

## 2005 DRAFTING REQUEST

### Bill

Received: 11/16/2004

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Rep. Musser**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**  
**Local Gov't - munis generally**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Allow creation of county and city or village law enforcement agencies

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### Instructions:

See attached. Redraft 2003 AB 658 (LRB -1267/1), and AA 1 (LRB a1951/1)

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 11/17/2004	kfollett 12/08/2004		_____			S&L
/1			rschluet 12/08/2004	_____	Inorthro 12/08/2004		S&L
/2	mshovers 12/22/2004	kfollett 01/03/2005	pgreensl 01/04/2005	_____	mbarman 01/04/2005	mbarman 01/18/2005	

FE Sent For:

<END>

↳ AT  
Intro.

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/?	mshovers 11/17/2004	kfollett 12/08/2004					S&L
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/1	<i>12/22/04</i> MUS	<i>12/8/04</i> rschluet		<i>12/8/04</i> PSTW	lnorthro 12/08/2004		
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FE Sent For:

*11/3*  
*12/8*  
**<END>**

**2005 DRAFTING REQUEST**

**Bill**

Received: 11/16/2004

Received By: mshovers

Wanted: As time permits

Identical to LRB:

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By/Representing: Rep. Musser

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

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Local Gov't - munis generally

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Submit via email: YES

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/? mshovers

11/16/04  
11/17/04  
12/8/04

12 8 4 pg  
<END>

FE Sent For:

**Shovers, Marc**

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**From:** Musser, Terry  
**Sent:** Tuesday, November 09, 2004 10:57 AM  
**To:** Shovers, Marc  
**Subject:** Draft Request

Marc,

Last session, you drafted LRB-1267 for me (2003 AB 658), which was not passed by the end of session.

Please re-draft for 2205, with one exception: Please include Assembly Amendment 1, but NOT AA2.

Thanks,

Rep. Terry Musser  
266-7461  
rep.musser@legis.state.wi.us

12/13 per legislator

-0840/1

2005

2003 ASSEMBLY BILL 658

KSF PMNR

PWF

November 13, 2003 - Introduced by Representatives MUSSER, ZIEGELBAUER, AINSWORTH, OLSEN, LEMAHIEU, KERKMAN, HUBLER, J. WOOD, M. LEHMAN, JENSEN, GRONEMUS, HINES, KESTELL, SERATTI, VAN ROY ZEPNICK, JESKEWITZ, GIELOW, OTT, GOTTLIEB, LOTHIAN, NASS, WARD, PETTIS, BIES, FREESE, VRAKAS, TOWNSEND, HUNDERTMARK and LADWIG, cosponsored by Senators SCHULTZ, JAUCH, ROESSLER, REYNOLDS, LEIBHAM, BROWN, HARSDORF, COWLES and M. MEYER. Referred to Committee on Urban and Local Affairs.

repen

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

**Analysis by the Legislative Reference Bureau**

Generally under current law, each city is required to have a board of police and fire commissioners. The board is required to appoint the chief of police and the chief of the fire department, and the chiefs are required to appoint subordinates subject to approval by the board. Also under current law, a village with a population of 5,000 or more is required to provide police protection by creating its own police department, by contracting for police protective services with a city, village, town, or county, or by creating a joint police department with a city, village, or town.

Current law authorizes a county to exercise any of its powers to provide services, such as water, sewer, streets and highways, fire, police, and health, in any municipality (city, village, or town), or part of a municipality that is located in the county, upon the request of the municipality. The municipality may adopt a resolution designating the function it would like the county to assume and the terms under which the power shall be exercised. If the county board approves the resolution, the county may then exercise the designated function in the municipality, and the county and municipality may enter into a contract under which the



**ASSEMBLY BILL 658**

the greatest amount of the city's, or village's, equalized value, population, on territory

municipality agrees to appropriate money to the county to pay for the service to be provided by the county.

This bill specifically authorizes a city, or a village, to abolish its police department if it enters into a contract with a county for the sheriff to provide law enforcement services within those parts of the city or village that are located within the county. If a city or village is in more than one county, the city or village must enter into similar contracts with all of the counties in which the city or village is located.

