

2001 DRAFTING REQUEST

Bill

Received: **11/16/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike Bruhn**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters: **grantpr**

Subject: **Munis - miscellaneous
Counties - miscellaneous
Education - school boards**

Extra Copics:

Pre Topic:

No specific pre topic given

Topic:

Residency requirements, local government employees

Instructions:

Redraft 1999 AB 123, LRB 99-0871/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 11/17/2000	gilfokm 11/28/2000		_____			S&L
/1			pgreensl 11/30/2000	_____	lrb_docadmin 11/30/2000		S&L
/2	shoveme 12/06/2000	gilfokm 12/06/2000	martykr 12/08/2000	_____	lrb_docadmin 12/08/2000	lrb_docadmin 12/18/2000	

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<END>

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/?	shoveme 11/17/2000	gilfokm 11/28/2000					S&L
/1	<i>12 MES BY 6/00</i>	<i>12-13/6/00</i>	pgreensl 11/30/2000		lrb_docadmin 11/30/2000		
			<i>Km 12/8</i>	<i>JA Km 13/8</i>			

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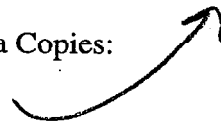
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1?	shoveme	1-11/28 <i>KMG</i>	1/29	1/29 <i>PK</i>			
<i>11 MES 11/17/00</i>							

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>11/15/00</i>	Legislator or agency requesting this draft: <i>GUNDERSON</i>
Name/phone number of person submitting request: <i>MIKE BRUHN 266-3363</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>MIKE BRUHN</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>Please Re-DRAFT AB 1999 Assembly Bill 123 (Residency) & Assembly Bill 442 (Income tax withholding for employees of County Fair Assoc.)</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

2001-2002

1999-2000 LEGISLATURE

-1072/1
LRB-08711
MES:kmg/AM
RMNR

2001 1999 ASSEMBLY BILL 123

D-note

9/11/17

February 16, 1999 - Introduced by Representatives GUNDERSON, JENSEN, NASS, MUSSER, FREESE, JOHNSRUD, HANDRICK, HUEBSCH and KREIBICH, cosponsored by Senators FITZGERALD, HUELSMAN, WELCH and SCHULTZ. Referred to Committee on Urban and Local Affairs.

LPS: Proof all amended stats. w/ FOLIO

open

- 1 AN ACT to repeal 59.26 (1) (c); to amend 17.03 (4) (d), 60.37 (1), 62.13 (4) (d),
- 2 63.08 (1) (a) and 63.25 (1) (a); and to create 66.188 of the statutes; relating to:
- 3 prohibiting cities, villages, towns, counties, and school districts from imposing
- 4 residency requirements on certain employees.

Analysis by the Legislative Reference Bureau

(*)

With some exceptions, this bill prohibits local governmental units (cities, villages, towns, counties, and school districts) from requiring, as a condition of employment, that any nonelective employee or prospective employee reside within any jurisdictional limits. Exceptions to the general prohibition include certain public officials appointed by the mayor of a 1st class city (presently only Milwaukee), town sanitary district commissioners, and certain school board officials. In addition, the prohibition does not apply to any other state law requiring residency for a municipal position or to any state or municipal requirement for state residency.

(*)

The bill also allows a local governmental unit to impose a residency requirement on police officers or firefighters that requires such personnel to live at least 15 miles from the boundary of the local governmental unit. If, however, a local governmental unit has in effect a less restrictive residency requirement on the effective date of the bill that applies to police officers or firefighters who are employed by the local governmental unit on the effective date of the bill, such personnel would not be subject to a residency requirement that requires other police officers and firefighters to live at least 15 miles from the boundary of the local governmental unit.

(*)

ASSEMBLY BILL 123

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:

1 SECTION 1. 17.03 (4) (d) of the statutes is amended to read:

2 17.03 (4) (d) If the office is local and appointive, and residency, subject to s.
3 ~~17.03~~ ^{66.0502} is a local requirement, the county, city, village, town, district[✓], or area within
4 which the duties of the office are required to be discharged.

5 SECTION 2. 59.26 (1) (c) of the statutes is repealed.

6 SECTION 3. 60.37 (1) of the statutes is amended to read:

7 60.37 (1) GENERAL. The town board may employ on a temporary or permanent
8 basis persons necessary to carry out the functions of town government. The board
9 may establish the qualifications and terms of employment, which may not include
10 the residency of the employe^e. The board may delegate the authority to hire town
11 employes^e to any town official or employe^e.

12 SECTION 4. 62.13 (4) (d) of the statutes is amended to read:

13 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
14 under 55 years of age, with proper limitations as to residence, health and, subject to
15 ss. 111.321, 111.322[✓] and 111.335, arrest and conviction record. The examination,
16 including minimum training and experience requirements, shall be job-related in
17 compliance with appropriate validation standards and shall be subject to the
18 approval of the board and may include tests of manual skill and physical strength.
19 All relevant experience, whether paid or unpaid, shall satisfy experience
20 requirements. The board shall control examinations and may designate and change
21 examiners, who may or may not be otherwise in the official service of the city, and

ASSEMBLY BILL 123

1 whose compensation shall be fixed by the board and paid by the city. Veterans and
2 their spouses shall be given preference points in accordance with s. 230.16 (7).

