

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/20/2001

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Shared Revenue

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Olin -

Topic:

Exclude certain counties from maximum payment component; technical change

Instructions:

See Attached

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>
/?	jkreye 07/20/2001	wjackson 07/20/2001		_____			
/1			rschluet 07/20/2001	_____	gretskl 07/20/2001		

FE Sent For:

<END>

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/?	jkreye	11 W/L 7/20					
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7-20-01

FE Sent For:

<END>

earliest date from Secretary of State

January 12, 1849

set out org of town in Lafayette Co.

Rick Olin — spoke with John Evans re county
& interpretation

— some problem with word
"incorporated"

territorial law — split the land
1846

note

2nd enactment in 1847

"created in 1846 or 1847"

Kuesel, Jeffery

P 668, lines 22 →
(L. 24)

From: Richard. Rob
Sent: Thursday, July 19, 2001 2:21 PM
To: Kuesel, Jeffery

in A Super Simple
§ 79.06 (2)(b)

Jeff:

On line 24, page 668, of AA1 to ASA1 to SB55 (the budget) you infer that Lafayette County was incorporated in the year 1846. Can you please take a closer look at this?

On January 31, 1846, the House of Representatives of the Territory of WI met and enacted a law "to divide the county of Iowa and establish the counties of La Fayette and Montgomery." Section 7 of that act reads, "If a majority of said voters shall approve of this act as aforesaid then the Legislature of Wisconsin, at its next session, shall provide by law for the full organization of said counties, and this act shall go into effect from and after said organization."

The Wisconsin Legislature then reconvened on February 4, 1847, and passed an act establishing or organizing the County of La Fayette. If the Act of 1846 wasn't to go into effect until after "organization", wouldn't the county then be incorporated in 1847?

Jeff, can you please clarify this? If the provision in the budget passes, I'd hate to see a lawsuit filed stating that the provision does not indicate it to be Lafayette County because of the year of incorporation. Even officials in Lafayette County recognize the county's origin to be 1847.

Thank you!

Rob Richard, Legislative Aide
Office of Rep. Steve Freese
266-7502

"created in"

rather than
incorporated

and use 1846 or
1847 as

"created in 1846 and organized in 1847"

Kreye, Joseph

To: Richard, Rob
Cc: Olin, Rick

Rob:

With regards to my response yesterday concerning the LaFayette County shared revenue provision, I could change the provision to read "created in 1846 and organized in 1847...". This would be consistent with the information you sent yesterday and, I believe, factually accurate.

Joe

Joseph T. Kreye, Legislative Attorney
Legislative Reference Bureau
(608) 266-2263
joseph.kreye@legis.state.wi.us

L A W S

OF THE

TERRITORY OF WISCONSIN,

TOGETHER WITH THE

Joint Resolutions and Decisions

Passed by the First Legislative Assembly,

At the Annual Session,

**COMMENCING ON THE FIFTH DAY OF JANUARY, AND ENDING ON
THE THIRD DAY OF FEBRUARY.**

BY AUTHORITY OF THE LEGISLATURE.

MADISON, W. T.

SMEDY HILLS, TERRITORIAL PRINTER.

1846.

Case No. to be paid in Treasurer of Crawford county.

taxes into the Treasurer of the county of Crawford as heretofore required, but in that thereof said counties shall severally pay unto the treasurer of the county of Crawford, all costs, charges, fees and expenses, that shall be paid by the county of Crawford that may accrue in consequence of any prosecution, conviction, imprisonment, or proceedings whatever, against any person charged with any crime or misdemeanor, whether by statute or at common law within their respective counties, and the same shall remain a legal charge, claim and demand against the county in which the said crime or misdemeanor shall be charged to have been committed until paid unto the treasurer of the county of Crawford, and the said county of Crawford or the county commissioners thereof may sue and collect the same from such county in any court of competent jurisdiction.

Sec. 2. The provisions of this act shall extend to all such crimes and misdemeanors, and the costs, charges, fees and expenses that may hereafter accrue thereon that heretofore may have been committed in either of said counties since the same shall have been organized.

APPROVED January 29, 1846.

AN ACT to repeal an act entitled "an act to incorporate the Wisconsin Marine and Fire Insurance Company," approved February 28, 1839.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That an act entitled "an act to incorporate the Wisconsin Marine and Fire Insurance Company," approved February 28, 1839, be and the same is hereby repealed.

APPROVED January 29, 1846.



AN ACT to divide the county of Iowa and establish the counties of La Fayette and Montgomery.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That towns one, two and three, of ranges one two, three, four and five east of the fourth principal meridian, and sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in town four of ranges one, two, three, four and five east, shall constitute and form a county to be called La Fayette.

