



2001 SENATE BILL 101

March 22, 2001 - Introduced by Senators HARSDORF and HUELSMAN, cosponsored by Representatives LADWIG, STARZYK, GUNDERSON, FREESE, POWERS, MUSSER, OWENS, ALBERS, JESKEWITZ, KREUSER, TOWNSEND, SYKORA and BERCEAU. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT to amend** 59.26 (8) (a) and 63.08 (1) (a) of the statutes; **relating to:**
2 residency requirements for persons who wish to take an examination for the
3 position of deputy sheriff.

Analysis by the Legislative Reference Bureau

Under current law, in any county with a population of less than 500,000 (currently all counties other than Milwaukee County), the county board may provide by ordinance that deputy sheriff positions be filled by appointment by the sheriff from a list of persons with the three highest scores for each position based on a competitive examination of persons residing in this state for at least one full year before the date of the examination.

This bill repeals the residency requirement for such positions.

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:

4 **SECTION 1.** 59.26 (8) (a) of the statutes is amended to read:
5 59.26 (8) (a) In any county with a population of less than 500,000, the board,
6 by ordinance, may fix the number of deputy sheriffs to be appointed in that county

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1 at not less than that number required by sub. (1) (a) and (b) and may set the salary
2 of those deputies. The board may provide by ordinance that deputy sheriff positions
3 be filled by appointment by the sheriff from a list of all persons with the 3 highest
4 scores for each position based on a competitive examination ~~of persons residing in~~
5 ~~this state for at least one full year prior to the date of such examination.~~ Such
6 competitive examinations may be by a county civil service commission or by the
7 division of merit recruitment and selection in the department of employment
8 relations at the option of the board and it shall so provide by ordinance. The division
9 of merit recruitment and selection in the department of employment relations shall,
10 upon request of the board, conduct such examination according to the methods used
11 in examinations for the state civil service and shall certify an eligible list of the
12 names of all persons with the 3 highest scores on that examination for each position
13 to the sheriff of that county who shall make an appointment from that list to fill the
14 position within 10 days after he or she receives the eligible list. The county for which
15 such examination is conducted shall pay the cost of that examination. If a civil
16 service commission is decided upon for the selection of deputy sheriffs, then ss. 63.01
17 to 63.17 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04
18 and 63.15 and except the provision governing minimum compensation of the
19 commissioners. The ordinance or an amending ordinance may provide for employee
20 grievance procedures and disciplinary actions, for hours of work, for tours of duty
21 according to seniority and for other administrative regulations. Any board provision
22 consistent with this paragraph and existing on July 25, 1951, is validated. If the
23 sheriff fills a deputy sheriff position by promotion, the sheriff shall make the
24 appointment to the position from a list of 3 deputy sheriffs who receive the highest
25 scores in a competitive examination. Such competitive examinations may be by a

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1 county civil service commission or by the division of merit recruitment and selection
2 in the department of employment relations at the option of the board and it shall so
3 provide by ordinance.

4 **SECTION 2.** 63.08 (1) (a) of the statutes is amended to read:

5 63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an
6 applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this
7 state before applying for an examination. The commission may require an applicant
8 to file a written application form which bears upon the applicant's fitness for a vacant
9 position and which the commission deems necessary. For a position offering a skilled,
10 technical or professional service, upon a finding that a suitable number of qualified
11 applicants cannot be obtained from within the state, the commission may open the
12 examination to residents of other states. Residency in this state may be waived for
13 an applicant for an examination for a position which requires a license in a health
14 care field. No question pertaining to political affiliation or religious faith may be
15 asked of any applicant for an examination.

16 **SECTION 3. Initial applicability.**

17 (1) This act first applies to examinations that are given on the effective date
18 of this subsection.

19

(END)