Before a city or village may enter into such a contract, the common council or village board must adopt a resolution requesting that the county provide police protective services and stating that the services are to be provided exclusively by the county, and the county must approve the resolution. The contract must address at least the following issues:

1. The division of the city's assets and liabilities that relate to the city's police department.
2. A description of the level of services that the county will provide and the amount that the city will pay for the services.
3. A procedure for the city to request, or require, additional law enforcement services and the amount that the city will have to pay for the services.
4. The term of the agreement and procedures for the renewal, extension, or termination of the agreement.

No agreement that is entered into may take effect before the termination of any collective bargaining agreement that covers the city's police department employees.

The bill also provides that if a city or village and a county enter into a contract for the county to provide law enforcement services a sheriff is required, for approximately two years after the contract takes effect, and to the greatest extent possible, to hire any additional deputies that are needed from the ranks of former police officers who lost their positions when their departments were abolished. This requirement on a sheriff applies notwithstanding any current law provisions governing the hiring of deputies, such as a requirement that deputies be hired from a list of persons with the highest scores on a civil service exam, although the requirement does not apply to the extent that it conflicts with a collective bargaining agreement between a county and its employees. # The bill also authorizes, but does not require,

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.** 59.03 (2) (c) of the statutes is amended to read:
- 2           59.03 (2) (c) Whenever the request under par. (a) or acceptance under par. (b)
- 3 of a municipality shall be by resolution of its governing board, such request or
- 4 acceptance shall not go into effect until the expiration of 60 days from the adoption

a village with a population of under 5,000 to provide police protection services to the same extent as villages with a population of at least 5,000 are required to provide.

**ASSEMBLY BILL 658**

1 of the resolution or, in the case of county law enforcement services provided to a city  
2 as described in s. 62.13 (2s), as provided in s. 62.13 (2s) (d). If a petition under s. 9.20  
3 for direct legislation on the request or acceptance shall be filed before the expiration  
4 of said 60 days, the resolution of the governing board shall be of no effect but the  
5 request or acceptance of such municipality shall be determined by direct legislation.

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

7 59.26 (1) (intro.) Within 10 days after entering upon the duties of the office of  
8 sheriff, the sheriff shall appoint some proper person, who is a resident of the county,  
9 undersheriff. However, in counties with a population of 500,000 or more the  
10 appointment of an undersheriff is optional. In counties where the sheriff's  
11 department is under civil service, the sheriff, in conformity with county ordinance,  
12 may, at the request of the affected deputy, grant a leave of absence to a deputy sheriff  
13 who the sheriff has appointed undersheriff, or to any other position in the sheriff's  
14 department, upon the deputy's acceptance of the appointment. Any deputy in a  
15 county under civil service granted leave of absence under this subsection upon  
16 completion of the appointive position shall immediately be returned to the position  
17 of deputy sheriff and shall continue therein without loss of any rights under the civil  
18 service law. The sheriff, however, may not grant such leave of absence to a deputy  
19 sheriff until the sheriff first secures the consent of the board by resolution duly  
20 adopted by the board. Within 10 days after entering upon the duties of the office of  
21 sheriff, the sheriff shall also appoint, subject to sub. (10), deputy sheriffs for the  
22 county as follows:

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

24 59.26 (2) The Subject to sub. (10), the sheriff may appoint as many other  
25 deputies as the sheriff considers proper.

ASSEMBLY BILL 658

SECTION 4

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

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

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

59.26 (8) (a) In any county with a population of less than 500,000, the board, by ordinance, may fix the number of deputy sheriffs to be appointed in that county at not less than that number required by sub. (1) (a) and (b) and may set the salary of those deputies. The Subject to sub. (10), the board may provide by ordinance that deputy sheriff positions be filled by appointment by the sheriff from a list of all persons with the 3 highest scores for each position based on a competitive examination. Such competitive examinations may be by a county civil service

commission or by the division of merit recruitment and selection in the department of ~~employment relations~~ <sup>office of state human resources management</sup> at the option of the board and it shall so provide by ordinance. The division of merit recruitment and selection in the ~~department of~~ <sup>employment relations</sup> shall, upon request of the board, conduct such examination according to the methods used in examinations for the state civil service and shall certify an eligible list of the names of all persons with the 3 highest scores on that examination for each position to the sheriff of that county who shall, subject to sub.