Sec. 2. That all that tract of country lying south of the Wisconsin river, in towns five, six, seven, eight and nine, in ranges one, two, three, four and five, east of the fourth principal meridian, county established in sections one, two, three, four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in town four, of ranges one, two, three, four and five east, shall constitute and form a county to be called Montgomery.

Sec. 3. The county commissioners of the county of Iowa, are hereby authorized and empowered to borrow at a rate of interest not exceeding ten per cent. per annum the sum of two hundred dollars, and with the money so borrowed the said county commissioners shall, by the first day of May next, select and enter or seal purchase one quarter section of land in section nine or section ten, or in the south half of section three or four, or in the north half of section fifteen, in town six, of range three east, and the quarter section thus selected and entered or purchased shall be the county seat of the county of La Fayette, and if this act shall be adopted by the people in the manner hereinbefore provided then said quarter section shall be and remain the property of the said county of La Fayette, and in consideration thereof the said county of La Fayette shall be and become liable to pay said loan according to the tenor, terms and considerations on which the same shall be made. And if this act shall not be



adopted by the people in the manner hereinafter provided, then said quarter section shall be and remain the property of the present county of Iowa, and the said county of Iowa shall be and become liable to pay said loan according to the tenor, terms and consideration which the same shall be made.

Sec. 4. The county commissioners of the county of Iowa are hereby authorized to borrow at a rate of interest not exceeding ten per centum per annum, an additional sum of two hundred dollars, with which they shall, by the first day of May next, select and enter or purchase a quarter section of land in sections twenty-one, twenty-two, or fifteen, in town six, of range three east, and the quarter section thus selected and entered or purchased shall be the county seat of the county of Montgomery, and if this act shall be adopted by the people in the manner hereinafter provided, the said quarter section in town six, of range three east, shall lie and remain the property of the said county of Montgomery, and in consideration thereof the said county of Montgomery shall be and become liable to pay said last aforesaid loan, according to the tenor, terms and conditions on which the same shall be made. And if this act shall not be adopted by the people in the manner hereinafter provided, then said quarter section shall be and remain the property of the present county of Iowa; and the said county of Iowa shall be and become liable to pay said loan according to the tenor, terms and conditions on which the same shall be made.

Sec. 5. The county commissioners, so soon as they shall have made such selections and entries shall give public notices in some newspaper of general circulation in said county, of the two quarter sections aforesaid, which they shall have selected and entered or purchased.

Sec. 6. At the general annual election to be held in September next, all the voters in said county of Iowa, authorized by law to vote for delegate to Congress, shall vote for or against this act by depositing a ballot with the judges of election, on which shall be written or printed the words "For the county division law," or "Against the county division law," which ballots shall be canvassed and returned in the manner provided by law for canvassing and returning the votes for county officers; and the result of said election shall be published by the clerk of the board of

county commissioners of Iowa county, in some newspaper of general circulation in said county.

Sec. 7. If a majority of said voters shall approve of this act as aforesaid then the Legislature of Wisconsin, at its next session, shall provide by law for the full organization of said counties, and this act shall go into effect from and after said organization.

Sec. 8. In case this act shall be approved by the people as aforesaid, the debts and liabilities of the county of Iowa shall be divided between said counties, and each of said counties shall pay such a proportion of said debts and liabilities as their population, respectively to be ascertained by the next census to be taken, shall bear to the whole population of Iowa county, and all the property and effects of said county shall be divided between said counties in the same proportion.

APPROVED Jan. 31, 1846.

AN ACT to re-organize certain towns in Jefferson County.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That township seven, north of range fourteen east, and the west half of township eight, in the same range, shall hereafter constitute the town of Aztec.

Sec. 2. That township eight, north of range sixteen east, shall constitute the town of Xenia; and the first town meeting shall be held at the house of Benjamin Piper, on the first Tuesday of April next.

Sec. 3. That township seven, north of range sixteen east, shall constitute the town of Concord; and the next town meeting shall be held on the first Tuesday of April next, at the house of Kellogg, at the junction of the Watertown and Aztlan roads.

Sec. 4. That the said towns shall each be entitled to and en-



.....
JK

LFB:.....Olin - Exclude certain counties from maximum payment component; technical change

