



## 2023 ASSEMBLY BILL 868

January 2, 2024 - Introduced by Representatives CLANCY, MADISON, RATCLIFF, J. ANDERSON, BALDEH, CONSIDINE, DRAKE, JOERS, NEUBAUER, PALMERI and SINICKI, cosponsored by Senators LARSON, ROYS and SPREITZER. Referred to Committee on Government Accountability and Oversight.

1     **AN ACT** *to repeal* 59.90, 62.50 (1j), 62.90, 77.70 (2) (c), 77.701 (2) (c), 77.701 (3),  
2             79.039 (1) and 79.039 (1m); and *to amend* 62.50 (1h), 62.50 (1m), 62.50 (3)  
3             (title), 62.50 (3) (a), 62.50 (3) (am) and 66.1105 (2) (f) 2. e. of the statutes;  
4             **relating to:** eliminating and modifying certain provisions enacted under 2023  
5             Act 12 regarding the city of Milwaukee and Milwaukee County.

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### ***Analysis by the Legislative Reference Bureau***

This bill eliminates or modifies the following provisions enacted under 2023 Act 12:

#### ***County sales tax; unfunded retirement system liability***

1. Current law allows a county in which a city of the first class is located (Milwaukee County) to adopt a sales tax at the rate of 0.4 percent to pay the unfunded actuarial accrued liability of the county's retirement system. Beginning in 2026, current law requires a county that imposes the tax to annually submit a report to the Joint Committee on Finance containing detailed information on the county's expenditures in the previous year from the sales tax revenues. The bill eliminates that reporting requirement.

2. In addition, the county must comply with other provisions and restrictions under current law. For example, the total amount of the county's budgeted expenditures related to cultural or entertainment matters may not be greater than 5 percent of the total amount of budgeted expenditures for the budget period. In

**ASSEMBLY BILL 868**

addition, the county board may enact an ordinance or adopt a resolution that includes new program spending or increases the number of county positions only upon a two-thirds vote of all of the members of the board. Current law also requires the county to identify all buildings that the county has authority to sell and that are not being used by the county and prepare a plan for the use or sale of these buildings. The county must then submit that plan to the Joint Committee on Finance. The bill eliminates these and similar provisions that apply only to the county.

***First class city sales tax; unfunded retirement system liability***

1. Current law allows a city of the first class (Milwaukee) to adopt a sales tax at the rate of 2 percent to pay the unfunded actuarial accrued liability of the city's retirement system. Current law requires the city, beginning in 2026, to annually submit a report to the Joint Committee on Finance containing detailed information on the city's expenditures in the previous year from the sales tax revenues, including expenditures and staffing levels related to law enforcement, fire protection, and other public safety measures. The bill eliminates this reporting requirement.

2. In addition, the city must comply with other provisions and restrictions under current law. For example, the total amount of the city's budgeted expenditures related to cultural or entertainment matters may not be greater than 5 percent of the total amount of budgeted expenditures for the budget period. In addition, the city's common council may enact an ordinance or adopt a resolution that includes new program spending or increases the number of city positions only upon a two-thirds vote of all of the members of the common. Current law also requires the city to maintain a level of law enforcement and fire protective and emergency medical service that is at least equivalent to that provided in the city in the previous year. Along with these restrictions and requirements, the city is prohibited from using moneys raised by levying taxes for developing, operating, or maintaining a rail fixed guideway transportation system or funding any position for which the principal duties consist of promoting individuals or groups on the basis of their race, color, ancestry, national origin, or sexual orientation. The bill eliminates these and similar provisions that apply only to the city.

***Fire and police commission***

This bill authorizes the fire and police commission of a first class city to prescribe general policies and standards for the police and fire departments and to prescribe rules for the government of the members of the departments. Under current law, the chief of each police and fire department has authority for the control and management of those departments. In addition, current law provides that the policies established by the chiefs for the control and management of the departments may be modified or suspended by a two-thirds vote of the city's common council.

