

2001 DRAFTING REQUEST

Bill

Received: **08/21/2001**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Melissa Gilbert**

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

Drafter: **grantpr**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Rep.Walker@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit residency requirements for teachers

Instructions:

See Attached

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>
/?	grantpr 08/21/2001	gilfokm 08/30/2001		_____			S&L
/1			kfollet 08/30/2001	_____	lrb_docadmin 08/30/2001	lrb_docadmin 02/18/2002 lrb_docadmin 02/18/2002	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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1?	grantpr	1-8/30 Kmg	KJ 8/30	KJ/PS 8/30			

FE Sent For:

<END>

Grant, Peter

From: Gilbert, Melissa
Sent: Thursday, August 16, 2001 3:21 PM
To: Grant, Peter
Subject: teacher residency requirement

Hi Peter,

We would like to draft a bill that prohibits school districts from imposing residency requirements on teachers. It appears that Milwaukee would be the only school system affected by this provision, so I suppose we could just apply the restriction to first-class cities. Let me know if you have any suggestions.

Thanks,
Missy
Melissa Gilbert
Research Assistant
Office of Rep. Scott Walker

-1072/2

AB113

5005

LRB-3635/1
PG: KMG

2001 ASSEMBLY BILL 113

February 13, 2001 - Introduced by Representatives GUNDERSON, JENSEN, HUEBSCH, NASS, FREESE, LADWIG, MUSSER, DALOW, KREIBICH, POWERS, JOHNSRUD, ALBERS, SKINDRUD, SYKORA and URBAN, cosponsored by Senators S. FITZGERALD, SCHULTZ and HUELSMAN. Referred to Committee on Urban and Local Affairs.

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* 66.0502 of the statutes; **relating**
3 **to: prohibiting** ~~cities, villages, towns, counties, and~~ school districts ^{boards} from
4 imposing residency requirements on ~~certain employees.~~ ^{teachers}

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 non-elective 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) 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 may not require such personnel to live closer than 15 miles outside of the boundary of the local governmental unit, although such personnel may choose to live closer to the boundary of the local governmental unit than the distance specified in the ordinance. 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

the school district

repeals

boards
teachers

a board

a teacher

ASSEMBLY BILL 113

not be subject to a stricter residency requirement that is enacted by the local governmental unit.

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:

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

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

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

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

60.37 (1) GENERAL. The town board may employ on a temporary or permanent basis persons necessary to carry out the functions of town government. The board may establish the qualifications and terms of employment, which may not include the residency of the employee. The board may delegate the authority to hire town employees to any town official or employee.

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

62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to residence, health and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination, including minimum training and experience requirements, shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The board shall control examinations and may designate and change

as affected by 2001 Wisconsin kit...
(SB 55)

Section #. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V, and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are applicable to a 1st class city school district and board.

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186.

JEN

and 120.26

ASSEMBLY BILL 113

1 examiners, who may or may not be otherwise in the official service of the city, and
2 whose compensation shall be fixed by the board and paid by the city. Veterans and
3 their spouses shall be given preference points in accordance with s. 230.16 (7).

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

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

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

23 **SECTION 7.** ~~66.0502~~⁷ of the statutes is created to read: ✓

120.26

~~SEC. 120.26~~

(B)

120.26 Residency requirements prohibited.

(B)

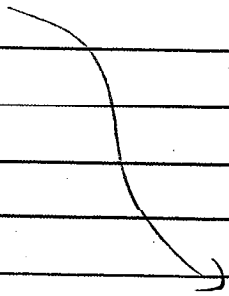
(1) In this section, "teacher" has the same

means any person holding a license or permit

issued by the state superintendent whose

employment by a school district requires that

he or she hold that license or permit.



~~SEC. CRJ 120 26~~

~~Residence requirements prohibited.~~

(B)

98

(2) A school board may not require, as a condition of employment, that a teacher reside within the school district.

ASSEMBLY BILL 113

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~~SECTION 8~~ **SECTION 8. Initial applicability.**

(1) This act first applies to any ~~city, village, town, county, or~~ school district whose ~~employees~~ ^{teachers} are covered by a collective bargaining agreement that is in effect on the effective date of this subsection upon the expiration, extension, renewal, or modification of the agreement.

(END)

Basford, Sarah

From: Gilbert, Melissa
Sent: Friday, February 15, 2002 4:54 PM
To: LRB.Legal
Subject: Draft review: LRB-3635/1 Topic: Prohibit residency requirements for teachers

It has been requested by <Gilbert, Melissa> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-3635/1 Topic: Prohibit residency requirements for teachers