3 SECTION 5. 63.08 (1) (a) of the statutes is amended to read:

4 63.08 (1) (a) Any applicant for an examination under s. 63.05 shall be a resident
5 of this state before applying for an examination, but the commission may not require
6 any period of residency in the county for entrance to an examination or employment
7 in the county. The commission may require an applicant to file a written application
8 form which bears upon the applicant's fitness for a vacant position and which the
9 commission deems necessary. For a position offering a skilled, technical, or
10 professional service, upon a finding that a suitable number of qualified applicants
11 cannot be obtained from within the state, the commission may open the examination
12 to residents of other states. Residency in this state may be waived for an applicant
13 for an examination for a position which requires a license in a health care field. No
14 question pertaining to political affiliation or religious faith may be asked of any
15 applicant for an examination.

16 SECTION 6. 63.25 (1) (a) of the statutes is amended to read:

17 63.25 (1) (a) For open, competitive examinations and for other examinations
18 by which to test applicants for office or for employment as to their practical fitness
19 to discharge the duties of the positions which they desire to fill, which examinations
20 shall be public and free to all persons with proper limitations as to residence, age,
21 health, and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record.

22 SECTION 7. 66. ~~188~~ ⁰⁵⁰² of the statutes is created to read:

23 ~~66.188~~ ⁰⁵⁰² ~~Employer~~ ^{re} residency requirements prohibited. (1) The legislature
24 finds that public employe ^{re} residency requirements are a matter of statewide concern.

25 (2) In this section:

66.0502
22
23
24
25

ASSEMBLY BILL 123

SECTION 7

1 (a) "Emergency personnel" means a law enforcement officer or a firefighter.

2 (b) "Local governmental unit" means any city, village, town, county, or school
3 district.

4 (3) Except as provided in sub. (4), no local governmental unit may require, as
5 a condition of employment, that any employe^e or prospective employe^e reside within
6 any jurisdictional limit.

7 (4) (a) This section does not affect any statute that requires residency within
8 the jurisdictional limits of any local governmental unit or town sanitary district, or
9 any provision of law that requires residency in this state.

10 (b) Subject to par. (c), a local governmental unit may impose a residency
11 requirement on emergency personnel that requires the emergency personnel to live
12 at least 15 miles from the boundary of the local governmental unit.

13 (c) If a local governmental unit has a residency requirement that is in effect on
14 the effective date of this paragraph [revisor inserts date], that applies to
15 emergency personnel and that requirement is less stringent than a residency
16 requirement described under par. (b), a residency requirement that is enacted or
17 adopted under par. (b) may not be applied to any emergency personnel who are
18 employed by that local governmental unit on the effective date of this paragraph
19 [revisor inserts date].

20 **SECTION 8. Initial applicability.**

21 (1) This act first applies to any city, village, town, county^v, or school district
22 whose employe^es are covered by a collective bargaining agreement that is in effect on
23 the effective date of this subsection upon the expiration, extension, renewal^v, or
24 modification of the agreement.

25 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1072/dn¹

MES.....
hmcj

Rep. Gunderson:

This bill is drafted according to your instructions in that it is a redraft of 1999 AB-123. I just want to make sure that created s. 66.0502 (4) (b) is consistent with your intent. That paragraph states that, subject to an exception, "a local governmental unit may impose a residency requirement on emergency personnel that requires the emergency personnel to live **at least 15 miles from** the boundary of the local governmental unit."

I seem to recall that I raised a question about this provision last session and was told by your office that the provision reflected your intent. Because the provision seems counter intuitive to me, I just want to make sure that it reflects accurately your intent.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1072/1dn
MES:kmg:pg

November 29, 2000

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INSTRUCTIONS
for 12

Muni can't have a more restrictive limit than living of least 15 miles out

The closest you have to say EMP can live w/ in is 15 miles

can't impose res. req. that requires EMP live

City can't require persons to live closer than 15 miles

in general -- no res. requirement for general non-emergency personnel w/in 15

local ord can req EMP to live no more than 15 miles from the boundary



RMR

2001 BILL

boundary of the

residen

although such personnel may choose to live closer to the local governmental unit than the distance specified in the ordinance

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BILL

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2 17.03 (4) (d) If the office is local and appointive, and residency, subject to s.
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21 health, and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record.

22 **SECTION 7.** 66.0502 of the statutes is created to read:

23 **66.0502 Employee residency requirements prohibited.** (1) The
24 legislature finds that public employee residency requirements are a matter of
25 statewide concern.

BILL

1 (2) In this section:

2 (a) "Emergency personnel" means a law enforcement officer or a firefighter.

3 (b) "Local governmental unit" means any city, village, town, county, or school
4 district.

5 (3) Except as provided in sub. (4), no local governmental unit may require, as
6 a condition of employment, that any employee or prospective employee reside within
7 any jurisdictional limit.

8 (4) (a) This section does not affect any statute that requires residency within
9 the jurisdictional limits of any local governmental unit ~~or town sanitary district~~, or
10 any provision of law that requires residency in this state.

11 (b) Subject to par. (c), a local governmental unit may impose a residency
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13 ^{closer than} ~~at least~~ 15 miles ^{outside of} from the boundary of the local governmental unit. ^{Although such}

14 (c) If a local governmental unit has a residency requirement that is in effect on ^{boundary of the local governmental unit than the}
15 the effective date of this paragraph [revisor inserts date], that applies to ^{distance}
16 emergency personnel and that requirement is less stringent than a residency ^{specified in the}
17 requirement described under par. (b), a residency requirement that is enacted or ^{ordinance}
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21 (1) This act first applies to any city, village, town, county, or school district
22 whose employees are covered by a collective bargaining agreement that is in effect
23

BILL

1 on the effective date of this subsection upon the expiration, extension, renewal, or
2 modification of the agreement.

3 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 8, 2000

MEMORANDUM

To: Representative Gunderson

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-1072 Residency requirements, local government employees

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.