

1999 DRAFTING REQUEST

Bill

Received: **09/25/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact: **George Hall**
6-0683

Alt. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Topic:

DOA:.....Grinde - Modify DOA's municipal boundary review procedures

Instructions:

See Attached. Extend annex/ review statewide; clarify role of sec. of state; redefine "legal descrip", related terms; improve time lines and review stnds

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>
/P1	shoveme 10/5/98	gilfokm 10/12/98	ismith 10/13/98	_____	lrb_docadmin 10/13/98		S&L
/P2	shoveme 12/7/98	ygeller 12/7/98	martykr 12/8/98	_____	lrb_docadmin 12/8/98		S&L
/P3	shoveme 01/6/99	gilfokm 01/6/99	jfrantze 01/7/99	_____	lrb_docadmin 01/7/99		S&L
/P4			lpaasch 01/19/99	_____	lrb_docadmin 01/19/99		S&L

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FE Sent For: 1/14/99
1/14-1-16-99 kmg
1-19 L.P.
1-19 L.P. cmh
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For: **Administration-Budget 6-0777**

By/Representing: **Caucutt**

Grinde

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/P2	shoveme 12/7/98	ygeller 12/7/98	martykr 12/8/98	_____	lrb_docadmin 12/8/98		S&L

1 P3
FE Sent For: *1/6/99* *13-1-6-99* *kmq* *1/7* *1/84*
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1P2 MES 12/7/98 *km 12/8* *Jr 12/8*

FE Sent For:

1P2 12/7 JLG

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For: **Administration**

By/Representing: **Paul McMahon**

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6-0683

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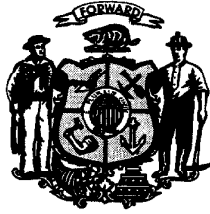
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1/1	NES	10/5/98					

FE Sent For:

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin


TOMMY G. THOMPSON
GOVERNOR
JAMES R. KLAUSER
SECRETARY



Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864

Date: September 14, 1998

To: Mr. Peter J. Dykman
Legislative Reference Bureau
100 N. Hamilton Street

From: Paul McMahon, Director 
Bureau of Financial Management
Division of Administrative Services/DOA
101 E. Wilson St.

Subject: Drafting of Agency Items for 1999-2001 Budget Bill

Attached are the proposals the department will be advancing to the Governor for consideration in the next budget bill. I have attached a summary, followed by one-page drafting information w/attachments as referenced.

Please return drafts to my attention, 9th floor, St. Administration Bldg. via Inter-D mail, or electronically if you prefer: paul.mcmahon@DOA.state.wi.us

attachments

cc: George Lightbourn, Deputy Secretary
Ed Main, Legal Counsel

7/12

**Department of Administration (agency) Drafting Request
to the Legislative Reference Bureau**

➔ Draft for Possible 99-01 Budget Bill Introduction (*Agency DI No: NA*)

Draft for Possible Introduction as Department-sponsored or Independent Bill

Subject: Modify current Municipal Boundary Review (annexation reviews) law	
Request Date: September 14, 1998	
Reviewed by:	
Contact Name in DOA for Drafter:	George Hall - program administrator (6-0683) Tara Brunner - Agency budget staff (6-0016)

Brief Description of Intent:

- 66.021(11) A. Extend annexation review statewide. We receive periodic requests for information from communities, and complaints from legislators from the under 50,000 population counties. These also tend to be the ones where cities and villages fail to file annexation ordinances with the Secretary of State, and file ordinances with incorrect legal descriptions and maps. Adding 48 counties would increase the workload an estimated 10-15%, provide for uniform state-wide coverage (needed for a state-wide municipal boundary data layer for census, redistricting, state transfer payments to local governments, etc.), and provide uniform information to all units of local government.
- 66.021(6) B. Clarify the role of the Secretary of State. Make DOA responsible for receiving and filing all annexation ordinances, including providing official copies to the Secretary of State office and to state agencies as appropriate.
- 66.021(6) C. Redefine what is meant by legal description, scale map, and related terms. DOA still receives illegible documents, documents with errors (owners incorrectly listed, no monumentation noted, existing municipal boundaries not described, etc.) and other problems, *with no right to refuse to accept them*, and many still do not comply with *commonly acceptable map accuracy standards*.
- (11) D. Improve time lines and review standards. There is a need for the Department to produce a clean record for citizens and the courts alike, as well as for the legislature to spell out the policy issues it would like the Department to consider. For example, given the newer cooperative agreement and tax revenue sharing statutes, when are annexations an inappropriate tool? Statutory terms could employ some of the judicial directives characterizing the Department's review of annexations. The current 20-day review period, given MBR's current workload, provides no flexibility either for local government to respond to our information needs, or for MBR to adjust its workload in order to deal with a last-minute problem. Extend time for review to 60 days, with the understanding that MBR will try to process non-complex emergency requests as time and resources permit.
- E. Set fees: See related drafting request #34.