(10), make an appointment from that list to fill the position within 10 days after he or she receives the eligible list. The county for which such examination is conducted shall pay the cost of that examination. If a civil service commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision governing minimum compensation of the commissioners. The ordinance

From  
AUG 2003

Handwritten annotations: "office of state human resources management" and "employment relations" with arrows pointing to the corresponding text in the statute.

## ASSEMBLY BILL 658

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

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

12 59.26 (10) (a) Notwithstanding the provisions in subs. (1) (intro.), (2), (3), and  
13 (8) (a), and subject to par. (b), if a county provides law enforcement services to a city  
14 or village under ss. 59.03 (2) (e) and 62.13 (2s) and if the sheriff <sup>hires</sup> <sup>appoints</sup> additional  
15 deputies <sup>under sub. (2)</sup> to provide the services, the sheriff shall, to the greatest extent possible, fill  
16 the additional deputy positions from the ranks of former police officers who lost their  
17 positions when their department was abolished under <sup>S.</sup> 62.13 (2s) (a). With regard to  
18 each contract that is entered into under s. 59.03 (2) (e), this provision does not apply  
19 on or after the first day of the 25th month beginning after the contract takes effect  
20 in the county.

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

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

ASSEMBLY BILL 658

SECTION 7

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) 4. of the statutes is created to read:

5 61.65 (1) (a) 4. Abolishing its police department and entering into a contract  
 6 with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement  
 7 ~~services in all parts of the village that are located in the county. If the village is~~  
 8 ~~located in more than one county, it may not abolish its police department under this~~  
 9 ~~subsection unless the village enters into contracts under this subsection with each~~  
 10 ~~county in which the village is located. If a village wishes to abolish its police~~  
 11 department under this subdivision, it shall act under s. 62.13 (2s), and s. 62.13 (2s),  
 12 as it applies to cities, applies to villages.

13 **SECTION 9.** 62.09 (1) (a) of the statutes is amended to read:

14 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,  
 15 attorney, engineer, one or more assessors unless the city is assessed by a county  
 16 assessor under s. 70.99, one or more constables as determined by the common  
 17 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as  
 18 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners  
 19 except in cities where not applicable, chief of police except in a city that has abolished  
 20 its police department under s. 62.13 (2s), chief of the fire department, board of public  
 21 works, 2 alderpersons from each aldermanic district, and such other officers or  
 22 boards as are created by law or by the council. If one alderperson from each  
 23 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance  
 24 adopted by a two-thirds vote of all its members and approved by the electors at a

INS  
63

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6-10

**ASSEMBLY BILL 658**

1 general or special election, provide that there shall be 2 alderpersons from each  
2 aldermanic district.

3 **SECTION 10.** 62.13 (1) of the statutes is amended to read:

4 62.13 (1) COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each  
5 city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of  
6 whom shall constitute a quorum. The mayor shall annually, between the last  
7 Monday of April and the first Monday of May, appoint in writing to be filed with the  
8 secretary of the board, one member for a term of 5 years. No appointment shall be  
9 made which will result in more than 3 members of the board belonging to the same  
10 political party. The board shall keep a record of its proceedings.

11 **SECTION 11.** 62.13 (2s) of the statutes is created to read:

12 62.13 (2s) ABOLITION OF POLICE DEPARTMENT, COUNTY LAW ENFORCEMENT. (a)  
13 Subject to pars. (b) to (d), a city may abolish its police department if it enters into a  
14 contract with a county under s. 59.03 (2) (e) for the county sheriff to provide law  
15 ~~enforcement services in all parts of the city that are located in the county. If the city~~  
16 ~~is located in more than one county, it may not abolish its police department under this~~  
17 ~~subsection unless the city enters into contracts under this subsection with each~~  
18 ~~county in which the city is located.~~

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

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

INS  
7-18



**ASSEMBLY AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 658**

January 22, 2004 - Offered by Representative MUSSER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 14: delete "hires" and substitute "appoints".

