

State of Wisconsin



2011 Assembly Bill 181

Date of enactment: **March 21, 2012**

Date of publication*: **April 4, 2012**

2011 WISCONSIN ACT 128

AN ACT to repeal 66.0217 (14) (b) 2.; to consolidate, renumber and amend 66.0217 (14) (b) (intro.) and 1.; to amend 66.0217 (11) (c); and to create 66.0217 (6) (d) of the statutes; relating to: Department of Administration review of annexations of town territory, county board approval of certain annexations, and authorizing towns to challenge certain city or village annexations.

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

SECTION 1. 66.0217 (6) (d) of the statutes is created to read:

66.0217 (6) (d) *Direct annexation by unanimous approval.* 1. Upon the request of the town affected by the annexation, the department shall review an annexation under sub. (2) to determine whether the annexation violates any of the following, provided that the town submits its request to the department within 30 days of the enactment of the annexation ordinance:

a. The requirement under sub. (2) regarding the contiguity of the territory to be annexed with the annexing city or village.

b. The requirement under sub. (14) (b).

2. Following its review, and within 20 days of receiving the town's request, the department shall send a copy of its findings to any affected landowner, the town affected by the annexation, and the annexing city or village. If the department does not complete its review and send a copy of its findings within 20 days of receiving the town's request, the effect on the town and the annexing city or village shall be the same as if the department found no violation of the requirements specified in subd. 1. If the department finds that an annexation violates any

requirement specified in subd. 1., the town from which territory is annexed may, within 45 days of its receipt of the department's findings, challenge the annexation in circuit court.

3. If the town commences an action to challenge the annexation and the circuit court rules against the town, the town shall pay the court costs and the city's or village's reasonable attorney fees incurred in defending the annexation. If the town commences an action to challenge the annexation and the circuit court rules in the town's favor and upholds the town's challenge, the city or village shall pay the court costs and the town's reasonable attorney fees incurred in challenging the annexation.

SECTION 2. 66.0217 (11) (c) of the statutes is amended to read:

66.0217 (11) (c) ~~No~~ Except as provided in sub. (6) (d) 2., no action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation under sub. (2), may be brought by any town.

SECTION 3. 66.0217 (14) (b) (intro.) and 1. of the statutes are consolidated, renumbered 66.0217 (14) (b) and amended to read:

66.0217 (14) (b) No territory may be annexed by a city or village under this section if no part of the city or village is located in the same county as the territory that is subject to the proposed annexation unless all of the fol-

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

lowing occur: 1. The the town board adopts a resolution approving the proposed annexation.

SECTION 4. 66.0217 (14) (b) 2. of the statutes is repealed.

SECTION 5. Initial applicability.

(1) This act first applies to any annexation that commences on the effective date of this subsection.
