

2005 ASSEMBLY BILL 79

1 **AN ACT** *to amend* 59.03 (2) (c), 59.26 (1) (intro.), 59.26 (2), 59.26 (3), 59.26 (8) (a),
2 61.65 (1) (a) (intro.), 62.09 (1) (a) and 62.13 (1); and *to create* 59.26 (10), 59.27
3 (13), 61.65 (1) (a) 4. and 62.13 (2s) of the statutes; **relating to:** authorizing a
4 city or a village to abolish its police department and contract for law
5 enforcement services with a county.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 59.03 (2) (c) of the statutes is amended to read:
7 59.03 **(2)** (c) Whenever the request under par. (a) or acceptance under par. (b)
8 of a municipality ~~shall be~~ is by resolution of its governing board, ~~such~~ the request or
9 acceptance shall not go into effect until the expiration of 60 days from the adoption
10 of the resolution or, in the case of county law enforcement services provided to a city

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1 as described in s. 62.13 (2s), as provided in s. 62.13 (2s) (d). If a petition under s. 9.20
2 for direct legislation on the request or acceptance ~~shall be~~ is filed before the
3 expiration of said 60 days, the resolution of the governing board ~~shall be~~ is of no effect
4 but the request or acceptance of such municipality shall be determined by direct
5 legislation, except that no petition for direct legislation under s. 9.20 may be filed to
6 approve or reject a contract entered into by a city and a county under s. 62.13 (2s).

7 **SECTION 2.** 59.26 (1) (intro.) of the statutes is amended to read:

8 59.26 (1) (intro.) Within 10 days after entering upon the duties of the office of
9 sheriff, the sheriff shall appoint some proper person, who is a resident of the county,
10 undersheriff. However, in counties with a population of 500,000 or more the
11 appointment of an undersheriff is optional. In counties where the sheriff's
12 department is under civil service, the sheriff, in conformity with county ordinance,
13 may, at the request of the affected deputy, grant a leave of absence to a deputy sheriff
14 who the sheriff has appointed undersheriff, or to any other position in the sheriff's
15 department, upon the deputy's acceptance of the appointment. Any deputy in a
16 county under civil service granted leave of absence under this subsection upon
17 completion of the appointive position shall immediately be returned to the position
18 of deputy sheriff and shall continue therein without loss of any rights under the civil
19 service law. The sheriff, however, may not grant such leave of absence to a deputy
20 sheriff until the sheriff first secures the consent of the board by resolution duly
21 adopted by the board. Within 10 days after entering upon the duties of the office of
22 sheriff, the sheriff shall also appoint, subject to sub. (10), deputy sheriffs for the
23 county as follows:

24 **SECTION 3.** 59.26 (2) of the statutes is amended to read:

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1 59.26 (2) The Subject to sub. (10), the sheriff may appoint as many other
2 deputies as the sheriff considers proper.

3 **SECTION 4.** 59.26 (3) of the statutes is amended to read:

4 59.26 (3) The Subject to sub. (10), the sheriff may fill vacancies in the office of
5 any such appointee, and he or she may appoint a person to take the place of any
6 undersheriff or deputy who becomes incapable of executing the duties of that office.

7 **SECTION 5.** 59.26 (8) (a) of the statutes is amended to read:

8 59.26 (8) (a) In any county with a population of less than 500,000, the board,
9 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
10 at not less than that number required by sub. (1) (a) and (b) and may set the salary
11 of those deputies. The Subject to sub. (10), the board may provide by ordinance that
12 deputy sheriff positions be filled by appointment by the sheriff from a list of all
13 persons with the 3 highest scores for each position based on a competitive
14 examination. Such competitive examinations may be by a county civil service
15 commission or by the division of merit recruitment and selection in the office of state
16 employment relations at the option of the board and it shall so provide by ordinance.
17 The division of merit recruitment and selection in the office of state employment
18 relations shall, upon request of the board, conduct such examination according to the
19 methods used in examinations for the state civil service and shall certify an eligible
20 list of the names of all persons with the 3 highest scores on that examination for each
21 position to the sheriff of that county who shall, subject to sub. (10), make an
22 appointment from that list to fill the position within 10 days after he or she receives
23 the eligible list. The county for which such examination is conducted shall pay the
24 cost of that examination. If a civil service commission is decided upon for the
25 selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent

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1 with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision
2 governing minimum compensation of the commissioners. The ordinance or an
3 amending ordinance may provide for employee grievance procedures and
4 disciplinary actions, for hours of work, for tours of duty according to seniority and for
5 other administrative regulations. Any board provision consistent with this
6 paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy
7 sheriff position by promotion, the sheriff shall, subject to sub. (10), make the
8 appointment to the position from a list of 3 deputy sheriffs who receive the highest
9 scores in a competitive examination. Such competitive examinations may be by a
10 county civil service commission or by the division of merit recruitment and selection
11 in the office of state employment relations at the option of the board and it shall so
12 provide by ordinance.