3 **2.** Page 5, line 15: after "deputies" insert "under sub. (2)".

4 **3.** Page 6, line 3: after that line insert:

JNS  
6-3

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

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

JNS  
6-10  
P.100

9 **4.** Page 6, line 7: delete lines 7 to 10 and substitute "services in all parts of the  
10 village. If the village is located in more than one county, it may not abolish its police  
11 department under this subdivision unless the village enters into a contract under  
12 this subdivision with the county in which the greatest amount of the village's



*FNS, 6-10, p. 2 of 2*

1 equalized value, population, or territory is located. If a village wishes to abolish its  
2 police.

3 **5.** Page 7, line 15: delete lines 15 to 18 and substitute "enforcement services  
4 in all parts of the city. If the city is located in more than one county, it may not abolish  
5 its police department under this subsection unless the city enters into a contract  
6 under this subsection with the county in which the greatest amount of the city's  
7 equalized value, population or territory is located."

(END)

*FNS  
7-18*

**Shovers, Marc**

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**From:** Musser, Terry  
**Sent:** Wednesday, December 15, 2004 9:45 AM  
**To:** Shovers, Marc  
**Subject:** Request change to LRB 0840

Marc,

Terry would like a -/2 for LRB 0840, municipal law enforcement agencies.

Please draft it so that "the electors in a municipality or county do not have the option of petitioning for a referendum to approve or disapprove a contract that the municipality and county have entered into in which the county agrees to provide law enforcement services to the municipality. This may necessitate inserting language into sec. 59.03(2)(c) that exempts from the referendum option situations in which county law enforcement services are provided to a city under 62.13(2s)."

Let us know if you need more information, or call Curt Witynski at 267-3294 (League of Municipalities)

Thanks, Marc...

Kathie @ Rep Musser's Office  
266-7461  
[rep.musser@legis.state.wi.us](mailto:rep.musser@legis.state.wi.us)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0840/1

MES:kj/frs

2  
Rmk

2005 BILL

Rmk

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*

Generally under current law, each city is required to have a board of police and fire commissioners. The board is required to appoint the chief of police and the chief of the fire department, and the chiefs are required to appoint subordinates subject to approval by the board. Also under current law, a village with a population of 5,000 or more is required to provide police protection by creating its own police department, by contracting for police protective services with a city, village, town, or county, or by creating a joint police department with a city, village, or town.

Current law authorizes a county to exercise any of its powers to provide services, such as water, sewer, streets and highways, fire, police, and health, in any municipality (city, village, or town), or part of a municipality that is located in the county, upon the request of the municipality. The municipality may adopt a resolution designating the function it would like the county to assume and the terms under which the power shall be exercised. If the county board approves the resolution, the county may then exercise the designated function in the municipality, and the county and municipality may enter into a contract under which the

**BILL**

municipality agrees to appropriate money to the county to pay for the service to be provided by the county.

This bill specifically authorizes a city, or a village, to abolish its police department if it enters into a contract with a county for the sheriff to provide law enforcement services in all parts of the city or village. If a city or village is in more than one county, the city or village must enter into a contract with the county in which the greatest amount of the city's, or village's, equalized value, population, or territory is located.

Before a city or village may enter into such a contract, the common council or village board must adopt a resolution requesting that the county provide police protective services and stating that the services are to be provided exclusively by the county, and the county must approve the resolution. The contract must address at least the following issues:

1. The division of the city's assets and liabilities that relate to the city's police department.
2. A description of the level of services that the county will provide and the amount that the city will pay for the services.
3. A procedure for the city to request, or require, additional law enforcement services and the amount that the city will have to pay for the services.
4. The term of the agreement and procedures for the renewal, extension, or termination of the agreement.

No agreement that is entered into may take effect before the termination of any collective bargaining agreement that covers the city's police department employees.