in another bill

Related Stat. Citations

s. 66.021 (11)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0345
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KMG RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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gan

- 1 AN ACT ...; relating to: municipal boundary review procedures conducted by the
- 2 department of administration.

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT
OTHER LOCAL GOVERNMENT

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Two of the methods are direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; and annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk and a referendum is held and passes in the town. The annexation process is initiated by the publication of a notice declaring the intention to circulate an annexation petition. The notice must contain certain information, such as the name and address of the person circulating the petition, a legal description of the territory proposed to be annexed and a copy of a scale map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village.

Under both of these methods, in a county with a population of at least 50,000, the department of administration (DOA) is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that, in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 after receipt of the notice of annexation. DOA's opinion

days

1

is based on its review of the notice that is required to be published, the legal description of the territory that is proposed to be annexed and the scale map of the territory. Upon receiving DOA's opinion the annexing municipality is required to review DOA's advice before final action is taken.

Under this bill, DOA is authorized to review proposed annexations in all counties without regard to the population of the counties. The bill also expands the period of time under which DOA renders its opinion from 20 days to 60 days. The bill also states that DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent ~~the~~ ^{DOA} ~~department~~ from ascertaining the territory that is proposed to be annexed or do not conform to generally accepted standards for the preparation of legal descriptions and scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process ~~shall~~ ^{will} proceed.

Also under current law, if an annexation procedure results in an annexation, the clerk of the city or village which has annexed territory is required to file a certified copy of the ordinance, certificate and plat with the secretary of state. Similar filing requirements exist for territory that is detached from a city or village and attached to another city, village or town and for ~~boundary changes~~ ^{with} that are made under a cooperative plan. The secretary of state is then required under current law to file copies of such documents ~~at~~ ^{with} various state agencies and local governments. Under the bill, DOA is responsible for receiving and filing all annexation ordinances and related documents and for providing copies of such ordinances and documents to various state agencies and local governments. The bill makes similar changes for detachments and municipal boundary changes that are made under a cooperative plan.

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. 66.021 (8) (a) of the statutes is amended to read:
- 2 66.021 (8) (a) The clerk of a city or village which has annexed territory shall
- 3 file immediately with the ~~secretary of state~~ department of administration a certified
- 4 copy of the ordinance, certificate and plat, and ~~The department of administration~~
- 5 shall send one copy of the ordinance, certificate and plat to each company that
- 6 provides any utility service in the area that is annexed. The clerk department of
- 7 administration shall also record the ordinance with the register of deeds and file a

1 signed copy of the ordinance with the clerk of any affected school district. Failure
 2 to file, record or send shall not invalidate the annexation and the duty to file, record
 3 or send shall be a continuing one. The ordinance that is filed, recorded or sent shall
 4 describe the annexed territory and the associated population. The information filed
 5 with the ~~secretary of state~~ shall be utilized in making recommendations for department
 6 adjustments to entitlements under the federal revenue sharing program and of
 7 distribution of funds under ch. 79. The clerk shall certify annually to the secretary
 8 ~~of state and record with the register of deeds~~ department of administration a legal
 9 description of the total boundaries of the municipality as those boundaries existed
 10 on December 1, unless there has been no change in the 12 months preceding. The
 11 department of administration shall send copies of such certification to the secretary
 12 of state and shall record such certification with the register of deeds.

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.

SECTION 2. 66.021 (8) (b) of the statutes is amended to read:

14 66.021 (8) (b) Within 10 days of receipt of the ordinance, certificate and plat,
 15 the ~~secretary of state~~ department of administration shall forward 2 copies of the
 16 ordinance, certificate and plat to the department of transportation, one copy to the
 17 ~~department of administration~~ secretary of state, one copy to the department of
 18 revenue, one copy to the department of public instruction, one copy to the department
 19 of commerce, one copy to the department of natural resources, one copy to the
 20 department of agriculture, trade and consumer protection and 2 copies to the clerk
 21 of the municipality from which the territory was annexed.

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.

