



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2003 Assembly Bill 130</b>	<b>Assembly Substitute Amendment 1</b>
<i>Memo published:</i> May 21, 2003	<i>Contact:</i> Don Dyke, Senior Staff Attorney (266-0292)

**CURRENT LAW**

Current law authorizes a city, village, or town to consolidate with a contiguous city, village, or town. Section 66.0229, Stats. Consolidation requires adoption, by a 2/3 vote of all members of each governing body, of an ordinance establishing the terms of the consolidation and ratification of the consolidation by the electors in a referendum held in each municipality.

If a town is consolidating with a city or village, the consolidation must be submitted, prior to referendum, to circuit court and the Department of Administration (DOA) for a determination whether the consolidation ordinance meets statutory requirements and whether the proposed consolidation meets specified public interest criteria that otherwise apply to incorporations of towns. For the consolidation to proceed, DOA must find the criteria are met.

**SUBSTITUTE AMENDMENT I**

**Consolidation of a Town With Another Town**

The substitute amendment clarifies that contiguous towns may consolidate under the current consolidation statute, s. 66.0229, Stats., without submitting the proposed consolidation to circuit court and DOA. Current law is ambiguous as to whether consolidation of contiguous towns is subject to these requirements. As a result of this change, the new consolidation procedure in the proposal, described below, only applies to consolidation of a town with a city or village.

**Consolidation of a Town With City or Village**

The substitute amendment provides a new procedure, alternative to the current consolidation procedure in s. 66.0229, for the consolidation of all or part of a town with a contiguous city or village. The new consolidation procedure requires passage of an ordinance by a 2/3 vote of all of the members of the governing body of each consolidating municipality and ratification by the electors at a referendum held in each municipality.

The authority to consolidate under the new procedure is contingent on meeting requirements relating to governmental services, government buildings, boundary agreements with surrounding municipalities, comprehensive planning, and treatment of any town remnant. These requirements are described below.

***Governmental Services***

As a condition of consolidating, the town and the city or village must adopt identical resolutions describing the level of services that residents of the proposed consolidated city or village will receive, or have access to, in at least the following areas: public parks services; public health services; animal control services; library services; fire and emergency rescue services; and law enforcement services. In addition, at least some part of the consolidated city or village must receive sewage disposal services as a condition of consolidation.

***Government Buildings***

As a condition of consolidating, the town and the city or village must adopt identical resolutions that relate to the ownership or leasing of government buildings.

***Boundary Agreements***

As a condition of consolidating, the city or village with which the town wishes to consolidate must enter into a separate boundary agreement, subject to approval of the town board for the town to be consolidated, with every city, village, and town that borders the proposed consolidated city or village. The boundary agreement must determine the boundary between the parties to the agreement. The agreement must state the agreement's term and include procedures under which the agreement may be amended.

***Comprehensive Plan***

As a condition of consolidating, the town and the city or village must agree to adopt a comprehensive plan (under s. 66.1001, Stats.) for the consolidated city or village, to take effect on the effective date of the consolidation.

***Additional Requirement if Less Than Entire Town Consolidated***

If less than an entire town consolidates with a city or village, the consolidation may not take effect unless the town enters into an agreement with a city, village, or town that has a common boundary with the territory of the town not consolidated under which the town remnant becomes part of the city, village, or town with the common boundary. If the town remnant becomes part of a city or village, the remnant agreement must be included in each boundary agreement required under the draft and entered into by a city, village, or town bordering the remnant.

**CHANGES MADE BY SUBSTITUTE AMENDMENT TO ORIGINAL BILL**

In general terms, the substitute amendment revises the original bill in the following ways:

1. Treating town-to-town consolidations under the current consolidation procedure and clarifying that these consolidations need not be submitted to circuit court and the DOA. In the original bill, the new procedure for consolidation applies both to town-to-town consolidations and to consolidations of towns with cities or villages.

2. Providing that before a consolidation under the new, alternative procedure may take place, the level of certain governmental services that residents of the proposed consolidated city or village will receive, or have access to, must be described in identical resolutions but, need not, as in the original bill, be part of an intergovernmental cooperation agreement providing town residents with, or access to, the specified services.

3. Requiring as a condition of consolidation under the new procedure that at least some part of the consolidated city or village receive sewage disposal services. In the original bill, sewage disposal services were required to be part of the intergovernmental cooperation agreement providing town residents with, or access to, certain services.

