

November 1987 Spec. Sess.
Assembly Bill 6

Date of enactment: June 10, 1988
Date of publication: June 16, 1988

1987 Wisconsin Act 418 (Vetoed in Part)

AN ACT *to repeal* 29.599 (3) and 29.599 (4) (b); *to renumber* 29.599 (1) (a); *to amend* ~~20.455 (2) (b)~~, 29.599 (2) (b) and (c) (intro.) and 3, 29.599 (4) (title), 29.599 (4) (a), 29.599 (4) (c) and ~~165.87 (1) (a)~~; and *to create* 20.370 (4) (gm), ~~20.455 (2) (c)~~, 29.599 (1) (a) and ~~165.88~~ of the statutes, relating to spearfishing enforcement aids, law enforcement assistance, granting rule-making authority, and making appropriations. **Vetoed in Part**

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

~~20.455 Justice, department of~~ **Vetoed in Part**
~~(2) LAW ENFORCEMENT SERVICES~~
~~(jc) Law enforcement~~
~~assistance~~ PR A -Q- 700,000

SECTION 3. 20.370 (4) (gm) of the statutes is created to read:

20.370 (4) (gm) *Enforcement aids — spearfishing enforcement; federal funds.* All moneys received from the federal government as spearfishing enforcement aids to make payments to counties and municipalities under s. 29.599 to reimburse them for certain law enforcement costs associated with spearfishing. No moneys from this appropriation may be encumbered after June 30, 1989.

**Vetoed
in Part**

~~SECTION 3d. 20.455 (2) (i) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:~~

~~20.455 (2) (i) *Penalty assessment surcharge receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) or transferred from par. (j) shall be credited to this appropriation. These moneys may be transferred to pars. (f) and (g) by the secretary of administration for expenditures based upon determinations by the department of justice, except \$130,000 shall be transferred to par. (f) in each fiscal year and \$700,000 shall be transferred to par. (g) in fiscal year 1988-89.~~

SECTION 3m. 20.455 (2) (j) of the statutes is created to read:

20.455 (2) (j) *Law enforcement assistance.* The amounts in the schedule for law enforcement assistance payments to cities under s. 165.88. All moneys transferred from par. (i) shall be credited to this appropriation. All moneys from this paragraph which are not expended or encumbered at the end of a fiscal year shall be transferred to par. (i).

SECTION 4. 29.599 (1) (a) of the statutes, as created by 1987 Wisconsin Act 27, is renumbered 29.599 (1) (p).

SECTION 5. 29.599 (1) (a) of the statutes is created to read:

29.599 (1) (a) "Additional law enforcement services" means an extraordinary type or level of service which is not normally provided or budgeted for by a law enforcement agency.

SECTION 6. 29.599 (2) (b) and (c) (intro.) and 3 of the statutes, as created by 1987 Wisconsin Act 27, are amended to read:

29.599 (2) (b) *Daily records.* Maintain daily records of any costs for additional law enforcement services incurred by law enforcement agencies that are directly related to spearfishing and make the daily records available, upon request, to the department for inspection at periodic times during normal business hours.

(c) *Filing of application.* (intro.) File an application for state aid with the department by June July 1 of the calendar year in which additional law enforcement services are provided, specifying all of the following:

3. Any additional other costs, such as the cost of supplies and support services as specified by the department, incurred by the county or municipality that are directly attributable to the providing additional law enforcement services provided during the spearfishing season.

SECTION 7. 29.599 (3) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 8. 29.599 (4) (title) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:
29.599 (4) (title) AID PAYMENTS.

SECTION 9. 29.599 (4) (a) of the statutes, as affected by 1987 Wisconsin Acts 27 and 399, is amended to read:

29.599 (4) (a) *Costs reimbursed.* Except as provided under par. (c), the department shall may pay each participating county or municipality up to 100% of the county's or municipality's actual costs that are directly attributable to providing additional law enforcement services during the spearfishing season. The department shall make state any aid payments from the appropriation appropriations under s. 20.370 (4) (ga) and (gm) by June 30 July 31 of the calendar year in which the county or municipality files an application under sub. (2) (c). The department may not make an aid payment unless the payment is approved by the secretary of administration.

