

2001 ASSEMBLY BILL 364

April 30, 2001 – Introduced by Representatives FOTI, J. FITZGERALD, HUBER, ALBERS, LADWIG, MCCORMICK, MUSSER, OWENS, OTT, PETTIS and J. LEHMAN, cosponsored by Senators GEORGE and SCHULTZ. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 66.0217 (6) (a) of the statutes; **relating to:** department of
2 administration review of certain annexations of town territory.

Analysis by the Legislative Reference Bureau

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Three of the methods are: 1) 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; 2) 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; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum. If the city or village submits the resolution and the proper supporting documents and if no petition of protest is filed with the court or if the petition is found by the court to be insufficient, the court shall order the referendum to be held. If the referendum passes in the town, the annexation occurs.

Under the first two of these current methods of annexation, no annexation proceeding in a county with a population of at least 50,000 is valid unless the person publishing a notice of annexation or the person who files the petition for direct annexation sends certain information, such as a legal description and a scale map of the territory proposed to be annexed, to the department of administration (DOA) within five days of the publishing of the notice or filing of the petition. Within 20 days after receipt of the information, DOA may mail to the clerks of the town and city or

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village that are involved with the proposed annexation a notice that states DOA's opinion that the annexation is against the public interest and that advises the clerks of the reasons for its decision. This bill requires DOA, within 20 days after receipt of the information, to mail to the clerks a notice that states whether the proposed annexation is in the public interest or against the public interest and its reasons for its opinion.

In its determination of the "public interest" under current law and under the bill, DOA is required to consider a variety of factors, including whether governmental services could clearly be better supplied to the territory by the town or by the city or village, the shape of the proposed annexation, and the homogeneity of the territory with the annexing village or city and any other contiguous village or city. Under current law and under the bill, the village board or common council of the annexing village or city is required to consider DOA's advice before taking final action on the proposed annexation.

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.** 66.0217 (6) (a) of the statutes is amended to read:

2 66.0217 **(6)** (a) *Annexations within populous counties.* No annexation
3 proceeding within a county having a population of 50,000 or more is valid unless the
4 person publishing a notice of annexation under sub. (4) mails a copy of the notice to
5 the clerk of each municipality affected and the department within 5 days of the
6 publication. The department ~~may~~ shall within 20 days after receipt of the notice mail
7 to the clerk of the town within which the territory lies and to the clerk of the proposed
8 annexing village or city a notice that states whether in its opinion the annexation is
9 in the public interest or is against the public interest and that advises the clerks of
10 the reasons the annexation is in or against the public interest as defined in par. (c).
11 The annexing municipality shall review the advice before final action is taken.

12 **SECTION 2. Initial applicability.**