SECTION 3. 66.021 (11) (a) of the statutes is amended to read:

*department
of
administration*

1 66.021 (11) (a) *Annexations within populous counties.* No annexation
2 proceeding ~~within a county having a population of 50,000 or more~~ shall be valid
3 unless the person causing a notice of annexation to be published under sub. (3) shall
4 within 5 days of the publication mail a copy of the notice, legal description and a scale
5 map of the proposed annexation to the clerk of each municipality affected and the
6 department of administration, except that if the department of administration
7 determines within 5 days of receipt of the documents that the legal description or
8 scale map is illegible, contains errors that prevent the department from ascertaining
9 the territory that is proposed to be annexed or do not conform to generally accepted
10 standards for the preparation of legal descriptions and scale maps the department
11 may refuse acceptance of the documents and the annexation process may not
12 continue. If the refused documents are resubmitted by the proposed annexing city
13 or village to the department of administration not later than 10 days after they have
14 been returned and the department determines that they are legible, accurate and
15 conform to generally accepted standards for the preparation of legal descriptions and
16 scale maps the annexation shall proceed. The department may within ~~20~~ 60 days
17 after receipt of the notice mail to the clerk of the town within which the territory lies
18 and to the clerk of the proposed annexing village or city a notice that in its opinion
19 the annexation is against the public interest. No later than 10 days after mailing the
20 notice, the department shall advise the clerk of the town in which the territory is
21 located and the clerk of the village or city to which the annexation is proposed of the
22 reasons the annexation is against the public interest as defined in par. (c). The
23 annexing municipality shall review the advice before final action is taken.

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.

24 **SECTION 4.** 66.022 (5) of the statutes is amended to read:

1 66.022 (5) The ordinance, certificate and plat shall be filed and recorded in the
 2 same manner as for annexations under s. 66.021 (8) (a). The requirements for the
 3 ~~secretary of state~~ department of administration shall be the same as in s. 66.021 (8)
 4 (b).

History: 1973 c. 90; 1983 a. 29; 1987 a. 391; 1989 a. 192; 1991 a. 5, 269; 1993 a. 301.

5 **SECTION 5. 66.023 (10) of the statutes is amended to read:**

6 **66.023 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING REQUIREMENTS.**

7 A boundary change under a cooperative plan shall be accomplished by the enactment
 8 of an ordinance by the governing body designated to do so in the plan. The filing and
 9 recording requirements under s. 66.021 (8) (a), as they apply to cities and villages
 10 under s. 66.021 (8) (a), apply to municipalities under this subsection. The
 11 requirements for the ~~secretary of state~~ department of administration shall be the
 12 same as those required in s. 66.021 (8) (b).

History: 1991 a. 269; 1993 a. 213, 301, 329, 399; 1995 a. 35, 201, 216, 227; 1997 a. 27, 35.

13 **SECTION 9358. Initial applicability; other**

14 (1) MUNICIPAL BOUNDARY REVIEW PROCEDURES. (a) The treatment of sections
 15 66.021 (8) (a) and (b) and ~~66.021 (11) (a)~~ (11) (a) of the statutes first applies to annexation
 16 proceedings that commence with the filing of a petition under 66.021 (2) (a) or (b)
 17 of the statutes on the effective date of this ~~subsection~~ *section*.

18 (b) The treatment of section 66.022 (5) of the statutes first applies to
 19 detachment proceedings that commence with the filing of a petition under 66.022
 20 (1) of the statutes. *section*

21 (c) The treatment of section 66.023 (10) of the statutes first applies to
 22 cooperative plan proceedings that commence with the adoption of a resolution under
 23 66.023 (4) (a) of the statutes. *section*

24 (END)

paragraph

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0345/P1

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Under both of these methods, in a county with a population of at least 50,000, the department of administration (DOA) is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that, in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation. DOA's

opinion is based on its review of the notice that is required to be published, the legal description of the territory that is proposed to be annexed and the scale map of the territory. Upon receiving DOA's opinion the annexing municipality is required to review DOA's advice before final action is taken.

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- 5 shall send one copy of the ordinance, certificate and plat to each company that
- 6 provides any utility service in the area that is annexed. ~~The clerk~~ department of
- 7 administration shall also record the ordinance with the register of deeds and file a

1 signed copy of the ordinance with the clerk of any affected school district. Failure
2 to file, record or send shall not invalidate the annexation and the duty to file, record
3 or send shall be a continuing one. The ordinance that is filed, recorded or sent shall
4 describe the annexed territory and the associated population. The information filed
5 with the ~~secretary of state~~ department of administration shall be utilized in making
6 recommendations for adjustments to entitlements under the federal revenue
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19 located and the clerk of the village or city to which the annexation is proposed of the
20 reasons the annexation is against the public interest as defined in par. (c). The
21 annexing municipality shall review the advice before final action is taken.