SECTION 10. 29.599 (4) (b) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 11. 29.599 (4) (c) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

29.599 (4) (c) *Prorated payments allowed.* If the total amount of reimbursable costs under par. (a) ~~or~~ (b) exceeds the amount available for payments under s. 20.370 (4) (ga) and (gm), the department may prorate payments to participating counties and municipalities.

~~SECTION 11b. 165.87 (1) (a) of the statutes, as affected by 1987 Wisconsin Acts 27 and 326, is amended to read:~~

~~165.87 (1) (a) Eleven-twentieths of all moneys collected from penalty assessments under this section shall be deposited in s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5). The moneys deposited in s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (f) and (g), constitute the law enforcement training fund.~~

~~SECTION 11c. 165.88 of the statutes is created to read:~~

~~165.88 *Law enforcement assistance.* (1) In this section, "strike" includes any strike or other concerted stoppage of work by employees, or any concerted slow-down or other concerted interruption of operations or services by employees, or any concerted refusal to work or perform their usual duties as employees.~~

~~(2) The department of justice shall make payments to cities for costs incurred in calendar years 1987 and 1988. A city may apply for reimbursement for 50% of~~

**Vetoed
in Part**

Vetoed in Part its law enforcement overtime costs which are incurred regarding maintenance of the peace at the site of any strike which is in active progress.

(3) The department of justice shall make payments from the appropriation under s. 20.455 (2) (js) to each city which is entitled to reimbursement under sub. (2) and which makes an application in accordance with rules promulgated under sub. (5), subject to the following limitations:

(a) A city shall not receive more than \$200,000 for costs incurred in any calendar year.

(b) The department of justice may not expend more than \$350,000 for costs incurred in any calendar year. If the total amount of the eligible claims for reimbursement under sub. (2) exceeds \$350,000 for a calendar year, the department shall prorate the payments.

(4) For costs incurred in calendar years 1987 and 1988, the department shall make payments in fiscal year 1988-89.

(5) The department of justice shall promulgate rules to administer this section. On or before January 1, 1989, the department shall promulgate emergency rules under s. 227.24 to administer this section, regardless of whether the criteria under s. 227.24 (1) (a) have been met. Upon request, the department of industry, labor and human relations shall provide the department of justice with technical assistance with rules pertaining to the determination of the existence of a strike.

(6) This section does not apply on or after June 30, 1989.

SECTION 11f. Nonstatutory provisions. Of the amount appropriated under section 20.370 (4) (ga) of

the statutes, \$50,000 in fiscal year 1988-89 may not be expended without the approval of the joint committee on finance, upon notification by the secretary of administration that additional funding is required to reimburse counties and municipalities under section 29.599 of the statutes.

SECTION 11m. Nonstatutory provisions. The department of natural resources shall seek reimbursement from the federal government for all costs incurred by counties and municipalities that are directly attributable to providing additional law enforcement services during the spearfishing season. In addition, the department shall request the following state agencies to submit estimates and documentation regarding costs incurred by these agencies that are directly attributable to providing or supporting additional law enforcement services during the spearfishing season and shall also seek reimbursement from the federal government for these costs: the department of administration, division of emergency government; the department of natural resources; the department of transportation; and the department of justice.

SECTION 13. Appropriation changes; natural resources. The appropriation to the department of natural resources under section 20.370 (4) (ga) of the statutes, as affected by the acts of 1987, is increased by \$165,000 in fiscal year 1988-89 to provide additional funding for spearfishing law enforcement aids.

SECTION 14. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 165.87 (1) (a) of the statutes takes effect on July 1, 1988.

Vetoed in Part