For further information see the state and 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:***

**ASSEMBLY BILL 868****SECTION 1**

1           **SECTION 1.** 59.90 of the statutes, as created by 2023 Wisconsin Act 12, is  
2 repealed.

3           **SECTION 2.** 62.50 (1h) of the statutes, as affected by 2023 Wisconsin Act 12, is  
4 amended to read:

5           **62.50 (1h) ORGANIZATION.** In all 1st class cities, however incorporated, there  
6 shall be a board of fire and police commissioners, consisting of either 7 or 9 citizens,  
7 not more than 3, if the board has 7 members, or 4, if the board has 9 members, of  
8 whom shall at any time belong to the same political party. ~~At least one member of~~  
9 ~~the board shall be selected from a list submitted under sub. (1j) by the employee~~  
10 ~~association that represents nonsupervisory law enforcement officers and at least one~~  
11 ~~member shall be selected from a list submitted under sub. (1j) by the employee~~  
12 ~~association that represents fire fighters. For an appointment that is required to be~~  
13 ~~selected from a list under this subsection, the mayor shall make the appointment~~  
14 ~~within 45 days after receiving a list under sub. (1j).~~ The staff and members of the  
15 board shall receive the salary or other compensation for their services fixed by the  
16 common council. The salary shall be fixed at the same time and in the same manner  
17 as the salary of other city officials and employees. Except as otherwise provided in  
18 this subsection, a majority of the members-elect, as that term is used in s. 59.001  
19 (2m), of the board shall constitute a quorum necessary for the transaction of  
20 business. A 3-member panel of the board may conduct, and decide by majority vote,  
21 a trial described under sub. (12) or may hear and decide, by majority vote, charges  
22 filed by an aggrieved person under sub. (19). It shall be the duty of the mayor of the  
23 city, on or before the 2nd Monday in July, to appoint 7, or 9, members of the board,  
24 designating the term of office of each, one to hold one year, 2 to hold 2 years, 2 to hold  
25 3 years, one to hold 4 years if the board has 7 members, and 2 to hold 4 years if the

**ASSEMBLY BILL 868****SECTION 2**

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

21 **SECTION 3.** 62.50 (1j) of the statutes, as created by 2023 Wisconsin Act 12, is  
22 repealed.

23 **SECTION 4.** 62.50 (1m) of the statutes, as affected by 2023 Wisconsin Act 12, is  
24 amended to read:

**ASSEMBLY BILL 868****SECTION 4**

1           62.50 (1m) POLICY REVIEW. The board shall conduct at least once each year a  
2 policy review of all aspects of the operations of the police and fire departments of the  
3 city and may advise the common council regarding any recommended policy changes.  
4 The board may prescribe general policies and standards for the department and  
5 inspect any property of the departments, including but not limited to books and  
6 records, required for a review under this section.

7           **SECTION 5.** 62.50 (3) (title) of the statutes, as affected by 2023 Wisconsin Act  
8 12, is amended to read:

9           62.50 (3) (title) ~~REGULATION OF THE DEPARTMENTS~~ RULES.

10          **SECTION 6.** 62.50 (3) (a) of the statutes, as affected by 2023 Wisconsin Act 12,  
11 is amended to read:

12          62.50 (3) (a) ~~The chief of each department shall establish policies relating to~~  
13 ~~the control and management~~ board may prescribe rules for the government of the  
14 members of each department and may delegate its rule-making authority to the  
15 chief of each department. The board shall prescribe a procedure for review,  
16 modification and suspension of any rule which is prescribed by the chief, including  
17 any rule which is in effect on March 28, 1984.

18          **SECTION 7.** 62.50 (3) (am) of the statutes, as affected by 2023 Wisconsin Act 12,  
19 is amended to read:

20          62.50 (3) (am) The common council may suspend ~~or modify any policy~~  
21 established any rule prescribed by the board under par. (a) ~~only upon a two-thirds~~  
22 ~~vote of all of the members of the common council.~~

23          **SECTION 8.** 62.90 of the statutes, as created by 2023 Wisconsin Act 12, is  
24 repealed.