22 SECTION 4. 66.022 (5) of the statutes is amended to read:

23 66.022 (5) The ordinance, certificate and plat shall be filed and recorded in the
24 same manner as for annexations under s. 66.021 (8) (a). The requirements for the

1 ~~secretary of state~~ department of administration shall be the same as in s. 66.021 (8)
2 (b).

3 **SECTION 5.** 66.023 (10) of the statutes is amended to read:

4 **66.023 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING REQUIREMENTS.**

5 A boundary change under a cooperative plan shall be accomplished by the enactment
6 of an ordinance by the governing body designated to do so in the plan. The filing and
7 recording requirements under s. 66.021 (8) (a), as they apply to cities and villages
8 under s. 66.021 (8) (a), apply to municipalities under this subsection. The
9 requirements for the ~~secretary of state~~ department of administration shall be the
10 same as those required in s. 66.021 (8) (b).

11 **SECTION 9358. Initial applicability; other.**

12 (1) MUNICIPAL BOUNDARY REVIEW PROCEDURES.

13 (a) The treatment of section 66.021 (8) (a) and (b) and (11) (a) of the statutes
14 first applies to annexation proceedings that commence with the filing of a petition
15 under section 66.021 (2) (a) or (b) of the statutes on the effective date of this
16 paragraph.

17 (b) The treatment of section 66.022 (5) of the statutes first applies to
18 detachment proceedings that commence with the filing of a petition under section
19 66.022 (1) of the statutes.

20 (c) The treatment of section 66.023 (10) of the statutes first applies to
21 cooperative plan proceedings that commence with the adoption of a resolution under
22 section 66.023 (4) (a) of the statutes.

23 (END)

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin



Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864

TOMMY G. THOMPSON
GOVERNOR
JAMES R. KLAUSER
SECRETARY

Date: December 23, 1998
To: Mr. Marc E. Shovers
Legislative Reference Bureau
From: Paul McMahon, Director
Bureau of Financial Management
Division of Administrative Services/DOA
Subject: Budget Bill Draft LRB-0345/1

The department would like to have the following modifications made to this draft. References are to bill draft:

Overall: Please re-insert current law to maintain the primary role of the Secretary of State in receiving and distributing certified copies of ordinances, certificates and plats. However, insert the Department of Administration as a recipient under section 1 as appropriate. In section 2 and section 5, re-insert primary role of SOS. Make other changes consistent with this viewpoint.

Page 2: "Analysis by LRB"

Third paragraph, last sentence – this sentence needs to be reworded so that local units of government retain responsibility for filing their ordinance and other documents with county registrar of deeds, local utilities, school districts, and other local bodies entitled to notice. Accordingly...

...Line 6-7, retain "clerk" and strike "department of administration"

Page 3

Lines 1-2: Condition the effective date of annexation ordinances based on the date the adopting ordinance was recorded with the registrar of deeds. (This changes current law by invalidating the annexation unless it is so filed.)

Thanks. Please contact George Hall (6-0683) for program questions, and Dan Caucutt (6-0777) regarding budget process questions.

cc: Ed Main, DOA Legal Counsel



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0345/P2

MES:kmg

3
RMP

Grinde

DOA:..... ~~WVA~~ - Modify DOA's municipal boundary review procedures

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not
gen

- 1 AN ACT relating to: municipal boundary review procedures conducted by the
- 2 department of administration.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Two of the methods are direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; and annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk and a referendum is held and passes in the town. The annexation process is initiated by the publication of a notice declaring the intention to circulate an annexation petition. The notice must contain certain information, such as the name and address of the person circulating the petition, a legal description of the territory proposed to be annexed and a copy of a scale map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village.

Under both of these methods, in a county with a population of at least 50,000, the department of administration (DOA) is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that,

in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation. DOA's opinion is based on its review of the notice that is required to be published, the legal description of the territory that is proposed to be annexed and the scale map of the territory. Upon receiving DOA's opinion the annexing municipality is required to review DOA's advice before final action is taken.

