

2013 DRAFTING REQUEST

Bill

Received: 11/18/2013 Received By: emueller
Wanted: As time permits Same as LRB:
For: Jim Steineke (608) 266-2418 By/Representing: Jon Turke
May Contact: Drafter: emueller
Subject: Local Gov't - misc Addl. Drafters:
Local Gov't - munis generally Extra Copies: MES, FFK, PJK

Submit via email: YES
Requester's email: Rep.Steineke@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

DOA advisory opinion on certain annexations

Instructions:

Repeal s. 66.0217 (6) (a) and (c)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 12/6/2013			_____			
/1	emueller 1/23/2014	jdyer 12/17/2013	rschluet 12/17/2013	_____	sbasford 12/17/2013		State S&L
/2		jdyer 1/24/2014	jfrantze 1/24/2014	_____	mbarman 1/24/2014	mbarman 2/5/2014	State S&L

FE Sent For:

at intro
2/20

<END>

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/?	emueller 12/6/2013	1/24 jld jd		RS 21/24 [Signature]			
/1	emueller	jdye 12/17/2013	rschlue 12/17/2013		sbasford 12/17/2013		State S&L
/2	EVN 1/23/14						

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Pre Topic:

No specific pre topic given

Topic:

DOA advisory opinion on certain annexations; DOA list of land use ADR practitioners

Instructions:

Repeal s. 66.0217 (6) (a) to (c)

Drafting History:

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/?	emueller	12/17 jld	jd	[Signature]			
1/1	evm 12/16/13			[Signature]			

FE Sent For:

<END>

Responding to the drafter's notes for LRB-3666/1dn:

Drafter note 1: That is correct, it should be repealed.

Drafter note 2: I agree with the drafter.

Drafter Note 3: I am ok if 66.0217(6)(b) is not affected by this draft and that the language remains on the books (it requires DOA to maintain professionals' contact information on its website that can help mediate land disputes)

Jon Turke

Office of Rep. Jim Steineke

Assistant Majority Leader

608-266-2418



↑ jld
RMR

2013 BILL

12/6/13

4
1

921

AN ACT ...; relating to: certain duties of the department of administration related to annexations and land use disputes.

Website

Analysis by the Legislative Reference Bureau

* Under current law, no city or village may annex town territory that is located in a county with a population of at least 50,000 people unless the department of administration (DOA) reviews the proposed annexation and offers an opinion as to whether the annexation is in the public interest. The city or village must review DOA's advice before taking final action on the proposed annexation. Also under current law, DOA must make available on its public website a list of persons who identify themselves as professionals qualified to facilitate alternative dispute resolution of annexation, boundary, and land use disputes. This bill repeals these provisions.

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:

3 SECTION 1. 66.0203 (9) (e) (intro.) of the statutes is amended to read:

BILL

1 66.0203 (9) (e) (intro.) The determination of the board made in accordance with
 2 the standards under ss. 66.0205, and 66.0207 [✓] ~~and 66.0217 (6) (e)~~ [✓] shall be one of the
 3 following:

History: 1973 c. 37; 1977 c. 29; 1977 c. 187 s. 134; 1983 a. 219; 1991 a. 316; 1993 a. 329; 1995 a. 201; 1999 a. 150 s. 36; Stats. 1999 s. 66.0203; 1999 a. 186; 2001 a. 16; 2003 a. 171; 2005 a. 254; 2007 a. 20; 2013 a. 38.

4 **SECTION 2.** 66.0217 (4) (b) [✓] of the statutes is amended to read:

5 66.0217 (4) (b) The person who has the notice published shall serve a copy of
 6 the notice, within 5 days after its publication, upon the clerk of each municipality
 7 affected, upon the clerk of each school district affected and upon each owner of land
 8 in a town if that land will be in a city or village after the annexation. Service may
 9 be either by personal service or by certified mail with return receipt requested. If
 10 ~~required under sub. (6) (a)~~ [✓], a copy of the notice shall be mailed to the department as
 11 provided in that paragraph.

*(a) (intro.), 1. and 2.,
(b) and (c),*

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 a. 361, 412; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182, 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128.

12 **SECTION 3.** 66.0217 (6) (a) of the statutes is repealed.

13 **SECTION 4.** 66.0217 (6) (b) of the statutes is repealed.

14 **SECTION 5.** 66.0217 (6) (c) of the statutes is repealed.

15 **SECTION 6.** 66.0217 (6) (d) (title) of the statutes is repealed.

16 **SECTION 7.** 66.0217 (6) (d) [✓] of the statutes ^{are} ~~is~~ renumbered 66.0217 (6) and
 17 66.0217 (6) (b), as renumbered, is amended to read:

18 66.0217 (6) (b) Following its review, and within 20 days of receiving the town's
 19 request, the department shall send a copy of its findings to any affected landowner,
 20 the town affected by the annexation, and the annexing city or village. If the
 21 department does not complete its review and send a copy of its findings within 20
 22 days of receiving the town's request, the effect on the town and the annexing city or
 23 village shall be the same as if the department found no violation of the requirements

1. (intro.), a. and b., 2. and 3.