4. Requiring as a condition of consolidation that identical resolutions be adopted relating to ownership or leasing of government buildings. In the original bill, the town must be a party to an intergovernmental agreement relating to ownership or leasing of government buildings.

5. Making clarifications to more accurately reflect intent.

**LEGISLATIVE ACTION**

Assembly Substitute Amendment 1 was introduced by the Assembly Committee on Urban and Local Affairs. The committee recommended adoption of the amendment and passage of the bill, as amended, by a vote of Ayes, 6; Noes, 0, on May 20, 2003.

DD:rv:ksm:tlu;rv



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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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<b>2003 Wisconsin Act 93 [2003 Assembly Bill 130]</b>	<b>Consolidation of Towns, Villages, and Cities</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

**CURRENT LAW**

Current law authorizes a city, village, or town to consolidate with a contiguous city, village, or town. Section 66.0229, Stats. Consolidation requires adoption of an ordinance, by a 2/3 vote of all members of each governing body, establishing the terms of the consolidation and requires subsequent ratification of the consolidation by the electors in a referendum held in each municipality.

If a town is consolidating with a city or village, the consolidation must be submitted, prior to referendum, to circuit court and the Department of Administration (DOA) for a determination whether the consolidation ordinance meets statutory requirements and whether the proposed consolidation meets specified public interest criteria that otherwise apply to incorporations of towns. For the consolidation to proceed, the court must find the requirements are met and DOA must find the criteria are met.

**ACT 93**

***Consolidation of a Town With Another Town.*** Act 93 clarifies that contiguous towns may consolidate under the current consolidation statute, s. 66.0229, Stats., without submitting the proposed consolidation to circuit court and DOA. Current law is ambiguous as to whether consolidation of contiguous towns is subject to these requirements.

***Consolidation of a Town With City or Village.*** Act 93 provides a new procedure, alternative to the current consolidation procedure in s. 66.0229, for the consolidation of all or part of a town with a contiguous city or village. The new consolidation procedure requires passage of an ordinance by a 2/3 vote of all of the members of the governing body of each consolidating municipality and ratification by the electors at a referendum held in each municipality. There is no requirement that the consolidation be submitted to circuit court or DOA.

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This memo provides a brief description of the Act. For more detailed information,  
consult the text of the law and related legislative documents.

As a condition of consolidating:

1. The town and the city or village must adopt identical resolutions describing the level of services residents of the proposed consolidated city or village will receive, or have access to, in at least the following areas: public park services; public health services; animal control services; library services; fire and emergency rescue services; and law enforcement services. In addition, at least some part of the consolidated city or village must receive sewage disposal services as a condition of consolidation.

2. The town and the city or village must adopt identical resolutions that relate to the ownership or leasing of government buildings.

3. The city or village with which the town is consolidating must enter into a separate boundary agreement, subject to approval of the town board for the town to be consolidated, with every city, village, and town that borders the proposed consolidated city or village. The boundary agreement must determine the boundary between the parties to the agreement. The agreement must state its duration and include procedures under which the agreement may be amended.

4. The town and the city or village must agree to adopt a comprehensive plan (under s. 66.1001, Stats.) for the consolidated city or village, to take effect on the effective date of the consolidation.

If less than an entire town consolidates with a city or village, the consolidation may not take effect unless the town enters into an agreement with a city, village, or town that has a common boundary with the territory of the town not consolidated, under which the town remnant becomes part of the city, village, or town with a common boundary. If the town remnant becomes part of a city or village, the remnant agreement must be included in each boundary agreement required under the Act and entered into by a city, village, or town bordering the remnant.

**Effective Date:** Act 93 takes effect on December 18, 2003.

**Prepared by:** Don Dyke, Chief of Legal Services

December 9, 2003

DD:jal:ksm;tlu

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- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Friday, September 26, 2003

**2003-2004 legislative session**

**Legislative bills and resolutions**

(search for another legislative bill or resolution at the bottom of this page)

