



1995 ASSEMBLY BILL 726

December 12, 1995 - Introduced by Representatives DOBYNS, ALBERS, LINTON, JENSEN, URBAN, HUEBSCH, AINSWORTH, SCHNEIDERS, WALKER, KREIBICH, GARD, GUNDERSON, HOVEN, JOHNSRUD, NASS, OURADA, PORTER, OWENS, MUSSER, SILBAUGH, HANDRICK, DUFF, LADWIG and FREESE, cosponsored by Senators FITZGERALD, WELCH, ANDREA, ROSENZWEIG and ZIEN. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to repeal** 59.21 (1) (c); **to amend** 60.37 (1), 62.13 (4) (d), 63.08 (1) (a) and
2 63.25 (1) (a); and **to create** 66.188 of the statutes; **relating to:** prohibiting
3 cities, villages, towns, counties and school districts from imposing certain
4 residency requirements on certain employes.

Analysis by the Legislative Reference Bureau

With some exceptions, this bill provides that any city, village, town, county or school district may not require, as a condition of employment, that any employe or prospective employe reside within any jurisdictional limit.

The bill provides for a number of exceptions to this requirement. The bill excludes certain public officials appointed by the mayor of a 1st class city (presently only Milwaukee), town sanitary district commissioners and certain school board officials. The bill also excludes the head of any department of a local governmental unit and employes of more than one local governmental unit. If a position requires that the employe or prospective employe return to duty in an emergency situation when he or she is off duty, the local unit of government may also require the employe or prospective employe to live within a 30-minute commute of the boundary of the local governmental unit, based on needs of the local unit of government with respect to the position. The bill's 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.

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1 **SECTION 1.** 59.21 (1) (c) of the statutes is repealed.

2 **SECTION 2.** 60.37 (1) of the statutes is amended to read:

3 60.37 (1) **GENERAL.** The town board may employ on a temporary or permanent
4 basis persons necessary to carry out the functions of town government. The board
5 may establish the qualifications and terms of employment, which may not include
6 the residency of the employe. The board may delegate the authority to hire town
7 employes to any town official or employe.

8 **SECTION 3.** 62.13 (4) (d) of the statutes is amended to read:

9 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
10 under 55 years of age, with proper limitations as to ~~residence~~, health and, subject to
11 ss. 111.321, 111.322 and 111.335, arrest and conviction record. The examination,
12 including minimum training and experience requirements, shall be job-related in
13 compliance with appropriate validation standards and shall be subject to the
14 approval of the board and may include tests of manual skill and physical strength.
15 All relevant experience, whether paid or unpaid, shall satisfy experience
16 requirements. The board shall control examinations and may designate and change
17 examiners, who may or may not be otherwise in the official service of the city, and
18 whose compensation shall be fixed by the board and paid by the city. Veterans and
19 their spouses shall be given preference points in accordance with s. 230.16 (7).

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

21 63.08 (1) (a) Any applicant for an examination under s. 63.05 shall be a resident
22 of this state before applying for an examination, but the commission may not require
23 any period of residency in the county for entrance to an examination or employment
24 in the county. The commission may require an applicant to file a written application
25 form which bears upon the applicant's fitness for a vacant position and which the

1 commission deems necessary. For a position offering a skilled, technical or
2 professional service, upon a finding that a suitable number of qualified applicants
3 cannot be obtained from within the state, the commission may open the examination
4 to residents of other states. Residency in this state may be waived for an applicant
5 for an examination for a position which requires a license in a health care field. No
6 question pertaining to political affiliation or religious faith may be asked of any
7 applicant for an examination.

8 **SECTION 5.** 63.25 (1) (a) of the statutes is amended to read:

9 63.25 (1) (a) For open, competitive examinations and for other examinations
10 by which to test applicants for office or for employment as to their practical fitness
11 to discharge the duties of the positions which they desire to fill, which examinations
12 shall be public and free to all persons with proper limitations as to residence, age,
13 health and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record.

14 **SECTION 6.** 66.188 of the statutes is created to read:

15 **66.188 Employee residency requirements prohibited.** (1) The legislature
16 finds that public employe residency requirements are a matter of statewide concern.

17 (2) In this section, "local governmental unit" means any city, village, town,
18 county or school district.

19 (3) Except as provided in sub. (4), a local governmental unit may not require,
20 as a condition of employment, that any employe or prospective employe reside within
21 any jurisdictional limit.

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

1 (b) If the employe's or prospective employe's position is such that he or she may
2 be required to return to duty due to an emergency situation when he or she is off duty,
3 a local governmental unit may require the employe or prospective employe to live
4 within a 30-minute commute of the boundary of the local governmental unit, based
5 on the needs of the local governmental unit with respect to the position.

6 (c) Subsection (3) does not apply to the head of any department of a local
7 governmental unit or to an individual who is the employe of more than one local
8 governmental unit.

9 **SECTION 7. Initial applicability.**

10 (1) This act first applies to any city, village, town, county or school district
11 whose employes are covered by a collective bargaining agreement that is in effect on
12 the effective date of this subsection upon the expiration, extension, renewal or
13 modification of the agreement.

14 (END)