



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2771/5  
MES:all

## 2015 ASSEMBLY BILL 492

November 10, 2015 - Introduced by Representatives BRANDTJEN, MURPHY, R. BROOKS, CRAIG, EDMING, GANNON, HORLACHER, JACQUE, KLEEFISCH, KREMER, T. LARSON, MURTHA, THIESFELDT and TITTL. Referred to Committee on Urban and Local Affairs.

1     **AN ACT** *to create* 66.0408 of the statutes; **relating to:** local ordinances and  
2             providing a reduction in shared revenue payments.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits a city, village, town, or county (political subdivision) from enacting an ordinance, adopting a resolution, or establishing a policy that would prohibit an employee from inquiring whether an individual who receives public services is lawfully present in the state, notifying the federal government of the presence of aliens who are not lawfully present, or acting according to or complying with state law regarding arrested persons who are not lawfully present. Under the bill, a state resident who believes that a political subdivision is not complying with these requirements may petition for a writ of mandamus requiring compliance, and, if a court finds that a political subdivision has failed to comply, the department of revenue must reduce the political subdivision's shared revenue payments in the next year by \$500 to \$5,000, depending on the political subdivision's population, for each day of noncompliance.

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

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

3             **SECTION 1.** 66.0408 of the statutes is created to read:

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**SECTION 1**

1           **66.0408 Local ordinances, immigration status, illegal aliens. (1)**

2           DEFINITIONS. In this section:

3           (a) "Illegal alien" means an individual who is not a U.S. citizen and who is not  
4 lawfully present in the United States.

5           (b) "Political subdivision" means a city, village, town, or county.

6           (c) "Satisfactory immigration status" means immigration status under which  
7 an individual who is not a U.S. citizen is lawfully present in this country.

8           **(2) INQUIRIES ABOUT IMMIGRATION STATUS; REPORTING ILLEGAL ALIENS.** (a) A  
9 political subdivision may not enact an ordinance, adopt a resolution, or establish a  
10 policy that prohibits an employee of that political subdivision from doing any of the  
11 following:

12           1. Inquiring whether an individual seeking or receiving public services from  
13 the political subdivision has satisfactory immigration status.

14           2. Notifying the federal government of the presence of illegal aliens in the  
15 political subdivision.

16           (b) If a political subdivision has in effect on the effective date of this paragraph  
17 .... [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with  
18 par. (a), the ordinance, resolution, or policy does not apply and may not be enforced.

19           **(3) PRIVATE RIGHT OF ACTION.** (a) If a resident of this state believes that an  
20 employee of a political subdivision is acting in a way that is inconsistent with sub.  
21 (2) (a), the resident may file a writ of mandamus with the circuit court of the county  
22 in which the activity is alleged to have occurred to compel the political subdivision  
23 to comply with sub. (2).

24           (b) If the court finds that the political subdivision has failed to comply with sub.  
25 (2) (a), the department of revenue shall reduce the amount of the shared revenue

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1 payments to the political subdivision under subch. I of ch. 79 in the following year  
2 by one of the following amounts for each day after the filing of an action under par.

3 (a) that the political subdivision was noncompliant:

4 1. If the population of the political subdivision is less than 10,000, \$500.

5 2. If the population of the political subdivision is at least 10,000 but less than  
6 100,000, \$1,000.

7 3. If the population of the political subdivision is at least 100,000 but less than  
8 250,000, \$2,000.

9 4. If the population of the political subdivision is 250,000 or more, \$5,000.

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**(END)**