Text, Sponsors and Analysis

Status and Fiscal Estimate

Lobbying Effort on this item

**Assembly Bill 130**

creating a new method for towns to consolidate

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comm
●	●	Kenosha County	3/10/2003	?	
●	●	League of Wisconsin Municipalities	3/24/2003	↑	
●	●	Professional Firefighters of Wisconsin Inc	6/24/2003	↔	
●	●	Waukesha County	3/12/2003	↔	
●	●	Waukesha County Municipal Executives	3/19/2003	?	
●	●	Wisconsin Alliance of Cities Inc	3/12/2003	↑	
●	●	Wisconsin Builders Association	5/13/2003	?	
●	●	Wisconsin Professional Police Association	5/8/2003	?	
●	●	Wisconsin Realtors Association	3/14/2003	↔	
●	●	Wisconsin Towns Association	3/7/2003	↑	

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**Proposal Type**     
**Proposal Number**  (enter proposal number)  
**Legislative Session**

State Representative  
**Bonnie L. Ladwig**  
63rd Assembly District



June 24, 2003

The Honorable Ron Brown  
State Senator  
104 South, State Capitol  
Madison, WI 53707

Dear Senator Brown:

A handwritten signature in cursive that reads "Ron".

Thank you for scheduling a hearing on Assembly Bill 48 and Assembly Bill 130. I appreciate your willingness to do so in such timely fashion.

I would also like to request a hearing on Assembly Bill 50 relating to sheriff fees. This bill passed the Assembly unanimously on May 6<sup>th</sup>. Current law establishes sheriff's fees for various costs incurred by the sheriff in carrying out court-related services, but allows a county board to establish a higher sheriff's fee for service of process, execution of judgment and travel related to civil and criminal process. Assembly Bill 50 would also allow a county board to establish a higher sheriff's fee for seizure of property evictions. According to the Racine County Sheriff's Department, the current \$10 per hour is not covering the cost incurred by the department to do the work. It is costing Racine County an extra \$30,000 a year.

Your consideration of this bill for a hearing would be greatly appreciated. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive that reads "Bonnie".

Bonnie Ladwig  
State Representative  
63<sup>rd</sup> Assembly District

JUN 25 2003

BLL:jlh

Cc: Representative Steve Foti, Assembly Majority Leader



July 11, 2003

Senator Ron Brown  
104 South State Capitol  
Madison, WI 53707  
HAND-DELIVERED

Dear Senator Brown:

Thank you for the opportunity to testify before you on Assembly Bill 48 and Assembly Bill 130. I appreciate your consideration.

Assembly Bill 48 provides our constituents with a fair, reasonable day that they should expect to have their property taxes mailed to them. Our constituents are expected to have their taxes paid on time, and it is only fair that municipalities make every effort to have the bill to them in a timely fashion.

Assembly Bill 130 ensures that during these tight fiscal times when we are asking local governments to make cuts and combine services, that communities have an avenue to be able to consolidate.

Again, thank you for holding a hearing. Should you have any questions regarding either of these bills, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie".

Bonnie L. Ladwig  
State Representative  
63<sup>rd</sup> Assembly District





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OCT 21 2003

**To: Members of the Wisconsin State Senate**  
**From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities**  
**Date: October 21, 2003**  
**Re: Support for AB 130, Creating a New Method for Towns to Consolidate with Other Municipalities**

The League of Wisconsin Municipalities supports AB 130, creating an alternative procedure for towns to consolidate with contiguous municipalities, which is on the Senate's calendar for Wednesday. We believe the version of the bill passed by the Assembly on May 29<sup>th</sup> is a sensible compromise that accomplishes the goal of allowing a town and neighboring city or village to consolidate upon mutual agreement approved by their electors at a referendum without DOA and circuit court review, as long as the consolidating communities meet the conditions set forth in the bill.

These conditions include the following:

- The consolidating town and municipality must enter into a joint comprehensive plan, which takes effect upon consolidation.
- The municipality with which the town wishes to consolidate must enter into a boundary agreement with every municipality bordering the proposed consolidated city or village, which determines the boundaries between every bordering community.
- The town and the city or village must adopt identical resolutions describing the level of services that residents of the proposed consolidated city or village will receive, or have access to, in at least the following areas: public parks services; public health services; animal control services; library services; fire and emergency rescue services; and law enforcement services. In addition, at least some part of the consolidated city or village must receive sewage disposal services as a condition of consolidation.
- If less than an entire town consolidates with a municipality, the consolidation may not take effect unless the town enters into an agreement with a municipality that shares a border with the town remnant under which the town remnant becomes part of the municipality with a common boundary.

We believe this bill provides a viable way for some neighboring communities to resolve annexation and other border conflicts amicably and sensibly. For these reasons the League urges you to pass AB 130. Thanks for considering our comments.