

2001 ASSEMBLY BILL 791

February 12, 2002 – Introduced by Representatives STARZYK, POWERS, GRONEMUS, STEINBRINK, LOEFFELHOLZ, KRAWCZYK, MUSSER, JESKEWITZ, LADWIG, OLSEN, HUEBSCH, SKINDRUD, NASS, FREESE, OWENS, M. LEHMAN, GUNDERSON, URBAN, AINSWORTH, SERATTI, JOHNSRUD, TOWNSEND, MILLER, GROTHMAN, HAHN, SYKORA, VRAKAS, JENSEN, RYBA and SHILLING, cosponsored by Senators ZIEN, WIRCH and ROESSLER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to renumber and amend* 66.0303 (3); *to amend* 60.55 (1) (a) 4. and
 2 61.65 (2) (a) 4.; and *to create* 66.0303 (3) (b) of the statutes; **relating to:** the
 3 provision of fire protection by towns and villages and removing the attorney
 4 general's review of interstate compacts relating to fire fighting and emergency
 5 medical services.

Analysis by the Legislative Reference Bureau

Under current law a town, and a village with a population of at least 5,500, is required to provide fire protection for the town or village. A town may provide such protection by establishing a town fire department, establishing a joint fire department with another city, village, or town (municipality), contracting with any person, or utilizing a fire company organized under chapter 213 of the statutes. A village may provide fire protection by creating its own fire department, contracting for fire protection services with a municipality, creating a joint fire department with another municipality, or utilizing a fire company organized under chapter 213 of the statutes.

Under this bill, a village or town may also provide fire protection services by utilizing a fire company organized under chapter 180 or 181 of the statutes.

Also under current law, most local governmental units (including cities, villages, towns, counties, school districts, public library systems, metropolitan sewerage districts, sanitary districts, and regional planning commissions) may enter into contracts with local governmental units of another state for the receipt or

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furnishing of services or the joint exercise of any power or duty. Such agreements have the status of interstate compacts and, in general, must be reviewed and approved by the attorney general before they may take effect.

Under this bill, an interstate agreement that relates to the receipt, furnishing, or joint exercise of fire fighting or emergency medical services need not be submitted to or approved by the attorney general before the agreement may take effect.

For further information see the *state and 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.** 60.55 (1) (a) 4. of the statutes is amended to read:

2 60.55 **(1)** (a) 4. Utilizing a fire company organized under ch. 180, 181, or 213.

3 **SECTION 2.** 61.65 (2) (a) 4. of the statutes is amended to read:

4 61.65 **(2)** (a) 4. Utilizing a fire company organized under ch. 180, 181, or 213,

5 except that this subdivision does not apply in a village that provides fire protection
6 services under subd. 1. on December 9, 1993.

7 **SECTION 3.** 66.0303 (3) of the statutes is renumbered 66.0303 (3) (a) and
8 amended to read:

9 66.0303 **(3)** (a) ~~An~~ Except as provided in par. (b), an agreement made under this
10 section shall, prior to and as a condition precedent to taking effect, be submitted to
11 the attorney general who shall determine whether the agreement is in proper form
12 and compatible with the laws of this state. The attorney general shall approve any
13 agreement submitted under this subsection unless the attorney general finds that
14 it does not meet the conditions set forth in this section and details in writing
15 addressed to the concerned municipal governing bodies the specific respects in which
16 the proposed agreement fails to meet the requirements of law. Failure to disapprove
17 an agreement submitted under this subsection within 90 days of its submission
18 constitutes approval. The attorney general, upon submission of an agreement, shall

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1 transmit a copy of the agreement to the governor who shall consult with any state
2 department or agency affected by the agreement. The governor shall forward to the
3 attorney general any comments the governor may have concerning the agreement.

4 **SECTION 4.** 66.0303 (3) (b) of the statutes is created to read:

5 66.0303 (3) (b) An agreement under this section between a municipality of this
6 state and a municipality of another state that relates to the receipt, furnishing, or
7 joint exercise of fire fighting or emergency medical services need not be submitted
8 to or approved by the attorney general under sub. (2) before the agreement may take
9 effect.

10 (END)