Under this bill, DOA is authorized to review proposed annexations in all counties without regard to the population of the counties. The bill also expands the period of time under which DOA renders its opinion from 20 days to 60 days. The bill also states that DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or do not conform to generally accepted standards for the preparation of legal descriptions and scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process will proceed.

Also under current law, if an annexation procedure results in an annexation, the clerk of the city or village which has annexed territory is required to file a certified copy of the ordinance, certificate and plat with the secretary of state. Similar filing requirements exist for territory that is detached from a city or village and attached to another city, village or town and for boundary changes that are made under a cooperative plan. The secretary of state is then required under current law to file copies of such documents with various state agencies and local governments. ~~Under the bill, DOA is responsible for receiving and filing all annexation ordinances and related documents and for providing copies of such ordinances and documents to various state agencies and local governments. The bill makes similar changes for detachments and municipal boundary changes that are made under a cooperative plan.~~

INS
ANL

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:

INS
2-1

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4 copy of the ordinance, certificate and plat, ~~and~~ ~~The department of administration~~
5 shall send one copy of the ordinance, certificate and plat to each company that
6 provides any utility service in the area that is annexed. The clerk ~~department of~~

(plain)

plain

1 ~~administration~~ shall also record the ordinance with the register of deeds and file a
 2 signed copy of the ordinance with the clerk of any affected school district. Failure
 3 to file, record or send shall not invalidate the annexation and the duty to file, record
 4 or send shall be a continuing one. The ordinance that is filed, recorded or sent shall
 5 describe the annexed territory and the associated population. The information filed
 6 with the ~~secretary of state~~ department of administration shall be utilized in making
 7 recommendations for adjustments to entitlements under the federal revenue
 8 sharing program and distribution of funds under ch. 79. The clerk shall certify
 9 annually to the ~~secretary of state and record with the register of deeds~~ department
 10 ~~of administration~~ a legal description of the total boundaries of the municipality as
 11 those boundaries existed on December 1, unless there has been no change in the 12
 12 months preceding. ~~The department of administration shall send copies of such~~
 13 ~~certification to the secretary of state and shall record such certification with the~~
 14 ~~register of deeds.~~

plain

15 ~~SECTION 2. 66.021 (8) (b) of the statutes is amended to read:~~
 16 ~~66.021 (8) (b) Within 10 days of receipt of the ordinance, certificate and plat,~~
 17 ~~the secretary of state department of administration shall forward 2 copies of the~~
 18 ~~ordinance, certificate and plat to the department of transportation, one copy to the~~
 19 ~~department of administration secretary of state, one copy to the department of~~
 20 ~~revenue, one copy to the department of public instruction, one copy to the department~~
 21 ~~of commerce, one copy to the department of natural resources, one copy to the~~
 22 ~~department of agriculture, trade and consumer protection and 2 copies to the clerk~~
 23 ~~of the municipality from which the territory was annexed.~~

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1 66.021 (11) (a) *Annexations within populous counties.* No annexation
2 proceeding ~~within a county having a population of 50,000 or more~~ shall be valid
3 unless the person causing a notice of annexation to be published under sub. (3) shall
4 within 5 days of the publication mail a copy of the notice, legal description and a scale
5 map of the proposed annexation to the clerk of each municipality affected and the
6 department of administration, ~~except that if the department of administration~~
7 determines within 5 days of receipt of the documents that the legal description or
8 scale map is illegible, contains errors that prevent the department from ascertaining
9 the territory that is proposed to be annexed or do not conform to generally accepted
10 standards for the preparation of legal descriptions and scale maps the department
11 may refuse acceptance of the documents and the annexation process may not
12 continue. If the refused documents are resubmitted by the proposed annexing city
13 or village to the department of administration not later than 10 days after they have
14 been returned and the department determines that they are legible, accurate and
15 conform to generally accepted standards for the preparation of legal descriptions and
16 scale maps the annexation shall proceed. The department may within ~~20~~ 60 days
17 after receipt of the notice mail to the clerk of the town within which the territory lies
18 and to the clerk of the proposed annexing village or city a notice that in its opinion
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15 ~~No 9~~ ~~(1)~~ The treatment of section 66.021 ^{(7)(d) ✓} (8) (a) ^{(b) ✓} and (11) (a) of the statutes
 16 first applies to annexation proceedings that commence with the filing of a petition
 17 under section 66.021 (2) (a) or (b) of the statutes on the effective date of this
 18 ~~paragraph.~~ ^{subsection}

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 20 ~~detachment proceedings that commence with the filing of a petition under section~~
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 23 ~~cooperative plan proceedings that commence with the adoption of a resolution under~~
 24 ~~section 66.023 (4) (a) of the statutes.~~

25 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0345/P3ins
MES:kmg:km

INSERT ANL

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Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

INSERT 2-1 ✓

SECTION 1. 66.021 (7) (d) of the statutes is amended to read:

66.021 (7) (d) The annexation shall be effective ~~upon enactment of~~ when the annexation ordinance is recorded by the clerk with the register of deeds as provided in sub. (8) (a). The board of school directors in any city of the first class shall not be required to administer the schools in any territory annexed to any such city until July 1 following such annexation.

