



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0260/1
MES:jld/bjk/kjf:pg

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 390**

February 18, 2008 – Offered by Senators COGGS and CARPENTER.

1 **AN ACT to amend** 62.50 (1), 62.50 (17) (a) and 62.50 (19) of the statutes; **relating**
2 **to:** increasing the size of the city of Milwaukee Board of Fire and Police
3 Commissioners and authorizing a panel of the board to decide certain cases.

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 and no more than two members may belong to the same political party. Each member is appointed to a staggered five-year term by the mayor of Milwaukee, subject to confirmation by the Milwaukee Common Council.

This substitute amendment increases the number of members on the board to seven or nine, and authorizes the mayor of Milwaukee to appoint two or four additional members of the board upon the substitute amendment's effective date. Generally, the substitute amendment increases the quorum requirement to four or five members, depending on the size of the board, but the substitute amendment 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 or may hear and rule on such a complaint. The substitute amendment also authorizes the mayor to reduce the size of the board from nine to seven members.

Members of the board who are appointed on or after the effective date of the substitute amendment are still subject to confirmation by the Milwaukee Common Council and are appointed to five-year terms. The substitute amendment also requires new members of the board to complete a training class that is related to the mission of the board.

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~~ either 7 or 9 citizens, not more than ~~2~~
4 3, if the board has 7 members, or 4, if the board has 9 members, of whom shall at any
5 time belong to the same political party. The staff and members of the board shall
6 receive the salary or other compensation for their services fixed by the common
7 council. The salary shall be fixed at the same time and in the same manner as the
8 salary of other city officials and employees. ~~Three members~~ Except as otherwise
9 provided in this subsection, a majority of the members-elect, as that term is used in
10 s. 59.001 (2m), of the board shall constitute a quorum necessary for the transaction
11 of business. A 3-member panel of the board may conduct, and decide by majority
12 vote, a trial described under sub. (12) or may hear and decide, by majority vote,
13 charges filed by an aggrieved person under sub. (19). It shall be the duty of the mayor
14 of the city, on or before the 2nd Monday in July, to appoint ~~5~~ 7, or 9, members of the
15 board, designating the term of office of each, one to hold one year, ~~one~~ 2 to hold 2
16 years, ~~one~~ 2 to hold 3 years, one to hold 4 years if the board has 7 members, and 2
17 to hold 4 years if the board has 9 members, and one to hold 5 years if the board has
18 7 members, and 2 to hold 5 years if the board has 9 members, and until their
19 respective successors shall be appointed and qualified. Thereafter the terms of office

1 shall be 5 years from the 2nd Monday in July, and until a successor is appointed and
2 qualified. The mayor may reduce the size of the board from 9 to 7 members by failing
3 to appoint 2 successors for individuals whose terms expire at the same time. Every
4 person appointed a member of the board shall be subject to confirmation by the
5 common council and every appointed member shall, before entering upon the duties
6 of the office take and subscribe the oath of office prescribed by article IV, section 28,
7 of the constitution, and file the same duly certified by the officer administering it,
8 with the clerk of the city. Not later than the first day of the 7th month beginning after
9 a member appointed by the mayor is confirmed by the common council, the member
10 shall enroll in a training class that is related to the mission of the board and, not later
11 than the first day of the 13th month beginning after a member appointed by the
12 mayor is confirmed by the common council, the member shall complete the class. The
13 training class shall be conducted by the city. Appointments made prior to the time
14 this subchapter first applies to a 1st class city shall not be subject to confirmation by
15 the common council.

16 **SECTION 2.** 62.50 (17) (a) of the statutes is amended to read:

17 62.50 (17) (a) Within 3 days after hearing the matter the board, or a 3-member
18 panel of the board, shall, by a majority vote of its members and subject to par. (b),
19 determine whether by a preponderance of the evidence the charges are sustained.
20 If the board or panel determines that the charges are sustained, the board shall at
21 once determine whether the good of the service requires that the accused be
22 permanently discharged or be suspended without pay for a period not exceeding 60
23 days or reduced in rank. If the charges are not sustained the accused shall be
24 immediately reinstated in his or her former position, without prejudice. The decision

1 and findings of the board, or panel, shall be in writing and shall be filed, together with
2 a transcript of the evidence, with the secretary of the board.

3 **SECTION 3.** 62.50 (19) of the statutes is amended to read:

4 **62.50 (19) CHARGES BY AGGRIEVED PERSON.** In cases where duly verified charges
5 are filed by any aggrieved person with the board of fire and police commissioners,
6 setting forth sufficient cause for the removal of any member of either of the
7 departments, including the chiefs or their assistants, the board or chief may suspend
8 such member or officer pending disposition of such charges. The board shall cause
9 notice of the filing of the charges with a copy to be served upon the accused and shall
10 set a date for the trial and investigation of the charges, following the procedure under
11 this section. The board, or a 3-member panel of the board, shall decide by a majority
12 vote and subject to the just cause standard described in sub. (17) (b) whether the
13 charges are sustained. If sustained, the board shall immediately determine whether
14 the good of the service requires that the accused be removed, suspended from office
15 without pay for a period not exceeding 60 days or reduced in rank. If the charges are
16 not sustained, the accused shall be immediately reinstated without prejudice. The
17 secretary of the board shall make the decision public.

18 **SECTION 4. Nonstatutory provisions.**

19 (1) On the effective date of this subsection, the mayor of a first class city shall
20 make 2 or 4 additional appointments to the board of fire and police commissioners
21 under section 62.50 (1) of the statutes such that the additional appointments are for
22 terms that are consistent with the requirements, and with the terms of the existing
23 commissioners, that are specified under section 62.50 (1) of the statutes.

24 **SECTION 5. Initial applicability.**

