

2001 DRAFTING REQUEST

Bill

Received: **12/06/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **Judy**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties - miscellaneous**

Extra Copies: **RAC**

Pre Topic:

No specific pre topic given

Topic:

Residency requirements for individuals to take exam to become a sheriff's deputy

Instructions:

See Attached. Abolish residency requirement to take sheriff's deputy exam in s. 59.26 (8) (a).

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>
/1	shoveme 12/11/2000	jdyer 12/12/2000	pgreensl 12/12/2000	_____	lrb_docadmin 12/12/2000	lrb_docadminS&L 12/14/2000	

FE Sent For:

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/1 MES 12/11/00							

FE Sent For:

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1366/

MES.....

Handwritten initials: jld, fmr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Handwritten initials: gm

1 AN ACT ...; relating to: residency requirements for persons who wish to take an
2 examination for the position of deputy sheriff. ✓

Analysis by the Legislative Reference Bureau

three

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 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:

3 SECTION 1. 59.26 (8) (a) of the statutes is amended to read:
4 59.26 (8) (a) In any county with a population of less than 500,000, the board,
5 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
6 at not less than that number required by sub. (1) (a) and (b) and may set the salary

1 of those deputies. The board may provide by ordinance that deputy sheriff positions
2 be filled by appointment by the sheriff from a list of all persons with the 3 highest
3 scores for each position based on a competitive examination ^{of plain A} ~~of persons residing in~~
4 ~~this state for at least one full year prior to the date of such examination.~~ Such
5 competitive examinations may be by a county civil service commission or by the
6 division of merit recruitment and selection in the department of employment
7 relations at the option of the board and it shall so provide by ordinance. The division
8 of merit recruitment and selection in the department of employment relations shall,
9 upon request of the board, conduct such examination according to the methods used
10 in examinations for the state civil service and shall certify an eligible list of the
11 names of all persons with the 3 highest scores on that examination for each position
12 to the sheriff of that county who shall make an appointment from that list to fill the
13 position within 10 days after he or she receives the eligible list. The county for which
14 such examination is conducted shall pay the cost of that examination. If a civil
15 service commission is decided upon for the selection of deputy sheriffs, then ss. 63.01
16 to 63.17 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04
17 and 63.15 and except the provision governing minimum compensation of the
18 commissioners. The ordinance or an amending ordinance may provide for employee
19 grievance procedures and disciplinary actions, for hours of work, for tours of duty
20 according to seniority and for other administrative regulations. Any board provision
21 consistent with this paragraph and existing on July 25, 1951, is validated. If the
22 sheriff fills a deputy sheriff position by promotion, the sheriff shall make the
23 appointment to the position from a list of 3 deputy sheriffs who receive the highest
24 scores in a competitive examination. Such competitive examinations may be by a
25 county civil service commission or by the division of merit recruitment and selection

1 in the department of employment relations at the option of the board and it shall so
2 provide by ordinance.

History: 1975 c. 198; 1977 c. 26; 1983 a. 27; 1983 a. 192 ss. 125, 303 (1); 1989 a. 221; 1991 a. 39, 316; 1993 a. 53; 1995 a. 201 s. 273; Stats. 1995 s. 59.26; 1995 a. 225 ss. 154, 155.

3 **SECTION 2.** 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, other than an
5 applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this
6 state before applying for an examination. The commission may require an applicant
7 to file a written application form which bears upon the applicant's fitness for a vacant
8 position and which the commission deems necessary. For a position offering a skilled,
9 technical or professional service, upon a finding that a suitable number of qualified
10 applicants cannot be obtained from within the state, the commission may open the
11 examination to residents of other states. Residency in this state may be waived for
12 an applicant for an examination for a position which requires a license in a health
13 care field. No question pertaining to political affiliation or religious faith may be
14 asked of any applicant for an examination.

History: 1971 c. 232; 1975 c. 94; 1983 a. 148, 538; 1991 a. 39, 101; 1995 a. 27, s. 9126 (19).

15 **SECTION 3. Initial applicability.**

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

18 (END)

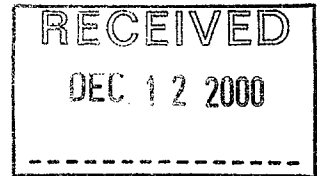


STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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



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

December 12, 2000

MEMORANDUM

To: Representative Ladwig

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-1366 Residency requirements for individuals to take exam to become a sheriff's deputy

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.

 A 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.