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1 **AN ACT** *to amend* 62.13 (1) and 62.13 (8); and *to create* 62.13 (2g) and 62.13 (8) (b)
2 of the statutes; **relating to:** the provisions of police and fire protective services in a
3 city.

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

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

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

NOTE: This SECTION creates an additional exception to the general requirement that a city operate with a board of police and fire commissioners. SECTIONS 2 and 5 of this bill draft allow a city, like a village, to enter into a contract for the provision of police protection services with a village, a town, another city, or with a county and to enter into a contract for the provision of fire protection services with a village, a town, or another city. If a city takes such an action with respect to the provision of police protection services, the SECTION provides that the city is not required to have a board of police and fire commissioners.

COMMENT: The above-described exception to the board of police and fire commissioners requirement currently exists when a city abolishes its police department and contracts with a county to provide law enforcement services in all parts of the city. Neither the current law nor this draft requires a board of **fire** commissioners if a city does not have its own police department, but nevertheless retains its fire department. Also, it should be noted that neither current law nor this draft

specifically addresses a situation in which a village or city contracts for services in addition to maintaining its own police or fire department. Section 61.65 (1) (b) 2. and (2) (b) 1., stats., requires a village that creates its own police or fire department to create appropriate boards. Thus, if a village creates a police department and contracts for additional services, it appears that the village also must have a board of police commissioners. This draft could be read to imply the same result with respect to a city or language could be added to address a situation in which a city creates a police department and also contracts for additional services.

1 **SECTION 2.** 62.13 (2g) of the statutes is created to read:

2 **62.13 (2g) CONTRACTING FOR POLICE PROTECTIVE SERVICES.** A city may enter into a
3 contract for police protective services with a village, a town, another city, or the county in
4 which the city is located. A city that contracts for police protective services shall pay the full
5 cost of services provided.

NOTE: This SECTION allows a city, like a village, to contract for police protective services with a village, a town, another city, or the county in which the city is located. The city must pay the full cost of services provided.

COMMENT: Should the ability of a city or village to contract with a county only be provided when the municipality abolishes its police department? See, for example s. 62.13 (1) (a) and (2s), stats.

6 **SECTION 3.** 62.13 (8) of the statutes is amended to read:

7 **62.13 (8) FIRE DEPARTMENT.** (a) The council may provide by ordinance for either a paid
8 or a volunteer fire department and for the management and equipment of either insofar as not
9 otherwise provided for by law. In the case where a combination of paid and volunteer fire
10 department is provided for, such city shall be reimbursed by the department of transportation,
11 not to exceed \$500 for any fire calls on a state trunk highway or on any highway that is a part
12 of the national system of interstate highways and is maintained by the department of
13 transportation if the city submits written proof that the city has made a reasonable effort to
14 collect the cost from the insurer of the person to whom the fire call was provided or from the

1 person to whom the fire call was provided, except that the city may attempt to collect the cost
2 from the person only if the city is unsuccessful in its efforts to collect from the person's insurer
3 or if the person has no insurer. If the city collects the cost from an insurer or such person after
4 the department reimburses the city, the city shall return the amount collected to the
5 department.

NOTE: See Note to SECTION 4.

6 **SECTION 4.** 62.13 (8) (b) of the statutes is created to read:

7 62.13 (8) (b) A city may enter into a contract for fire protective services with a village,
8 a town, or another city. A city that contracts for fire protective services shall pay the full cost
9 of services provided.

NOTE: This SECTION and SECTION 3 allow a city, like a village, to contract for the provision of fire protective services with a village, a town, or another city. The city must pay the full cost of services provided.

COMMENT: Sections 60.55 (1) (a) 3. and 60.56 (1) (a) 3., stats., provide that a town board may provide for fire protection and law enforcement in the town in any manner including by contracting with any person. Should a city or village be allowed to provide these services in "any manner" along with a specific authorization to contract with "any person"?