The bill also provides that if a city or village and a county enter into a contract for the county to provide law enforcement services a sheriff is required, for approximately two years after the contract takes effect, and to the greatest extent possible, to hire any additional deputies that are needed from the ranks of former police officers who lost their positions when their departments were abolished. This requirement on a sheriff applies notwithstanding any current law provisions governing the hiring of deputies, such as a requirement that deputies be hired from a list of persons with the highest scores on a civil service exam, although the requirement does not apply to the extent that it conflicts with a collective bargaining agreement between a county and its employees.

The bill also authorizes, but does not require, a village with a population of under 5,000 to provide police protection services to the same extent as villages with a population of at least 5,000 are required to provide.

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.** 59.03 (2) (c) of the statutes is amended to read:

**BILL**

*(2s)*  
*(ti)*  
~~except that no petition for direct legislation under P. 9.20 may be filed to approve or reject a contract entered into by a city and a county under~~

1 ~~D. 62.13 (2s)~~ 59.03 (2) (c) Whenever the request under par. (a) or acceptance under par. (b)  
2 of a municipality ~~shall be~~ <sup>is</sup> by resolution of its governing board, ~~such~~ <sup>the</sup> request or  
3 acceptance shall not go into effect until the expiration of 60 days from the adoption  
4 of the resolution or, in the case of county law enforcement services provided to a city  
5 as described in s. 62.13 (2s), as provided in s. 62.13 (2s) (d). If a petition under s. 9.20  
6 for direct legislation on the request or acceptance ~~shall be~~ <sup>is</sup> filed before the expiration  
7 of said 60 days, the resolution of the governing board ~~shall be~~ <sup>is</sup> of no effect but the  
8 request or acceptance of such municipality shall be determined by direct legislation.

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

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

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

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

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

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

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

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

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1 selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent  
2 with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision  
3 governing minimum compensation of the commissioners. The ordinance or an  
4 amending ordinance may provide for employee grievance procedures and  
5 disciplinary actions, for hours of work, for tours of duty according to seniority and for  
6 other administrative regulations. Any board provision consistent with this  
7 paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy  
8 sheriff position by promotion, the sheriff shall, subject to sub. (10), make the  
9 appointment to the position from a list of 3 deputy sheriffs who receive the highest  
10 scores in a competitive examination. Such competitive examinations may be by a  
11 county civil service commission or by the division of merit recruitment and selection  
12 in the office of state employment relations at the option of the board and it shall so  
13 provide by ordinance.

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

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

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

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

2           59.27 (13) Enforce all city, or village, ordinances in a city, or village, in which  
3 the sheriff provides law enforcement services under a contract described under s.  
4 62.13 (2s) (a).

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

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

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

10          61.65 (1) (a) 4. Abolishing its police department and entering into a contract  
11 with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement  
12 services in all parts of the village. If the village is located in more than one county,  
13 it may not abolish its police department under this subdivision unless the village  
14 enters into a contract under this subdivision with the county in which the greatest  
15 amount of the village's equalized value, population, or territory is located. If a village  
16 wishes to abolish its police department under this subdivision, it shall act under s.  
17 62.13 (2s), and s. 62.13 (2s), as it applies to cities, applies to villages.

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

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



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

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

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

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

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

23 (b) If a city wishes to contract with a sheriff for law enforcement services, the  
24 common council shall adopt a resolution, as described under s. 59.03 (2) (a),

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1 requesting that such services be provided. The resolution shall provide that such  
2 services are to be provided exclusively by the county.

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

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

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

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

14 4. The term of the agreement and procedures for the renewal, extension, or  
15 termination of the agreement.

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

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

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

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

23

(END)

**Barman, Mike**

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**From:** Colbert, Kathie  
**Sent:** Tuesday, January 18, 2005 2:43 PM  
**To:** LRB.Legal  
**Subject:** (MUNICIPALITIES) Draft review: LRB 05-0840/2 Topic: Allow creation of county and city or village law enforcement agencies

It has been requested by <Colbert, Kathie> that the following draft be jacketed for the ASSEMBLY:

(MUNICIPALITIES) Draft review: LRB 05-0840/2 Topic: Allow creation of county and city or village law enforcement agencies