

2001 DRAFTING REQUEST

Bill

Received: **01/16/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Michael Heifetz**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous
State Government - miscellaneous**

Extra Copies: **JTK**

Pre Topic:

No specific pre topic given

Topic:

Require DOA review of all annexations

Instructions:

See Attached. Same as 1999 request -4467. Require DOA to review all proposed annexations before they may become final, to the same extent and using the same procedures that DOA currently uses to review annexations.

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>
/1	shoveme 01/31/2001	wjackson 02/13/2001	martykr 02/14/2001	_____	lrb_docadmin 02/14/2001	lrb_docadminS&L 02/19/2001	
/2	shoveme 03/06/2001	wjackson 03/07/2001	martykr 03/07/2001	_____	gretskl 03/07/2001	lrb_docadminS&L 03/07/2001	

FE Sent For:

↪ **AT Intro.**

<END>

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		<i>i2 wlj 3/7</i>	<i>km 5/7</i>	<i>PL 3/7 km</i>			

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1?	shoveme	1 wlj 2/13	km 3/13	pk 2 km 4			

11 MES 1/31/01

FE Sent For:

<END>

Shovers, Marc

From: Heifetz, Michael
Sent: Tuesday, January 16, 2001 2:54 PM
To: Shovers, Marc
Subject: RE:

Cool. Thanks.

-----Original Message-----

From: **Shovers, Marc**
Sent: Tuesday, January 16, 2001 2:52 PM
To: Heifetz, Michael
Subject: RE:

I think so. I take it you want me to re-enter the request. If it's not enough to go on, I'll let you know.

Marc

-----Original Message-----

From: Heifetz, Michael
Sent: Tuesday, January 16, 2001 1:35 PM
To: Shovers, Marc
Subject: RE:

Is that enough to go on???

-----Original Message-----

From: **Shovers, Marc**
Sent: Tuesday, January 16, 2001 10:49 AM
To: Heifetz, Michael
Subject: RE:

Hi Mike:

You're right. No draft was ever produced. All I have on the request is the instructions on the request sheet. The instructions said something like, "Require DOA review of all annexations. Use same standards as DOA currently uses when they review annexations."

Marc

-----Original Message-----

From: Heifetz, Michael
Sent: Monday, January 15, 2001 3:04 PM
To: Shovers, Marc
Subject:

Marc-

Good afternoon.

You probably don't remember LRB 4467 from last session. It was a boundary review proposal regarding DOA and its role in reviewing annexations. Do you have any notes on that? From what I have, I don't believe a draft was ever produced-I believe 4467 was just the number of the request.

Thanks.

1999 DRAFTING REQUEST

Bill

Received: 02/02/2000

Wanted: As time permits

For: Steven Foti (608) 266-2401

This file may be shown to any legislator: NO

May Contact:

Subject: Munis - 1st class cities only

MIBL

*See 1999 SB228
-1906/3*

Received By: shoveme

Identical to LRB:

By/Representing: Mike Heifitz

Drafter: shoveme

Alt. Drafters:

Extra Copies:

Pre Topic:

No specific pre topic given

CANCEL

Topic:

Require DOA review of all annexations

Instructions:

See Attached. Require DOA to review all annexations before they may proceed; use same DOA review procdures as DOA uses under current law.

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>
/?	shoveme			_____			

FE Sent For:

<END>

10



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2120/1

MES.....

WJ
RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{*gen*} relating to: department of administration review of certain
2 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 referendum ~~and court order~~, 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.

court order and

the first two

~~Under any~~ 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 ~~30~~ ^{*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 village that

five

are involved with the proposed annexation a notice that ^{states DOA's} ~~in its~~ ^{that} opinion, the annexation is against the public interest and that advises the clerks of the reasons for its decision. In its determination of the "public interest" 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. Current law requires the village board or common council of the annexing village or city to consider ~~the~~ DOA's advice before taking final action on the proposed annexation.

This bill removes the requirement that ~~the~~ DOA review proposed annexations only within a county having a population of at least 50,000.

