

## 2007 SENATE BILL 388

January 14, 2008 – Introduced by Senators CARPENTER and COGGS, cosponsored by Representative SINICKI. Referred to Committee on Labor, Elections and Urban Affairs.

1     **AN ACT to amend** 62.50 (1) and 62.50 (19) of the statutes; **relating to:** increasing  
2             the size of the city of Milwaukee Board of Fire and Police Commissioners and  
3             authorizing a panel of the board to decide certain cases.

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### *Analysis by the Legislative Reference Bureau*

Under current law in first class cities (presently only Milwaukee), there is a Board of Fire and Police Commissioners (board) that consists of five members. Three members of the board constitute a quorum. Each member is appointed to a staggered five-year term by the mayor of Milwaukee, subject to confirmation by the Milwaukee Common Council.

This bill increases the number of members on the board to seven and authorizes the mayor of Milwaukee to appoint two additional members of the board upon the bill's effective date. Generally, the bill increases the quorum requirement to four members, but the bill also authorizes a three-member panel of the board to conduct and decide by majority vote disciplinary trials and to hear and decide by majority vote complaints filed by an aggrieved person. Currently, a quorum of the board may conduct such a trial.

Members of the board who are appointed on or after the effective date of the bill are still subject to confirmation by the Milwaukee Common Council and, after the initial appointment of additional members, are appointed to five-year terms.

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For further information see the *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:***

1           **SECTION 1.** 62.50 (1) of the statutes is amended to read:

2           62.50 (1) In all 1st class cities, however incorporated, there shall be a board of  
3 fire and police commissioners, consisting of ~~5~~ 7 citizens, not more than ~~2~~ 3 of whom  
4 shall at any time belong to the same political party. The staff and members of the  
5 board shall receive the salary or other compensation for their services fixed by the  
6 common council. The salary shall be fixed at the same time and in the same manner  
7 as the salary of other city officials and employees. ~~Three members~~ Except as  
8 otherwise provided in this subsection, a majority of the members-elect, as that term  
9 is used in s. 59.001 (2m), of the board shall constitute a quorum necessary for the  
10 transaction of business. A 3-member panel of the board may conduct, and decide by  
11 majority vote, a trial described under sub. (12) or may hear and decide, by majority  
12 vote, charges filed by an aggrieved person under sub. (19). It shall be the duty of the  
13 mayor of the city, on or before the 2nd Monday in July, to appoint ~~5~~ 7 members of the  
14 board, designating the term of office of each, one to hold one year, ~~one~~ 2 to hold 2  
15 years, ~~one~~ 2 to hold 3 years, one to hold 4 years, and one to hold 5 years, and until  
16 their respective successors shall be appointed and qualified. Thereafter the terms  
17 of office shall be 5 years from the 2nd Monday in July, and until a successor is  
18 appointed and qualified. Every person appointed a member of the board shall be  
19 subject to confirmation by the common council and every appointed member shall,  
20 before entering upon the duties of the office take and subscribe the oath of office  
21 prescribed by article IV, section 28, of the constitution, and file the same duly

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1 certified by the officer administering it, with the clerk of the city. Appointments  
2 made prior to the time this subchapter first applies to a 1st class city shall not be  
3 subject to confirmation by the common council.

4 **SECTION 2.** 62.50 (19) of the statutes is amended to read:

5 **62.50 (19) CHARGES BY AGGRIEVED PERSON.** In cases where duly verified charges  
6 are filed by any aggrieved person with the board of fire and police commissioners,  
7 setting forth sufficient cause for the removal of any member of either of the  
8 departments, including the chiefs or their assistants, the board or chief may suspend  
9 such member or officer pending disposition of such charges. The board shall cause  
10 notice of the filing of the charges with a copy to be served upon the accused and shall  
11 set a date for the trial and investigation of the charges, following the procedure under  
12 this section. The board, or a 3-member panel of the board, shall decide by a majority  
13 vote and subject to the just cause standard described in sub. (17) (b) whether the  
14 charges are sustained. If sustained, the board shall immediately determine whether  
15 the good of the service requires that the accused be removed, suspended from office  
16 without pay for a period not exceeding 60 days or reduced in rank. If the charges are  
17 not sustained, the accused shall be immediately reinstated without prejudice. The  
18 secretary of the board shall make the decision public.

19 **SECTION 3. Nonstatutory provisions.**

20 (1) On the effective date of this subsection the mayor of a 1st class city shall  
21 make 2 additional appointments to the board of fire and police commissioners under  
22 section 62.50 (1) of the statutes such that the additional appointments are for terms  
23 that are consistent with the requirements, and with the terms of the existing  
24 commissioners, that are specified under section 62.50 (1) of the statutes.

25 **SECTION 4. Effective date.**