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.

Shovers, Marc

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Friday, January 15, 1999 11:13 AM
To: Shovers, Marc
Subject: FW: MBR legislative initiatives

Importance: High

Marc,

Sorry I didn't forward this to you earlier. I don't know if Paul McMahon has talked to you about these changes to LRB 0343/4, 0345/P3 and 1641/P1. A quick summary -- LRB 0343/4 is "out"; LRB 0345/P3 will only include the change in the area requirement and the new combined review process; LRB 1641/P1 will only include the time period extension, the ability of DOA to suspend the process until accurate and complete information is provided, and the delay of the effective date.

I have not had time to review the drafts sent so far to see if other changes need to be made, but this should allow you to set priorities.

I'll give you a call soon about the farmland preservation draft instructions.

Kirsten

> -----Original Message-----

> From: Schmiedicke, David
> Sent: Thursday, January 14, 1999 8:48 AM
> To: McMahon, Paul
> Cc: Caucutt, Dan; Grinde, Kirsten
> Subject: RE: MBR legislative initiatives
> Importance: High

> Paul: Yesterday, during the land use briefing, the Governor and Mark
> approved including the following MBR legislative initiatives in the
> budget:
>
> Annexation Law Modifications
> * Extend time period for issuance of DOA opinion from 20 days to 60
> days.
> * Allow DOA to suspend annexation process until correct and conforming
> maps and documentation is supplied.
> * Delay effective date of annexation ordinance until ordinance is
> recorded with the registrar of deeds.

> Municipal Incorporation Law Modifications
> * Decrease area requirement for incorporation of territory that is
> self-contained and manageable.
> * Create a combined review process for cooperative agreements and
> incorporation petitions.

>
> Mark decided not to bring the following proposals to the Governor: giving
> DOA fee authority, giving DOA jurisdiction over all annexations, allowing
> limited annexations during petition review, requiring complete and factual
> information or charging for research costs, and increasing the waiting
> period for refiling.

>
> If you need additional information, please let me know. Thanks.

>

0345

>
> David P. Schmiedicke
> Wisconsin Department of Administration
> Voice -- (608) 266-1040
> FAX -- (608) 267-0372
> E-Mail -- david.schmiedicke@doa.state.wi.us

>
> -----Original Message-----
> From: McMahon, Paul
> Sent: Thursday, January 14, 1999 6:33 AM
> To: Schmiedicke, David
> Subject: FW: MBR legislative initiatives
> Importance: High

>
> Dan Caucutt is doing a DOA agency briefing for MDB this morning. Will
> you/Kirsten be sitting in to discuss recommendations regarding Land
> functions in DOA, or is those topics still being handled at a separate
> session? Thanks.

>
> -----Original Message-----
> From: Hall, George
> Sent: Tuesday, January 12, 1999 3:08 PM
> To: Blaska, Michael; McMahon, Paul
> Cc: Main, Ed; Saunders, Mark; Hayes, Brian
> Subject: MBR legislative initiatives

>
> Just to let you know I had a lengthy discussion with Kirsten Grinde this
> morning concerning MBR's legislative initiatives. I went through the list
> of items point by point, explaining the rationale. When we came to the
> new incorporation initiative I suggested, because of the lack of detail,
> that the budget office consider just having statutory authority drafted
> for the general concept, and direct the department to engage in
> rule-making to work out the details as to how the cooperative agreement
> and incorporation processes would meld together, including court
> involvement [or else we need to take the time to figure it out now for
> LRB. Ed, we didn't really discuss fleshing this out, what is your
> preference?]. I spent a fair amount of time going through the Sec State
> functions, and what we had envisioned assuming and why - since this aspect
> was not covered as thoroughly as some of the other items during our
> meeting with Linda and George, and so Kirsten could discuss it internally.
> She seemed satisfied with the explanations for everything. I guess we'll
> know shortly whether the items are in or out.

