

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB192)

Received: 09/23/2011

Received By: **emueller**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Melissa Schmidt**

May Contact:

Drafter: **emueller**

Subject: **Local Gov't - counties**
Local Gov't - munis generally

Addl. Drafters:

Extra Copies: **MES**

Submit via email: **YES**

Requester's email: **Rep.Pocan@legis.wisconsin.gov**

Carbon copy (CC:) to: **Craig.Trost@legis.wisconsin.gov**

← **fixed**

Pre Topic:

No specific pre topic given

Topic:

Clarify prohibition.

Instructions:

See attached

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>
/?	emueller 09/23/2011	kfollett 09/23/2011		_____			
/1			rschluet 09/23/2011	_____	ggodwin 09/23/2011	ggodwin 09/23/2011	

FE Sent For:

<END>

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1/2	emueller	11/5 f					
1/1	EMM 9/23/11	9/23					

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

ASA
AB 192



LRB-0428/1 50188/1
EVM:kjf:rs

INSECT

2011 ASSEMBLY BILL 192

RMNR

in 9/23/11

June 23, 2011 - Introduced by Representatives POCAN, BARCA, BERCEAU, BEWLEY, HINTZ, HULSEY, JORGENSEN, MASON, PASCH, POPE-ROBERTS, RINGHAND, ROYS and SINICKI, cosponsored by Senators HANSEN, LASSA, RISSER, SCHULTZ and TAYLOR. Referred to Committee on Urban and Local Affairs.

legen

Today 9/23

1 AN ACT *to amend* 62.13 (2s) (a); and *to create* 59.28 (3), 60.55 (1) (c), 60.56 (1)
2 (c), 61.65 (9), 62.13 (2s) (e), 62.13 (11m) and 62.50 (4m) of the statutes; **relating**
3 **to:** provision of police or fire protection services by a county sheriff or
4 municipality.

Analysis by the Legislative Reference Bureau

Under current law, cities, villages, and towns (municipalities) and county sheriffs are subject to varying requirements regarding the provision of police and fire protection services. They are as follows:

1. A town board must provide fire protection services for the town and may provide law enforcement services for the town or any portion of the town.
2. A village with a population of 5,500 or more must provide fire protection services for the village. A village with a population of 5,000 or more must provide police protection services for the village and a village with a population of less than 5,000 may provide police protection services.
3. A city must provide police and fire protection services for the city.
4. A county sheriff must provide law enforcement services for the county.

Also under current law, a city or village may, subject to certain requirements, abolish its police department and contract with the county for the county sheriff to provide police protection services for the city or village.

Under this ~~bill~~, a municipality may not condition the provision of fire or police protection services and a sheriff may not condition the provision of law enforcement services on a person's payment of a fee, charge, or tax. Also, a contract between a city

Substitute amendment

to a person based

the

ASSEMBLY BILL 192

or village and a county for the county sheriff to provide law enforcement services for the city or village must require that the county sheriff not condition the provision of police protection services in the city or village on ~~a~~ ^{the} person's payment of a fee, charge, or tax.

to a person

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. 59.28 (3) of the statutes is created to read:

2 59.28 (3) The sheriff may not condition the provision of law enforcement
3 services on ~~a~~ ^{the} person's payment of a fee, charge, or tax.

under sub (1) to a person based

4 SECTION 2. 60.55 (1) (c) of the statutes is created to read:

5 60.55 (1) (c) The town board may not condition the provision of fire protection
6 in any portion of the town on ~~a~~ ^{based on the} person's payment of a fee, charge, or tax.

under par. (a) to a person

7 SECTION 3. 60.56 (1) (c) of the statutes is created to read:

8 60.56 (1) (c) The town board may not condition the provision of law enforcement
9 services in any portion of the town in which the town provides law enforcement
10 service on ~~a~~ ^{based on the} person's payment of a fee, charge, or tax.

11 SECTION 4. 61.65 (9) of the statutes is created to read:

12 61.65 (9) A village may not condition the provision of police or fire protection
13 services in any portion of the village in which the village provides police or fire
14 protection services on ~~a~~ ^{based on the} person's payment of a fee, charge, or tax.

under sub. (1)(a) (2)(a) to a person

15 SECTION 5. 62.13 (2s) (a) of the statutes is amended to read:

16 62.13 (2s) (a) Subject to pars. (b) to ~~(d)~~ ^(e), a city may abolish its police
17 department if it enters into a contract with a county under s. 59.03 (2) (e) for the
18 county sheriff to provide law enforcement services in all parts of the city. If the city
19 is located in more than one county, it may not abolish its police department under this

This subsection does not affect the sheriff's authority to enter into a contract to provide law enforcement services in addition to that required under Sub. (1) to a municipality.

ASSEMBLY BILL 192

1 paragraph unless the city enters into a contract under this paragraph with the
 2 county in which the greatest amount of the ~~city's~~ equalized value, population or
 3 territory is located. If a city that is located in ~~more than one~~ county enters into a
 4 contract with a county under this paragraph, the jurisdiction of the contracting
 5 county's sheriff and deputies includes the entire territory of the city.

INS
3-6

6 SECTION 6. 62.13 (2s) (e) of the statutes is created to read:

7 62.13 (2s) (e) A contract that is entered into under this subsection shall specify
 8 that the county sheriff may not condition the provision of law enforcement services
 9 in the city ^{based on the} on a person's payment of a fee, charge, or tax.

under the contract to a person

10 SECTION 7. 62.13 (11m) of the statutes is created to read:

11 62.13 (11m) PROVISION OF POLICE AND FIRE PROTECTION SERVICES. A city may not
 12 condition the provision of police or fire protection services ^{based on the} on a person's payment of
 13 a fee, charge, or tax.

under this section to a person in the city based

14 SECTION 8. 62.50 (4m) of the statutes is created to read:

15 62.50 (4m) PROVISION OF POLICE AND FIRE PROTECTION SERVICES. A 1st class city
 16 may not condition the provision of police or fire protection services ^{based on the} on a person's
 17 payment of a fee, charge, or tax.

18 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0188/?ins
EVM:.....

1

2

INS 3-6

3

4

✓

SECTION 1. 62.13 (2s) (a) of the statutes, as affected by 2011 Wisconsin Act 32,

5

is amended to read:

6

✓

62.13 (2s) (a) Subject to pars. (b) to ~~(d)~~ (e), a city may abolish its police

7

department or combined protective services department if it enters into a contract

8

with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement

9

services in all parts of the city. If the city is located in more than one county, it may

10

not abolish its police department or combined protective services department under

11

this paragraph unless the city enters into a contract under this paragraph with the

12

county in which the greatest amount of the city's equalized value, population or

13

territory is located. If a city that is located in more than one county enters into a

14

contract with a county under this paragraph, the jurisdiction of the contracting

15

county's sheriff and deputies includes the entire territory of the city.

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182; 2003 a. 205; 2005 a. 40; 2009 a. 173; 2011 a. 32.

Godwin, Gigi

From: Godwin, Gigi
Sent: Friday, September 23, 2011 3:21 PM
To: Trost, Craig
Subject: Attached: LRB 11s0188 (ASA-AB192)

Attachments: 11s0188/1



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2.pdf (30 KB)

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