

1985 Assembly Bill 433

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## 1985 Wisconsin Act 166

AN ACT to repeal 61.65 (1) (b) 2. b; to renumber 61.65 (1) (b) 2. a; to amend 61.65 (1) (b) 1. b and 62.13 (2) (a); and to create 60.56 (1) (am), 61.65 (1) (am) and 62.13 (6m) of the statutes, relating to requiring a due process hearing for certain law enforcement officers.

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

SECTION 1. 60.56 (1) (am) of the statutes is created to read:

60.56 (1) (am) If a town board establishes a town police department under par. (a) 1 or 2 and does not

create a board of police commissioners singly or in combination with another town, village or city, the town board may not suspend, reduce, suspend and reduce, or remove any police chief or other law enforcement officer who is not probationary unless the board follows the procedure under s. 62.13 (5). To

act under this paragraph in place of the board of police and fire commissioners under s. 62.13, the town may do either of the following:

1. Establish a committee of not less than 3 members, none of whom may be an elected or appointed official of the town or be employed by the town. The town shall pay each member for the member's cost of serving on the committee.

2. Send a written request for a hearing examiner to the division of hearings and appeals under s. 15.103 (1). The town shall reimburse the state for the state's costs under this subdivision.

SECTION 2. 61.65 (1) (am) of the statutes is created to read:

61.65 (1) (am) If a village establishes a police department under par. (a) 1 or 3 and does not create a board of police commissioners singly or in combination with another municipality, the village may not suspend, reduce, suspend and reduce, or remove any police chief or other law enforcement officer who is not probationary unless the village follows the procedure under s. 62.13 (5). To act under this paragraph in place of the board of police and fire commissioners under s. 62.13, the village may do either of the following:

1. Establish a committee of not less than 3 members, none of whom may be an elected or appointed official of the village or be employed by the village. The village shall pay each member for the member's cost of serving on the committee.

2. Send a written request for a hearing examiner to the division of hearings and appeals under s. 15.103 (1). The village shall reimburse the state for the state's costs under this subdivision.

SECTION 3. 61.65 (1) (b) 1. b of the statutes is amended to read:

61.65 (1) (b) 1. b. Each village with a population of 5,000 or more ~~but less than 5,500~~ that creates a joint

police department with another municipality shall create a joint board of police commissioners with that municipality to govern the joint department.

SECTION 4. 61.65 (1) (b) 2. a of the statutes is renumbered 61.65 (1) (b) 2.

SECTION 5. 61.65 (1) (b) 2. b of the statutes is repealed.

SECTION 6. 62.13 (2) (a) of the statutes is amended to read:

62.13 (2) (a) ~~Subsections~~ Except as provided under sub. (6m), subs. (1) to (6) shall not apply to cities of less than 4,000 population except by ordinance adopted by a majority of all the members of the council. A repealing ordinance may be adopted by a like vote.

SECTION 7. 62.13 (6m) of the statutes is created to read:

62.13 (6m) If a city of less than 4,000 population has not by ordinance applied subs. (1) to (6) to the city, the city may not suspend, reduce, suspend and reduce, or remove any police chief or other law enforcement officer who is not probationary unless the city follows the procedure under sub. (5). To act under this subsection in place of the board of police and fire commissioners under subs. (1) to (6), the city may do either of the following:

(a) Establish a committee of not less than 3 members, none of whom may be an elected or appointed official of the city or be employed by the city. The city shall pay each member for the member's cost of serving on the committee.

(b) Send a written request for a hearing examiner to the division of hearings and appeals under s. 15.103 (1). The city shall reimburse the state for the state's costs under this paragraph.

SECTION 7m. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (9)	none	60.56 (1) (am), 61.65 (1) (am), 62.13 (6m)

SECTION 8. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
60.56 (1) (a) 2	61.65 (1) (b) 2	61.65 (1) (b) 1. b

SECTION 9. **Initial applicability.** The treatment of sections 60.56 (1) (am), 61.65 (1) (am) and 62.13 (2) (a) and (6m) of the statutes by this act first applies to any police chief or other law enforcement officer who is subject to any provision of a collective bargaining agreement which is in conflict with sections 60.56 (1)

(am), 61.65 (1) (am) and 62.13 (2) (a) and (6m) of the statutes, as affected by this act, on the effective date of this act on the date of expiration of such a collective bargaining agreement as shown in the agreement when the parties to the agreement entered into the agreement.