>
> Cheers!



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0345

MES:kmg

14

DOA:.....Grinde - Modify DOA's municipal boundary review procedures

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

RMR

TAK would not let me retrieve draft from hold

do not open

- 1 AN ACT relating to: municipal boundary review procedures conducted by the
- 2 department of administration.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Two of the methods are direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; and annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk and a referendum is held and passes in the town. The annexation process is initiated by the publication of a notice declaring the intention to circulate an annexation petition. The notice must contain certain information, such as the name and address of the person circulating the petition, a legal description of the territory proposed to be annexed and a copy of a scale map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village.

Under both of these methods, in a county with a population of at least 50,000, the department of administration (DOA) is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that,

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Under this bill, DOA is authorized to review proposed annexations in all counties without regard to the population of the counties. The bill also expands the period of time under which DOA renders its opinion from 20 days to 60 days. The bill also states that DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or do not conform to generally accepted standards for the preparation of legal descriptions and scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process will proceed.

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Currently, under the direct annexation procedures, the city or village clerk is required to record the annexation ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. If the clerk fails to file, record or send the ordinance to the required persons, the annexation is not invalidated, although the duty to file, record or send is a continuing requirement. Currently, an annexation ordinance takes effect upon the enactment of the ordinance.

Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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1 required to administer the schools in any territory annexed to any such city until
2 July 1 following such annexation.

3 SECTION 2. 66.021 (8) (a) of the statutes is amended to read:

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7 each company that provides any utility service in the area that is annexed. The clerk
8 shall also record the ordinance with the register of deeds and file a signed copy of the
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12 annexed territory and the associated population. The information filed with the
13 secretary of state shall be utilized in making recommendations for adjustments to
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16 the register of deeds a legal description of the total boundaries of the municipality
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25 department of administration, except that if the department of administration

Plain

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20 (7) (d), (8) (a) and (11) (a) of the statutes first applies to annexation proceedings that
21 commence with the filing of a petition under section 66.021 (2) (a) or (b) of the statutes
22 on the effective date of this subsection.

23

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0345/P4

MES:kmg:lp

DOA:.....Grinde – Modify DOA’s municipal boundary review procedures

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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9 ordinance with the clerk of any affected school district. ~~Failure to file, record or send~~
10 ~~shall not invalidate the annexation and the duty to file, record or send shall be a~~
11 ~~continuing one.~~ The ordinance that is filed, recorded or sent shall describe the
12 annexed territory and the associated population. The information filed with the
13 secretary of state shall be utilized in making recommendations for adjustments to
14 entitlements under the federal revenue sharing program and distribution of funds
15 under ch. 79. The clerk shall certify annually to the secretary of state and record with
16 the register of deeds a legal description of the total boundaries of the municipality
17 as those boundaries existed on December 1, unless there has been no change in the
18 12 months preceding.

19 **SECTION 3.** 66.021 (11) (a) of the statutes is amended to read:

20 66.021 (11) (a) *Annexations within populous counties.* No annexation
21 proceeding within a county having a population of 50,000 or more shall be valid
22 unless the person causing a notice of annexation to be published under sub. (3) shall
23 within 5 days of the publication mail a copy of the notice, legal description and a scale
24 map of the proposed annexation to the clerk of each municipality affected and the
25 department of administration, except that if the department of administration

1 determines within 5 days of receipt of the documents that the legal description or
2 scale map is illegible, contains errors that prevent the department from ascertaining
3 the territory that is proposed to be annexed or do not conform to generally accepted
4 standards for the preparation of legal descriptions and scale maps the department
5 may refuse acceptance of the documents and the annexation process may not
6 continue. If the refused documents are resubmitted by the proposed annexing city
7 or village to the department of administration not later than 10 days after they have
8 been returned and the department determines that they are legible, accurate and
9 conform to generally accepted standards for the preparation of legal descriptions and
10 scale maps the annexation shall proceed. The department may within ~~20~~ 60 days
11 after receipt of the notice mail to the clerk of the town within which the territory lies
12 and to the clerk of the proposed annexing village or city a notice that in its opinion
13 the annexation is against the public interest. No later than 10 days after mailing the
14 notice, the department shall advise the clerk of the town in which the territory is
15 located and the clerk of the village or city to which the annexation is proposed of the
16 reasons the annexation is against the public interest as defined in par. (c). The
17 annexing municipality shall review the advice before final action is taken.