BILL

1

specified in subd. ^{SCORE} ~~1~~ par. (a). If the department finds that an annexation violates any
 requirement specified in subd. ~~1~~ par. (a), 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.

as affected by 2013 Wisconsin Act 80,

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182, 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128.

5

SECTION 8. 66.0217 (8) (a) of the statutes is amended to read:

6

66.0217 (8) (a) An ordinance for the annexation of the territory described in the

7

annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected

8

members of the governing body not less than 20 days after the publication of the

9

notice of intention to circulate the petition and not later than 120 days after the date

10

of filing with the city or village clerk of the petition for annexation or of the

11

referendum election if favorable to the annexation. ~~If the annexation is subject to~~

12

sub. (6) [✓] the governing body shall first review the reasons given by the department

13

that the proposed annexation is against the public interest. Subject to s. 59.692 (7),

14

^{an explain} an ordinance under this subsection may temporarily designate the classification of

15

the annexed area for zoning purposes until the zoning ordinance is amended as

16

prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a

17

temporary classification, the proposed classification shall be referred to and

18

recommended by the plan commission. The authority to make a temporary

19

classification is not effective when the county ordinance prevails during litigation as

20

provided in s. 59.69 (7).

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182, 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128.

21

SECTION 9. 66.0217 (11) (c) of the statutes is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3666/1dn

EVM: :....

date

JLD

ATTN: Rep. Jim Steineke✓

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

- * 1. This draft repeals s. 66.0307 (4m) (c) 2. because the subsection appears to reference only s. 66.0217 (6) (a), which is repealed by this draft. Please let me know if you believe the repeal of s. 66.0307 (4m) (c) 2. is in error.
- * 2. This draft removes the reference to s. 66.0217 (6) (c) in s. 66.0203 (e) (intro.) and does not provide any replacement text. I did this for two reasons. First, the deleted reference appears to be nonfunctional. The reference to s. 66.0217 (6) (c) does not provide applicable standards in the context of a s. 66.0203 (9) incorporation review. Second, generically speaking, the standards in s. 66.0217 (c) are substantially similar to those in ss. 66.0205 and 66.0207 that must also be considered by the incorporation review board. That is, it does not appear to me that s. 66.0217 (6) (c), even if read to apply to incorporations, would supply any standard not provided under the other referenced standards. (9) (6)
- * You may, however, wish to contact the department of administration for their opinion regarding whether some addition to the standards in s. 66.0205 or 66.0207 is necessary given the repeal of s. 66.0217 (6) (c).

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

3. Section 66.0217 (6) (b) does not clearly relate to s. 66.0217 (6) (a) and (c). Did you intend to include it in this bill?

Jon - Send this in for drafting please.

- **Annexations.** Revise Wis. Stat sec. 66.0217 to strike Sections 6(a), (b), and (c). This is the section that requires notice of an annexation to be sent to the Department of Administration and a fee paid for an advisory opinion from it that the annexation is in the public interest. The municipalities may accept or ignore the Department's advice, which makes it a waste of money. The review fee ranges from \$200 to \$4,000 depending on the acreage. This does not eliminate 6(d), which gives the Town's standing in limited circumstances to challenge annexations.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3666/1dn
EVM:jld:rs

December 17, 2013

ATTN: Rep. Jim Steineke

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. This draft repeals s. 66.0307 (4m) (c) 2. because the subsection appears to reference only s. 66.0217 (6) (a), which is repealed by this draft. Please let me know if you believe the repeal of s. 66.0307 (4m) (c) 2. is in error.
2. This draft removes the reference to s. 66.0217 (6) (c) in s. 66.0203 (9) (e) (intro.) and does not provide any replacement text. I did this for two reasons. First, the deleted reference appears to be nonfunctional. The reference to s. 66.0217 (6) (c) does not provide applicable standards in the context of a s. 66.0203 (9) incorporation review. Second, generically speaking, the standards in s. 66.0217 (6) (c) are substantially similar to those in ss. 66.0205 and 66.0207 that must also be considered by the incorporation review board. That is, it does not appear to me that s. 66.0217 (6) (c), even if read to apply to incorporations, would supply any standard not provided under the other referenced standards.

You may, however, wish to contact the Department of Administration for their opinion regarding whether some addition to the standards in s. 66.0205 or 66.0207 is necessary given the repeal of s. 66.0217 (6) (c).