~~Also under current law~~ a city or village may annex town territory by adopting a resolution by a two-thirds vote of the members-elect of its governing body declaring its intention to apply to the circuit court for an order for an annexation referendum. The resolution must contain certain information, including a description of the territory to be affected and the name of the municipalities directly affected. The city or village must also transmit to the clerks of all towns from which the territory is proposed to be annexed a copy of the resolution and a scale map of the territory to be annexed. The city or village may then file a petition with the circuit court asking that a referendum on annexation be held in the territory that is proposed to be annexed.

Under this bill, the city or village is required to send to ~~the~~ DOA a copy of the resolution and a scale map of the territory that is proposed to be annexed. The bill also requires DOA to review the proposed annexation using the same standards and procedures that it currently uses in reviewing the types of annexations that it reviews under current law. If ~~the~~ DOA notifies the city or village that in its opinion the annexation is against the public interest, the bill requires the city or village ^{to} consider ~~the~~ DOA's advice before submitting its petition to the circuit court asking that a referendum on annexation be held.

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

Under the annexation by court order and referendum method, the

1 publication. The department may within 20 days after receipt of the notice mail to
 2 the clerk of the town within which the territory lies and to the clerk of the proposed
 3 annexing village or city a notice that ^{States} in its opinion the annexation is against the
 4 public interest and that advises the clerks of the reasons the annexation is against
 5 the public interest as defined in par. (c). The annexing municipality shall review the
 6 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; 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; s. 13.93 (2) (c).

7 **SECTION 2. 66.0219 (1) (a)** of the statutes is amended to read:

8 66.0219 (1) (a) The governing body of the city or village to which it is proposed
 9 to annex territory shall, by resolution adopted by two-thirds of the members-elect,
 10 declare its intention to apply to the circuit court for an order for an annexation
 11 referendum, and shall publish the resolution in a newspaper having general
 12 circulation in the area proposed to be annexed, as a class 1 notice, under ch. 985. The
 13 governing body shall prepare a scale map of the territory to be annexed, showing it
 14 in relation to the annexing city or village. The resolution shall contain a description
 15 of the territory to be affected, sufficiently accurate to determine its location, the name
 16 of the municipalities directly affected and the name and post-office address of the
 17 municipal official responsible for the publication of the resolution. A copy of the
 18 resolution together with the scale map shall be mailed to the department and served
 19 upon the clerk of the town or towns from which the territory is to be detached within
 20 5 days of the date of publication of the resolution. Service may be either by personal
 21 service or by registered mail and if by registered mail an affidavit shall be on file with
 22 the annexing body indicating the date on which the resolution was mailed. The
 23 annexation is considered commenced upon publication of the resolution.

History: 1979 c. 89; 1987 a. 391; 1991 a. 269; 1993 a. 301, 329; 1995 a. 201; 1999 a. 150 s. 68; Stats. 1999 s. 66.0219; 1999 a. 182 s. 200; s. 13.93 (2) (c).

1 SECTION 3. 66.0219 (1) (am) of the statutes is created to read:

2 66.0219 (1) (am) Department review of annexations. The department may

3 within 20 days after receipt of the notice mail to the clerk of the town within which

4 the territory lies and to the clerk of the proposed annexing village or city a notice that ^{States} {

5 in its opinion the annexation is against the public interest and that advises the clerks

6 of the reasons the annexation is against the public interest as defined in s. 66.0217

7 (6) (c).[↓] The annexing municipality shall review the advice before applying to the

8 circuit court under par. (b).[↓]

9 SECTION 4. **Initial applicability.**

10 (1) This act first applies to annexation proceedings that are commenced on the

11 effective date of this subsection.[↓]

12 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2120/?dn

MES...../.....

Wlj

The instructions for this bill are to require DOA review of all annexations before they may become final, using the same procedures and standards that DOA currently uses when it reviews annexations. I did not amend s. 66.0221 to require DOA review because of the extremely limited applicability of that section; it applies only to a town island that was completely surrounded by a city or village on December 2, 1973, and that consists of not more than 65 acres or contains not more than 100 residents. Is this OK?

