

2001 DRAFTING REQUEST

Bill

Received: 06/08/2001

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Counties - zoning**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Limit city and village annexation powers

Instructions:

Prohibit a city or village that is located in one county from annexing territory in a town located in another county

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 06/11/2001	jdycr 06/12/2001	jfrantze 06/12/2001	_____	lrb_docadmin 06/12/2001	lrb_docadminS&L 07/13/2001	

FE Sent For:

Lat intro

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11 MES 6/11/01

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MES
2

Bill Request Form

Legislative Reference Bureau

100 N. Hamilton Street
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.

Date 6/5/01

Legislator, agency, or other person requesting this draft Rep. Gunderson

Person submitting request (name and phone number) Rep. Gunderson 266-3363

Persons to contact for questions about this draft (names and phone numbers) MIKE BRUNN
Rep. Gunderson's office 266-3363

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please draft legislation which would prohibit ~~annexations~~ annexations across county boundary lines. For example, a municipality located in one county may not annex into a town located in a different county.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____ planned

Do you consider this request urgent? YES NO If yes, please indicate why annexation

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3418/

MES.....

RMR

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

SOON
IN 6/11

gm

1 AN ACT ... relating to: limiting the authority of cities and villages to annex
2 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 of annexation include the following: 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 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.

Another method of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two-thirds vote of the body. Such an annexation, however, is subject to DOA review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum.

Generally, cities and villages may also annex territory that is owned by the city or village and that lies near but not necessarily contiguous to the city or village by enacting an ordinance to annex such territory.

Under this bill, no city or village may annex any territory if none of the city's or village's ~~annexed~~ territory is in the same county as the territory to be annexed. This change does not apply to city or village annexation of owned territory.

This bill first applies to any annexation that has not taken effect on the day that the bill takes effect.

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 (2)^X of the statutes is amended to read:

2 66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided
 3 in sub. (14),[✓] if a petition for direct annexation signed by all of the electors residing
 4 in the territory and the owners of all of the real property in the territory is filed with
 5 the city or village clerk, and with the town clerk of the town or towns in which the
 6 territory is located, together with a scale map and a legal description of the property
 7 to be annexed, an annexation ordinance for the annexation of the territory may be
 8 enacted by a two-thirds vote of the elected members of the governing body of the city
 9 or village without compliance with the notice requirements of sub. (4). In an
 10 annexation under this subsection, subject to sub. (6), the person filing the petition

1 with the city or village clerk and the town clerk shall, within 5 days of the filing, mail
2 a copy of the scale map and a legal description of the territory to be annexed to the
3 department and the governing body shall review the advice of the department, if any,
4 before enacting the annexation ordinance.

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 s. 197; s. 13.93 (2) (c).

5 **SECTION 2. 66.0217 (3) (intro.)** of the statutes is amended to read:

6 **66.0217 (3) OTHER METHODS OF ANNEXATION.** (intro.) Subject to s. 66.0307 (7),
7 and except as provided in sub. (14), territory contiguous to a city or village may be
8 annexed to the city or village in the following ways:

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 s. 197; s. 13.93 (2) (c).

9 **SECTION 3. 66.0217 (14)** of the statutes is created to read:

10 **66.0217 (14) LIMITATIONS ON ANNEXATION AUTHORITY.** No territory may be
11 annexed by a city or village under this section if no part of the city or village is located
12 in the same county as the territory that is subject to the proposed annexation.

13 **SECTION 4. 66.0219 (intro.)** of the statutes is amended to read:

14 **66.0219 Annexation by referendum initiated by city or village.** (intro.)
15 As a complete alternative to any other annexation procedure, and subject to s.
16 66.0307 (7) and except as provided in sub. (10), unincorporated territory which
17 contains electors and is contiguous to a city or village may be annexed to the city or
18 village under this section. The definitions in s. 66.0217 (1) apply to this section.

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).

19 **SECTION 5. 66.0219 (10)** of the statutes is created to read:

20 **66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY.** No territory may be
21 annexed by a city or village under this section if no part of the city or village is located
22 in the same county as the territory that is subject to the proposed annexation.

23 **SECTION 6. Initial applicability.**

1 (1) This act first applies to any annexation that has not taken effect on the
2 effective date of this subsection ~~1/1/01~~ ^{Reviser inserts date.}

3

(END)



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

June 12, 2001

MEMORANDUM

To: Representative Gunderson

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-3418/1 Limit city and village annexation powers

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.