



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1995 ASSEMBLY BILL 726**

March 25, 1996 - Offered by Representatives WALKER and DOBYNS.

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5 **SECTION 1.** 59.21 (1) (c) of the statutes is repealed.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, subject to s.
10 66.188, include the residency of the employe. The board may delegate the authority
11 to hire town 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)** In this section:

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

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

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

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

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

22 (b) If both spouses of a married couple work for different local governmental
23 units which have residency requirements under this subsection, the residency
24 requirement exempts an employe or prospective employe who lives with his or her

1 spouse in the jurisdictional limit of the local governmental unit for which the spouse
2 works.

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

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

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

12 **(4)** Nothing in this section affects the duty of a municipal employer to bargain
13 collectively with a recognized or certified representative of municipal employes in a
14 collective bargaining unit with respect to any residency requirement that is
15 consistent with this section.

16 **SECTION 7. Initial applicability.**

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

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(END)