



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 726**

February 22, 1996 - Offered by 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:** allowing cities,  
3 villages, towns, counties and school districts to impose certain residency  
4 requirements only if certain conditions are met.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 **SECTION 1.** 59.21 (1) (c) of the statutes is repealed.

6 **SECTION 2.** 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. The board may delegate the authority to hire town  
11 employes to any town official or employe.

12 **SECTION 3.** 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

1 ss. 111.321, 111.322 and 111.335, arrest and conviction record. The examination,  
2 including minimum training and experience requirements, shall be job-related in  
3 compliance with appropriate validation standards and shall be subject to the  
4 approval of the board and may include tests of manual skill and physical strength.  
5 All relevant experience, whether paid or unpaid, shall satisfy experience  
6 requirements. The board shall control examinations and may designate and change  
7 examiners, who may or may not be otherwise in the official service of the city, and  
8 whose compensation shall be fixed by the board and paid by the city. Veterans and  
9 their spouses shall be given preference points in accordance with s. 230.16 (7).

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

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

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

24 63.25 (1) (a) For open, competitive examinations and for other examinations  
25 by which to test applicants for office or for employment as to their practical fitness

1 to discharge the duties of the positions which they desire to fill, which examinations  
2 shall be public and free to all persons with proper limitations as to residence, age,  
3 health and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record.

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

5 **66.188 Employe residency requirements.** (1) The legislature finds that  
6 public employe residency requirements are a matter of statewide concern.

7 (2) In this section:

8 (a) "Family member" means a spouse of an employe of a local governmental unit  
9 or an individual related to the employe by blood, marriage or adoption within the 3rd  
10 degree of kinship as computed under s. 852.03 (2).

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

13 (c) "Medical hardship" means a physical condition that affects an employe of  
14 a local governmental unit, or a family member of such an employe, that is certified  
15 in writing by a physician and that necessitates the employe living outside of the  
16 jurisdictional limits of the local governmental unit in order to receive care or  
17 treatment or in order to provide care or treatment to the family member.

18 (3) Except as provided in sub. (4), a local governmental unit may impose a  
19 residency requirement as a condition of employment only if all of the following  
20 conditions are met:

21 (a) The residency requirement exempts any employe or prospective employe  
22 who lives outside the jurisdictional limits of the local governmental unit for reasons  
23 of medical hardship.

24 (b) If both spouses of a married couple work for different local governmental  
25 units which have residency requirements under this subsection, the residency

1 requirement exempts an employe or prospective employe who lives with his or her  
2 spouse in the jurisdictional limit of the local governmental unit for which the spouse  
3 works.

4 (c) The residency requirement exempts an employe or prospective employe,  
5 who qualified for an exemption under par. (a) or (b), for a period of 12 months from  
6 the date on which the exemption under par. (a) or (b) ceased to apply.

7 (d) The local governmental unit creates a committee to determine whether a  
8 person claiming an exemption from the residency requirement under par. (a), (b) or  
9 (c) is entitled to the exemption.

10 (e) The residency requirement only requires the employe or prospective  
11 employe to reside within the jurisdictional limit of the local governmental unit.

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

15 **SECTION 7. Initial applicability.**

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

20 (END)