to SB 469

Ron,

We should get that jacketed for SB 649, as well as the Assembly companion right away too: AB 1032. Please send the Assembly sub to Brian Hayes in Speaker Gard's office. AB 1032 is on the Assembly floor tomorrow.

Thanks Ron,

John Hogan
Chief of Staff
Senator Dave Zien's Office
(608) 266-7511

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2005 - 2006 LEGISLATURE

50648/3

LRBs0646/2

MES:all:kjt

run from
50646/2

Run NA

ASSEMBLY
SENATE SUBSTITUTE AMENDMENT,
TO 2005 SENATE BILL 649 1032

Wanted:
1A m

regr

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12 **SECTION 4. Initial applicability.**

13 (1) This act first applies to any member of the police force or fire department
14 who is covered by a collective bargaining agreement that contains provisions
15 inconsistent with this act on the day on which the collective bargaining agreement
16 expires or is extended, modified, or renewed, whichever occurs first.

17 (2) If SECTION 4 (1) does not apply, this act first applies to any salary, pay, wages,
18 or benefits accrued by the member on the effective date of this subsection.

19 (END)