



2011 SENATE BILL 128

June 10, 2011 - Introduced by Senators HANSEN, LASSA, RISSER, SCHULTZ and TAYLOR, cosponsored by Representatives POCAN, BARCA, BERCEAU, BEWLEY, HINTZ, HULSEY, JORGENSEN, MASON, PASCH, POPE-ROBERTS, RINGHAND, ROYS and SINICKI. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

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

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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 person's payment of a fee, charge, or tax.

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 person's payment of a fee, charge, or tax.

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 person's payment of a fee, charge, or tax.

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 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 person's payment of a fee, charge, or tax.

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

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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.

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 on a person's payment of a fee, charge, or tax.

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 on a person's payment of
13 a fee, charge, or tax.

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 on a person's
17 payment of a fee, charge, or tax.

18 (END)