13 **SECTION 6.** 59.26 (10) of the statutes is created to read:

14 59.26 (10) (a) Notwithstanding the provisions in subs. (1) (intro.), (2), (3), and
15 (8) (a), and subject to par. (b), if a county provides law enforcement services to a city
16 or village under ss. 59.03 (2) (e) and 62.13 (2s) and if the sheriff appoints additional
17 deputies under sub. (2) to provide the services, the sheriff shall, to the greatest extent
18 possible, fill the additional deputy positions from the ranks of former police officers
19 who lost their positions when their department was abolished under s. 62.13 (2s) (a).
20 With regard to each contract that is entered into under s. 59.03 (2) (e), this provision
21 does not apply on or after the first day of the 25th month beginning after the contract
22 takes effect in the county.

23 (b) Paragraph (a) applies only to the extent that it is not inconsistent with any
24 collective bargaining agreement that is in effect between a county and its employees.

25 **SECTION 7.** 59.27 (13) of the statutes is created to read:

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1 59.27 (13) Enforce all city, or village, ordinances in a city, or village, in which
2 the sheriff provides law enforcement services under a contract described under s.
3 62.13 (2s) (a).

4 **SECTION 8.** 61.65 (1) (a) (intro.) of the statutes is amended to read:

5 61.65 (1) (a) (intro.) Except as provided under s. 61.66, each village with a
6 population of 5,000 or more shall, and each village with a population of under 5,000
7 may, provide police protection services by one of the following methods:

8 **SECTION 9.** 61.65 (1) (a) 4. of the statutes is created to read:

9 61.65 (1) (a) 4. Abolishing its police department and entering into a contract
10 with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement
11 services in all parts of the village. If the village is located in more than one county,
12 it may not abolish its police department under this subdivision unless the village
13 enters into a contract under this subdivision with the county in which the greatest
14 amount of the village's equalized value, population, or territory is located. If a village
15 wishes to abolish its police department under this subdivision, it shall act under s.
16 62.13 (2s), and s. 62.13 (2s), as it applies to cities, applies to villages.

17 **SECTION 10.** 62.09 (1) (a) of the statutes is amended to read:

18 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
19 attorney, engineer, one or more assessors unless the city is assessed by a county
20 assessor under s. 70.99, one or more constables as determined by the common
21 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
22 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
23 except in cities where not applicable, chief of police except in a city that has abolished
24 its police department under s. 62.13 (2s), chief of the fire department, board of public
25 works, 2 alderpersons from each aldermanic district, and such other officers or

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1 boards as are created by law or by the council. If one alderperson from each
2 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance
3 adopted by a two-thirds vote of all its members and approved by the electors at a
4 general or special election, provide that there shall be 2 alderpersons from each
5 aldermanic district.

6 **SECTION 11.** 62.13 (1) of the statutes is amended to read:

7 62.13 (1) COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each
8 city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of
9 whom shall constitute a quorum. The mayor shall annually, between the last
10 Monday of April and the first Monday of May, appoint in writing to be filed with the
11 secretary of the board, one member for a term of 5 years. No appointment shall be
12 made which will result in more than 3 members of the board belonging to the same
13 political party. The board shall keep a record of its proceedings.

14 **SECTION 12.** 62.13 (2s) of the statutes is created to read:

15 62.13 (2s) ABOLITION OF POLICE DEPARTMENT, COUNTY LAW ENFORCEMENT. (a)
16 Subject to pars. (b) to (d), a city may abolish its police department if it enters into a
17 contract with a county under s. 59.03 (2) (e) for the county sheriff to provide law
18 enforcement services in all parts of the city. If the city is located in more than one
19 county, it may not abolish its police department under this paragraph unless the city
20 enters into a contract under this paragraph with the county in which the greatest
21 amount of the city's equalized value, population or territory is located. If a city that
22 is located in more than one county enters into a contract with a county under this
23 paragraph, the jurisdiction of the contracting county's sheriff and deputies includes
24 the entire territory of the city.

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1 (b) If a city wishes to contract with a sheriff for law enforcement services, the
2 common council shall adopt a resolution, as described under s. 59.03 (2) (a),
3 requesting that such services be provided. The resolution shall provide that such
4 services are to be provided exclusively by the county.

5 (c) The contract described under par. (a) shall address at least all of the
6 following elements:

7 1. The division, with the county, of the city's assets and liabilities that relate
8 to the city's police department and the amount that the county will pay, if any, for
9 such assets.

10 2. A description of the level of law enforcement and the number of deputies that
11 the county will provide to the city and the amount that the city will pay for the
12 services in excess of the city's portion of the county's law enforcement levy.

13 3. A procedure for the city to request, or require, that the county provide
14 additional law enforcement services and the cost the county may charge the city for
15 providing additional services.

16 4. The term of the agreement and procedures for the renewal, extension, or
17 termination of the agreement.

18 (d) No contract that is entered into under this subsection may take effect until
19 all of the following occur:

20 1. The county board approves under s. 59.03 (2) (a) the resolution adopted
21 under par. (b).

22 2. The governing bodies of the city and the county approve the contract.

23 3. The expiration of any collective bargaining agreement between the city and
24 its police department employees.

