



2013 ASSEMBLY BILL 333

August 23, 2013 - Introduced by Representatives GOYKE, ZEPNICK, ZAMARRIPA, RICHARDS, SINICKI, RINGHAND, JOHNSON, BERCEAU, WRIGHT, C. TAYLOR, WACHS, JORGENSEN, OHNSTAD, BARNES, HEBL, SARGENT and YOUNG, cosponsored by Senator RISSER. Referred to Joint Committee on Finance.

1 **AN ACT** *to repeal* 66.0502; *to amend* 17.03 (4) (d), 60.37 (1), 62.13 (4) (d), 62.50
2 (5) and 63.08 (1) (a); and *to create* 59.26 (1) (cb) and 62.531 of the statutes;
3 **relating to:** repealing the changes made to local residency requirements in
4 2013 Wisconsin Act 20.

Analysis by the Legislative Reference Bureau

Under current law, as created in 2013 Wisconsin Act 20, the state budget bill, the legislature made a finding that public employee residency requirements are a matter of statewide concern and, generally, prohibited a local governmental unit (any city, village, town, county, or school district) from requiring, as a condition of employment, that any employee or prospective employee of a local governmental unit reside within any jurisdictional limit. Current law also states that if a local governmental unit had a residency requirement in effect on the effective date of the residency requirement provisions created in Act 20, those provisions do not apply and cannot be enforced.

This bill repeals the prohibitions on local residency requirements that were created in Act 20 and restores the former law.

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

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1 **SECTION 1.** 17.03 (4) (d) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 17.03 **(4)** (d) If the office is local and appointive, and residency, ~~subject to s.~~
4 ~~66.0502,~~ is a local requirement, the county, city, village, town, district, or area within
5 which the duties of the office are required to be discharged.

6 **SECTION 2.** 59.26 (1) (cb) of the statutes is created to read:

7 59.26 **(1)** (cb) Each deputy shall reside in the city or village for which the deputy
8 is appointed, or, if appointed for an assembly district, shall reside in the village in
9 such district.

10 **SECTION 3.** 60.37 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
11 amended to read:

12 60.37 **(1)** GENERAL. The town board may employ on a temporary or permanent
13 basis persons necessary to carry out the functions of town government including,
14 subject to sub. (4), any elected officer of the town. The board may establish the
15 qualifications and terms of employment, which may ~~not~~ include the residency of the
16 employee, ~~except as provided in s. 66.0502 (4) (b).~~ The board may delegate the
17 authority to hire town employees to any town official or employee.

18 **SECTION 4.** 62.13 (4) (d) of the statutes, as affected by 2013 Wisconsin Act 20,
19 is amended to read:

20 62.13 **(4)** (d) The examination shall be free for all U.S. citizens over 18 and
21 under 55 years of age, with proper limitations as to residence, health and, subject to
22 ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination,
23 including minimum training and experience requirements, shall be job-related in
24 compliance with appropriate validation standards and shall be subject to the
25 approval of the board and may include tests of manual skill and physical strength.

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1 All relevant experience, whether paid or unpaid, shall satisfy experience
2 requirements. The board shall control examinations and may designate and change
3 examiners, who may or may not be otherwise in the official service of the city, and
4 whose compensation shall be fixed by the board and paid by the city. Veterans and
5 their spouses shall be given preference points in accordance with s. 230.16 (7).

6 **SECTION 5.** 62.50 (5) of the statutes, as affected by 2013 Wisconsin Act, is
7 amended to read:

8 **62.50 (5) EXAMINATIONS.** The examinations which the rules and regulations
9 provide for shall be public and free to all U.S. citizens with proper limitations as to
10 residence, age, health and, subject to ss. 111.321, 111.322, and 111.335, arrest and
11 conviction record. The examinations shall be practical in their character and shall
12 relate to those matters which fairly test the relative capacity of the candidates to
13 discharge the duties of the positions in which they seek employment or to which they
14 seek to be appointed and may include tests of manual skill and physical strength.
15 The board shall control all examinations and may designate suitable persons, either
16 in the official service of the city or not, to conduct such examinations and may change
17 such examiners at any time, as seems best.

18 **SECTION 6.** 62.531 of the statutes is created to read:

19 **62.531 Residency required for public officials in 1st class cities.** Any
20 public official, as defined in s. 62.51 (1) (b), may not serve more than 180 days after
21 his or her confirmation unless he or she resides within the boundaries of the 1st class
22 city by which he or she is employed.

23 **SECTION 7.** 63.08 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
24 is amended to read:

ASSEMBLY BILL 333**SECTION 7**

1 63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an
2 applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this
3 state before applying for an examination, ~~but the commission may not require any~~
4 ~~period of residency in the county for entrance to an examination or employment in~~
5 ~~the county.~~ The commission may require an applicant to file a written application
6 form which bears upon the applicant's fitness for a vacant position and which the
7 commission deems necessary. For a position offering a skilled, technical, or
8 professional service, upon a finding that a suitable number of qualified applicants
9 cannot be obtained from within the state, the commission may open the examination
10 to residents of other states. Residency in this state may be waived for an applicant
11 for an examination for a position which requires a license in a health care field. No
12 question pertaining to political affiliation or religious faith may be asked of any
13 applicant for an examination.

14 **SECTION 8.** 66.0502 of the statutes, as created by 2013 Wisconsin Act 20, is
15 repealed.

16 (END)