18 **SECTION 9358. Initial applicability; other.**

19 (1) MUNICIPAL BOUNDARY REVIEW PROCEDURES. The treatment of section 66.021
20 (7) (d), (8) (a) and (11) (a) of the statutes first applies to annexation proceedings that
21 commence with the filing of a petition under section 66.021 (2) (a) or (b) of the statutes
22 on the effective date of this subsection.

23 (END)

NOTE TO DRAFTING FILE for LRB-0345:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Grinde – Modify DOA’s municipal boundary review procedures
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** municipal boundary review procedures conducted by the
2 department of administration.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Two of the methods are direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; and annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk and a referendum is held and passes in the town. The annexation process is initiated by the publication of a notice declaring the intention to circulate an annexation petition. The notice must contain certain information, such as the name and address of the person circulating the petition, a legal description of the territory proposed to be annexed and a copy of a scale map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village.

Under both of these methods, in a county with a population of at least 50,000, the department of administration (DOA) is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that,

in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation. DOA's opinion is based on its review of the notice that is required to be published, the legal description of the territory that is proposed to be annexed and the scale map of the territory. Upon receiving DOA's opinion the annexing municipality is required to review DOA's advice before final action is taken.

Under this bill, the period of time under which DOA renders its opinion is expanded from 20 days to 60 days. The bill also states that DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or do not conform to generally accepted standards for the preparation of legal descriptions and scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process will proceed.

Also under current law, if an annexation procedure results in an annexation, the clerk of the city or village which has annexed territory is required to file a certified copy of the ordinance, certificate and plat with the secretary of state. Similar filing requirements exist for territory that is detached from a city or village and attached to another city, village or town and for boundary changes that are made under a cooperative plan. The secretary of state is then required under current law to file copies of such documents with various state agencies and local governments.

Currently, under the direct annexation procedures, the city or village clerk is required to record the annexation ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. If the clerk fails to file, record or send the ordinance to the required persons, the annexation is not invalidated, although the duty to file, record or send is a continuing requirement. Currently, an annexation ordinance takes effect upon the enactment of the ordinance.

Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

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.** 66.021 (7) (d) of the statutes is amended to read:
- 2 66.021 (7) (d) The annexation shall be effective ~~upon enactment of~~ when the
- 3 annexation ordinance is recorded by the clerk with the register of deeds as provided
- 4 in sub. (8) (a). The board of school directors in any city of the first class shall not be

1 required to administer the schools in any territory annexed to any such city until
2 July 1 following such annexation.

3 **SECTION 2.** 66.021 (8) (a) of the statutes is amended to read:

4 66.021 (8) (a) The clerk of a city or village which has annexed territory shall
5 file immediately with the secretary of state a certified copy of the ordinance,
6 certificate and plat, and shall send one copy of the ordinance, certificate and plat to
7 each company that provides any utility service in the area that is annexed. The clerk
8 shall also record the ordinance with the register of deeds and file a signed copy of the
9 ordinance with the clerk of any affected school district. ~~Failure to file, record or send~~
10 ~~shall not invalidate the annexation and the duty to file, record or send shall be a~~
11 ~~continuing one.~~ The ordinance that is filed, recorded or sent shall describe the
12 annexed territory and the associated population. The information filed with the
13 secretary of state shall be utilized in making recommendations for adjustments to
14 entitlements under the federal revenue sharing program and distribution of funds
15 under ch. 79. The clerk shall certify annually to the secretary of state and record with
16 the register of deeds a legal description of the total boundaries of the municipality
17 as those boundaries existed on December 1, unless there has been no change in the
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24 map of the proposed annexation to the clerk of each municipality affected and the
25 department of administration, except that if the department of administration

1 determines within 5 days of receipt of the documents that the legal description or
2 scale map is illegible, contains errors that prevent the department from ascertaining
3 the territory that is proposed to be annexed or do not conform to generally accepted
4 standards for the preparation of legal descriptions and scale maps the department
5 may refuse acceptance of the documents and the annexation process may not
6 continue. If the refused documents are resubmitted by the proposed annexing city
7 or village to the department of administration not later than 10 days after they have
8 been returned and the department determines that they are legible, accurate and
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15 located and the clerk of the village or city to which the annexation is proposed of the
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20 (7) (d), (8) (a) and (11) (a) of the statutes first applies to annexation proceedings that
21 commence with the filing of a petition under section 66.021 (2) (a) or (b) of the statutes
22 on the effective date of this subsection.

23 (END)