Similarly, I did not amend s. 66.0223 because it only applies to annexation by a city or village of territory that is owned by and lying near, but not necessarily contiguous to, a city or village. It seems to me that annexation of owned territory was a different situation than other annexation procedures covered by the statutes. Is this OK?

Please let me know if you'd like the bill redrafted to amend either s. 66.0221 or 66.0223.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2120/1dn
MES:wlj:km

February 14, 2001

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 14, 2001

MEMORANDUM

To: Representative Foti

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-2120 Require DOA review of all annexations

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

RMR

2001 BILL

1 AN ACT *to amend* 66.0217 (6) (a) and 66.0219 (1) (a); and *to create* 66.0219 (1)
2 (am) of the statutes; **relating to:** department of administration review of
3 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)

Notp

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.

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 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. In its determination of the "public interest," 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. Current law requires the village board or common council of the annexing village or city to consider DOA's advice before taking final action on the proposed annexation.

under current law and under the bill

and under the bill

4

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is required

Under the annexation by court order and referendum method, the city or village may annex town territory by adopting a resolution by a two-thirds vote of the members-elect of its governing body declaring its intention to apply to the circuit court for an order for an annexation referendum. The resolution must contain certain information, including a description of the territory to be affected and the name of the municipalities directly affected. The city or village must also transmit to the clerks of all towns from which the territory is proposed to be annexed a copy of the resolution and a scale map of the territory to be annexed. The city or village may then file a petition with the circuit court asking that a referendum on annexation be held in the territory that is proposed to be annexed.

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

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- 4 person publishing a notice of annexation under sub. (4) mails a copy of the notice to

plain

BILL

1 the clerk of each municipality affected and the department within 5 days of the
2 publication. The department ~~may~~ ^{shall} within 20 days after receipt of the notice mail to
3 the clerk of the town within which the territory lies and to the clerk of the proposed
4 annexing village or city a notice that ~~states~~ ^{whether,} in its opinion the annexation is ~~against~~ ^{in or is}
5 the public interest and that advises the clerks of the reasons the annexation is
6 ^{in or} against the public interest as defined in par. (c). The annexing municipality shall
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8 ~~SECTION 2. 66.0219 (1) (a) of the statutes is amended to read:~~

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13 circulation in the area proposed to be annexed, as a class 1 notice, under ch. 985. The
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15 in relation to the annexing city or village. The resolution shall contain a description
16 of the territory to be affected, sufficiently accurate to determine its location, the name
17 of the municipalities directly affected and the name and post-office address of the
18 municipal official responsible for the publication of the resolution. A copy of the
19 resolution together with the scale map shall be mailed to the department and served
20 upon the clerk of the town or towns from which the territory is to be detached within
21 5 days of the date of publication of the resolution. Service may be either by personal
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BILL

1 ~~66.0219 (1) (am) The department may within 20 days after receipt of the notice~~
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3 ~~proposed annexing village or city a notice that states in its opinion the annexation~~
4 ~~is against the public interest and that advises the clerks of the reasons the~~
5 ~~annexation is against the public interest as defined in s. 66.0217 (6) (c). The~~
6 ~~annexing municipality shall review the advice before applying to the circuit court~~
7 ~~under par. (b).~~

SECTION 4. Initial applicability.

8
9 (1) This act first applies to annexation proceedings that are commenced on the
10 effective date of this subsection.

11 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

May 21, 2001

MEMORANDUM

To: Representative Foti

From: Marc E. Shovers, Sr. Legislative Attorney, (608) 266-0129

Subject: Technical Memorandum to **2001 AB-364** (LRB-2120/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

TECHNICAL NOTE

AB-364

May 8, 2001

Municipal boundary review is currently funded GPR under s. 20.505(1)(a). If the FY01-03 biennial budget passes as currently proposed, funding for this function will be converted to program revenue under s. 20.505(1)(b). This fiscal estimate was drafted based on current appropriation law.

Prepared by: Tara Brunner, Budget Analyst, DOA
266-0016