



1995 ASSEMBLY BILL 202

March 15, 1995 - Introduced by Representatives FOTI, VRAKAS, WOOD, PLACHE, HANSON, LADWIG, GROTHMAN and HUBER, cosponsored by Senator FITZGERALD. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 66.023 (2) (a), 66.023 (2) (b), 66.023 (4) (a) 1., 66.023 (4) (c),
2 66.023 (7) and 66.026 of the statutes; **relating to:** municipal boundary
3 changes.

Analysis by the Legislative Reference Bureau

Under current law, any combination of cities, villages or towns (municipalities) may determine the boundary lines between themselves by agreeing to a cooperative plan that is approved by the department of administration (DOA). The cooperative plan must specify the duration of the proposed planning period, which must be at least 10 years and may be up to 20 years. During the planning period, subject to one exception, no other procedure for altering a municipality's boundaries may be used to alter the boundary of a municipality that is a party to the plan.

Therefore, under current law, all of a municipality's boundaries are "frozen" during the planning period. This bill changes current law so that the boundaries of a municipality that are "frozen" during the planning period are only the boundaries to which the cooperative plan relates.

Also under current law, before municipalities may submit their plan to DOA for approval, they must hold a joint public hearing. Any person may comment on the plan at the hearing and may submit written comments at any time. This bill changes current law so that written comments on the plan may be submitted only within 20 days following the hearing.

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:

4 **SECTION 1.** 66.023 (2) (a) of the statutes is amended to read:

1 66.023 (2) (a) That specified boundary line changes shall occur during the
2 planning period and the approximate dates by which the changes shall occur.

3 **SECTION 2.** 66.023 (2) (b) of the statutes is amended to read:

4 66.023 (2) (b) That specified boundary line changes may occur during the
5 planning period and the approximate dates by which the changes may occur.

6 **SECTION 3.** 66.023 (4) (a) 1. of the statutes is amended to read:

7 66.023 (4) (a) 1. The department, the department of natural resources, the
8 department of agriculture, trade and consumer protection and the department of
9 transportation.

10 **SECTION 4.** 66.023 (4) (c) of the statutes is amended to read:

11 66.023 (4) (c) *Comment on plan.* Any person may comment on the plan during
12 the hearing and may submit written comments at any time within 20 days following
13 the hearing. All comments shall be considered by each participating municipality.
14 Any county zoning agency under s. 59.97 (2) or regional planning commission whose
15 jurisdiction includes any participating municipality shall comment in writing on the
16 plan's effect on the master plan adopted by the regional planning commission under
17 s. 66.945 (9), or development plan adopted by the county board or county planning
18 agency under s. 59.97 (3), and on the delivery of municipal services, and may
19 comment on any other aspect of the plan. Any county in the regional planning
20 commission's jurisdiction may submit comments on the effect of the cooperative plan
21 on the master plan adopted under s. 66.945 (9) and on the delivery of county services
22 or on any other matter related to the plan.

23 **SECTION 5.** 66.023 (7) of the statutes is amended to read:

24 66.023 (7) **APPLICABILITY OF OTHER BOUNDARY PROCEDURES.** During the planning
25 period specified under sub. (3) (f), no other procedure for altering a municipality's

1 boundaries may be used to alter the boundary, to which the cooperative plan relates,
2 of a municipality that is a party to the cooperative plan, except if an annexation is
3 conducted under s. 144.07 (1m), regardless of whether the boundary is proposed to
4 be maintained or changed or is allowed to be changed under the plan. After the
5 planning period has expired, the boundary may be altered.

6 **SECTION 6.** 66.026 of the statutes is amended to read:

7 **66.026 Notice of litigation.** Whenever any proceedings under ss. 61.187,
8 61.189, 61.74, 62.075, 66.012, 66.013 to 66.019, 66.021, 66.022, 66.023, 66.025 or
9 other sections relating to an incorporation, annexation, consolidation, dissolution or
10 detachment of territory of a city or village are contested by instigation of legal
11 proceedings, the clerk of the city or village involved in such the proceedings shall
12 ~~forthwith~~ file with the secretary of state 4 copies of a notice of the commencement of
13 ~~such~~ the action. The clerk shall also file with the secretary of state 4 copies of any
14 judgments rendered or appeals taken in such cases. The notices or copies of
15 judgments ~~as herein~~ that are required under this section may also be filed by an
16 officer or attorney of any party of interest. The secretary of state shall forward to the
17 department of transportation 2 copies and to the department of revenue and the
18 department of administration one copy each of any notice of action or judgment filed
19 with the secretary of state ~~pursuant to~~ under this section.

20 (END)