



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1519/P1
MES:kjf:ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

***** ANALYSIS FROM -0644/3 *****

Under current law, local levy limits are applied to the property tax levies that are imposed in December 2010. Current law prohibits any city, village, town, or county (political subdivision) from increasing its levy by a percentage that exceeds its "valuation factor," which is the greater of either 3 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. In addition, the calculation of a political subdivision's levy does not include any tax increment that is generated by a tax incremental district, and the base amount of a political subdivision's levy, on which the levy limit is imposed, is the maximum allowable levy for the immediately preceding year.

This bill extends the levy limits to the property tax levies that are imposed in December 2011 and 2012, and changes the limit to the greater of either zero percent or the percentage change in the political subdivision's equalized value due to new construction less improvements removed.

Also under current law, the base amount of a political subdivision's levy in any year is the maximum allowable levy for the immediately preceding year. Under this bill, the maximum base amount of a political subdivision's levy is limited to its actual levy for the immediately preceding year.

This bill also requires a political subdivision to reduce its levy limit if the amount of its levy in the current year, for its payment of debt service for debt issued before July 1, 2005, is less than its levy for that purpose in the previous year. The

amount of the levy reduction is the amount by which its levy for such debt service was reduced.

***** ANALYSIS FROM -1356/2 *****

Generally under current law a village with a population of at least 5,000 is required to provide police protection services by creating its own police department, by contracting for police protection services with a political subdivision, or by creating a joint police department with another city, village, or town (municipality). Also under current law, in general, a village with a population of at least 5,500 is required to provide fire protection services by methods that are similar to the way in which it provides police services.

Current law also authorizes any village to provide police and fire protection services (protection services) in one of two additional ways. The first way is by using a combined protective services department, which is neither a police department nor a fire department, which was created before January 1, 1987, and in which the same person may be required to perform police protection and fire protection duties (protection duties), subject to some limitations on consecutive hours that may be worked in police protection. The second way is by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform protection duties, subject to some limitations on consecutive hours that may be worked in police protection and subject to the limitation that those persons were required to perform those duties before January 1, 1987. In either case, the village may designate any person required to perform protection duties as primarily a police officer or fire fighter for purposes related to presumptions related to certain employment-related diseases.

Generally under current law, 2nd, 3rd, and 4th class cities (presently all cities other than Milwaukee) with populations of at least 4,000 must have police departments and fire departments, and may have joint departments with other municipalities. Such cities are generally required to have a board of police and fire commissioners, which appoint the police and fire chiefs who, in turn, appoint subordinates subject to approval by the board. Current law also authorizes a city to abolish its police department if it enters into a contract with a county under which the sheriff provides law enforcement services to the city.

Under a decision of the Wisconsin Supreme Court, *Local Union No. 487, IAFF-CIO, v. City of Eau Claire*, 147 Wis. 2d 519 (1989), cities may not create combined protective services departments or require persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform protection duties.

This bill authorizes 2nd, 3rd, and 4th class cities, and towns, to provide protection services in the same two additional ways that villages may do so, either by creating a combined protective services department which is neither a police department nor a fire department and in which the same person may be required to perform protection duties, or by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform protection duties. The bill also removes the limitations on

villages relating to the creation of a department, and the requirement relating to the performance of duties, before January 1, 1987.

Under the bill, municipalities may designate any person who is required to perform police protection and fire protection duties as primarily a police officer or fire fighter for purposes relating to rest days, consecutive hours worked, hours of labor, rules for leaving the city, and presumptions related to certain employment-related diseases. These requirements and limitations that apply to persons designated as primarily a police officer or fire fighter under the bill apply to police officers and fire fighters under current law. If a city creates a combined protective services department, the city must create a chief of the department and must abolish the offices of chief of police and fire chief. The chief of a combined protective services department has the same authority as the chief of police and fire chief had.

*** ANALYSIS FROM -1343/1 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, to participate in a public library system a municipal, county, or joint public library (local library) or a county must meet a maintenance of effort requirement. A county must maintain its financial support for library services at a level not lower than the average support of the previous three years. A local library must receive total funding from its governing body in an amount of not less than the average amount of the previous three years. This bill repeals these maintenance of effort requirements.

*** ANALYSIS FROM -1323/P1 ***

This bill authorizes a county board to direct its clerk of courts to operate a self-help center in the county courthouse to provide individuals with information regarding the court system. The information provided may include guidance on small claims and family law proceedings, where to obtain legal advice and forms, and how to represent oneself in court. A self-help center may be staffed by county employees or volunteers, although no staff member may provide legal advice to self-help center patrons. The bill also authorizes a county to impose a fee on individuals who use the services provided by a self-help center.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

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

2011 DRAFTING REQUEST

Bill

Received: 02/22/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing:

May Contact:

Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Analysis compile for local government

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>
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/P1	chanaman			_____			

FE Sent For:

<END>

11-0843/P1	out		1/5/11	BB0193	tkuczens	Hynek	Education - school boards	Repeal prohibition on beginning school year prior to September 1
11-0882/?			2/9/11	BB0195	tkuczens	Hynek	Education - school finance	Changes to equalization aid formula
11-1250/?			2/4/11	BB0292	tkuczens	hanle	Education - school boards	School board contracting
11-1270/P1			2/3/11	BB0293	tkuczens	Boggs	Education - charter schools	Educational Approval Board - Statewide charter (schools) authority
11-1289/P1			2/7/11	BB0300	tkuczens	hanle	Courts - miscellaneous, Education - school boards	Interest payments on school employee back pay

Local Gov't

1) -0644/3

Revise local levy limits

2) -1356/1

Combined prot. service depts

3) -1343

Fees for court self-help center

1B) -1323



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MES: kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

See pp. 2-3

AN ACT ...; relating to: the budget (1)

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

***** ANALYSIS FROM -0644/3 *****

X

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before July 1, 2005, is less than its levy for that purpose in the previous year. The amount of the levy reduction is the amount by which its levy for such debt service was reduced.

***** ANALYSIS FROM -1356/2 *****

no heading in component draft

Generally under current law a village with a population of at least 5,000 is required to provide police protection services by creating its own police department, by contracting for police protection services with a city, village, town, or county, or by creating a joint police department with another city, village, or town. Also under current law, in general, a village with a population of at least 5,500 is required to provide fire protection services by creating its own fire department, by contracting for fire protection services with a city, village, or town, or by creating a joint fire department with another city, village, or town.

political subdivisions (municipality)

Current law also authorizes any village to provide police and fire protection services in one of two additional ways. The first way is by using a combined protective services department, which is neither a police department nor a fire department, which was created before January 1, 1987, and in which the same person may be required to perform police protection and fire protection duties, subject to some limitations on consecutive hours that may be worked in police protection. The second way is by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform police protection and fire protection duties, subject to some limitations on consecutive hours that may be worked in police protection and subject to the limitation that those persons were required to perform those duties before January 1, 1987. In either case, the village may designate any person required to perform police protection and fire protection duties as primarily a police officer or fire fighter for purposes related to presumptions related to certain employment-related diseases.

(protection services)

by methods that are similar to the way in which it provides police service

(protective duties)

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municipalities

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X

X

X

X persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform ~~police protection and fire~~ protection duties. The bill also removes the limitations on villages relating to the creation of a department, and the requirement relating to the performance of duties, before January 1, 1987.

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stays → ***** ANALYSIS FROM -1343/1 *****
 EDUCATION
 OTHER EDUCATIONAL AND CULTURAL AGENCIES
 Education

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