3. Section 66.0217 (6) (b) does not clearly relate to s. 66.0217 (6) (a) and (c). Did you intend to include it in this bill?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov



RMR

2013 BILL

1/23/14

repeal

Soon

X

1 AN ACT to repeal 66.0217 (6) (a), 66.0217 (6) (b), 66.0217 (6) (c), 66.0217 (6) (d)
 2 (title) and 66.0307 (4m) (c) 2.; to renumber 66.0307 (4m) (c) 1.; to renumber
 3 and amend 66.0217 (6) (d) 1. (intro.), a. and b., 2. and 3.; and to amend 66.0203
 4 (9) (e) (intro.), 66.0217 (4) (b), 66.0217 (8) (a) and 66.0217 (11) (c) of the statutes;
 5 relating to: certain duties of the Department of Administration related to
 6 annexations and land use disputes.

review of certain

Analysis by the Legislative Reference Bureau

Under current law, no city or village may annex town territory that is located in a county with a population of at least 50,000 people unless the Department of Administration (DOA) reviews the proposed annexation and offers an opinion as to whether the annexation is in the public interest. The city or village must review DOA's advice before taking final action on the proposed annexation. Also under current law, DOA must make available on its public Web site a list of persons who identify themselves as professionals qualified to facilitate alternative dispute resolution of annexation, boundary, and land use disputes. This bill repeals these provisions.

this provision ✓

*

BILL

Section # . *rp + rc 66.0217 (6) (title)* *(CS)*
66.0217 (6) (title) Departmental Duties.

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:

1 **SECTION 1.** 66.0203 (9) (e) (intro.) of the statutes is amended to read:

2 66.0203 (9) (e) (intro.) The determination of the board made in accordance with
3 the standards under ss. 66.0205, and 66.0207 and 66.0217 (6) (e) shall be one of the
4 following:

5 **SECTION 2.** 66.0217 (4) (b) of the statutes is amended to read:

6 66.0217 (4) (b) The person who has the notice published shall serve a copy of
7 the notice, within 5 days after its publication, upon the clerk of each municipality
8 affected, upon the clerk of each school district affected and upon each owner of land
9 in a town if that land will be in a city or village after the annexation. Service may
10 be either by personal service or by certified mail with return receipt requested. If
11 required under sub. [✓](6) (a), a copy of the notice shall be mailed to the department as
12 provided in that paragraph.

13 **SECTION 3.** 66.0217 (6) (a) of the statutes is repealed.

14 ~~**SECTION 4.** 66.0217 (6) (b) of the statutes is repealed.~~

15 **SECTION 5.** 66.0217 (6) (c) of the statutes is repealed.

16 ~~**SECTION 6.** 66.0217 (6) (d) (title) of the statutes is repealed.~~

17 ~~**SECTION 7.** 66.0217 (6) (d) 1. (intro.), a. and b., 2. and 3. of the statutes are
18 renumbered 66.0217 (6) (a) (intro.), 1. and 2., (b) and (c), and 66.0217 (6) (b), as
19 renumbered, is amended to read:~~

20 ~~66.0217 (6) (b) Following its review, and within 20 days of receiving the town's
21 request, the department shall send a copy of its findings to any affected landowner,~~

BILL

~~1 the town affected by the annexation, and the annexing city or village. If the
2 department does not complete its review and send a copy of its findings within 20
3 days of receiving the town's request, the effect on the town and the annexing city or
4 village shall be the same as if the department found no violation of the requirements
5 specified in subd. 1. par. (a). If the department finds that an annexation violates any
6 requirement specified in subd. 1. par. (a), the town from which territory is annexed
7 may, within 45 days of its receipt of the department's findings, challenge the
8 annexation in circuit court.~~

9 **SECTION 8.** 66.0217 (8) (a) of the statutes, as affected by 2013 Wisconsin Act 80,
10 is amended to read:

11 66.0217 (8) (a) An ordinance for the annexation of the territory described in the
12 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
13 members of the governing body not less than 20 days after the publication of the
14 notice of intention to circulate the petition and not later than 120 days after the date
15 of filing with the city or village clerk of the petition for annexation or of the
16 referendum election if favorable to the annexation. ~~If the annexation is subject to~~
17 ~~sub. (6) the governing body shall first review the reasons given by the department~~
18 ~~that the proposed annexation is against the public interest.~~ An ordinance under this
19 subsection may temporarily designate the classification of the annexed area for
20 zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7)
21 (d). Before introduction of an ordinance containing a temporary classification, the
22 proposed classification shall be referred to and recommended by the plan
23 commission. The authority to make a temporary classification is not effective when
24 the county ordinance prevails during litigation as provided in s. 59.69 (7).

25

~~**SECTION 9.** 66.0217 (11) (c) of the statutes is amended to read:~~

Parisi, Lori

From: Turke, Jon
Sent: Tuesday, February 04, 2014 4:17 PM
To: LRB.Legal
Subject: Draft Review: LRB -3666/2 Topic: DOA advisory opinion on certain annexations

Please Jacket LRB -3666/2 for the ASSEMBLY.