



1995 ASSEMBLY BILL 149

February 16, 1995 - Introduced by Representatives DOBYNS, ALBERS, JENSEN, OWENS, NASS, URBAN, OTTE, JOHNSRUD, OURADA, AINSWORTH, HANDRICK, GARD, PORTER, DUFF, KLUSMAN, BOYLE, LADWIG, BRANCEL, HOVEN, MUSSER and GUNDERSON, cosponsored by Senators FITZGERALD, ROSENZWEIG and ANDREA. Referred to Committee on Urban and Local Affairs.

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 counties, cities, villages, towns and school districts from imposing residency
4 requirements on certain employees.

Analysis by the Legislative Reference Bureau

With some exceptions, this bill prohibits cities, villages, towns, counties and school districts from requiring, as a condition of employment, that any nonelective employe or prospective employe reside within any jurisdictional limits. Exceptions to the general prohibition include certain public officials appointed by the mayor of a 1st class city (presently only Milwaukee), town sanitary district commissioners and certain school board officials. In addition, the 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:

5 **SECTION 1.** 59.21 (1) (c) of the statutes is repealed.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

1 may establish the qualifications and terms of employment, which may not include
2 the residency of the employe. The board may delegate the authority to hire town
3 employes to any town official or employe.

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

5 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
6 under 55 years of age, with proper limitations as to ~~residence~~, health and, subject to
7 ss. 111.321, 111.322 and 111.335, arrest and conviction record. The examination,
8 including minimum training and experience requirements, shall be job-related in
9 compliance with appropriate validation standards and shall be subject to the
10 approval of the board and may include tests of manual skill and physical strength.
11 All relevant experience, whether paid or unpaid, shall satisfy experience
12 requirements. The board shall control examinations and may designate and change
13 examiners, who may or may not be otherwise in the official service of the city, and
14 whose compensation shall be fixed by the board and paid by the city. Veterans and
15 their spouses shall be given preference points in accordance with s. 230.16 (7).

16 **SECTION 3.** 63.08 (1) (a) of the statutes is amended to read:

17 63.08 (1) (a) Any applicant for an examination under s. 63.05 shall be a resident
18 of this state before applying for an examination, but the commission may not require
19 any period of residency in the county for entrance to an examination or employment
20 in the county. The commission may require an applicant to file a written application
21 form which bears upon the applicant's fitness for a vacant position and which the
22 commission deems necessary. For a position offering a skilled, technical or
23 professional service, upon a finding that a suitable number of qualified applicants
24 cannot be obtained from within the state, the commission may open the examination
25 to residents of other states. Residency in this state may be waived for an applicant

1 for an examination for a position which requires a license in a health care field. No
2 question pertaining to political affiliation or religious faith may be asked of any
3 applicant for an examination.

4 **SECTION 4.** 63.25 (1) (a) of the statutes is amended to read:

5 63.25 (1) (a) For open, competitive examinations and for other examinations
6 by which to test applicants for office or for employment as to their practical fitness
7 to discharge the duties of the positions which they desire to fill, which examinations
8 shall be public and free to all persons with proper limitations as to residence, age,
9 health and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record.

10 **SECTION 5.** 66.188 of the statutes is created to read:

11 **66.188 Employee residency requirements prohibited.** (1) The legislature
12 finds that public employe residency requirements are a matter of statewide concern.

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

15 (3) Except as provided in sub. (4), no local governmental unit may require, as
16 a condition of employment, that any employe or prospective employe reside within
17 any jurisdictional limit.

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

21 **SECTION 6. Initial applicability.**

22 (1) This act first applies to any city, village, town, county or school district
23 whose employes are covered by a collective bargaining agreement that is in effect on

1 the effective date of this subsection upon the expiration, extension, renewal or
2 modification of the agreement.

3 (END)