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Mount R

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

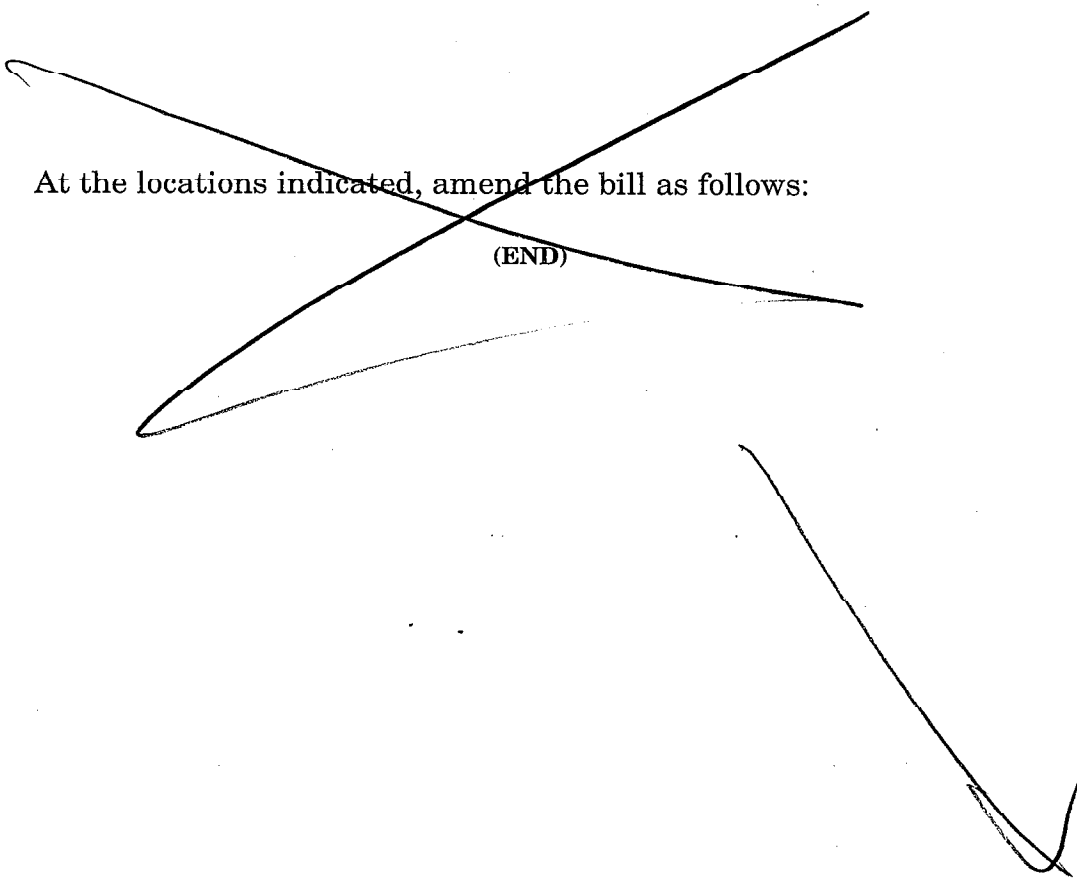
m. 7-20-01

1

At the locations indicated, amend the bill as follows:

2

(END)



ARC:.....Hubbard - AM126, 319: Exclude Lafayette County from maximum payment provision under shared revenue program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 854, line 3: after that line insert:

3 "SECTION 2287. 79.06 (2) (b) of the statutes is amended to read:

4 79.06 (2) (b) If the payments to a municipality or county, except any county in

5 which there are no cities or villages, or any county ~~incorporated~~ ^{created} in the year 1846, with

6 a population in the year 1990 greater than 16,000 but less than 17,000, as

7 determined by the 1990 federal decennial census, in any year exceed its combined

8 payments under this section and s. 79.03, excluding payments under s. 79.03 (3c),

9 in the previous year by more than the maximum allowable increase, the excess shall

10 be withheld to fund minimum payments in that year under sub. (1) (c)."

021847

22209

LAWS

OF THE

TERRITORY OF WISCONSIN,

TOGETHER WITH THE

JOINT RESOLUTIONS AND MEMORIALS

PASSED AT THE ANNUAL SESSION OF THE LEGISLATURE

In 1847.

BY AUTHORITY OF THE LEGISLATURE.

MADISON:
H. A. TENNEY, TERRITORIAL PRINTER.

1847.

purchase, sell, or deal in any property, except for purposes connected with their house of public worship and the grounds attached thereto, in said town of Prairieville, and the completing, repairing, or re-building the same, and the necessary fixtures thereto, together with a parsonage, and such matters and things as are connected therewith.

Sec. 2. That any three of the above named trustees, or their successors in office, shall have power to call a meeting of said society, by giving at least ten days notice thereof, by posting up notices of the time and place of such meeting in three public places in said town of Prairieville.

Sec. 3. That said society shall have power to form a constitution and enact bye-laws for its government; to prescribe the number and title of its officers, except trustees, and to define their powers and duties; and such other things as may be necessary for governing and promoting the interests of said society, not inconsistent with the laws of the United States or of this territory.

Sec. 4. Said society shall keep a full and complete record of all ordinances, bye-laws, rules, and regulations made by them, and of all notices, elections, and the names of all such persons as shall become or be elected officers of said society, and of all monies received, paid out, or expended by them, or any of them, in and about the affairs of said society; which said records shall always be open for inspection and examination of the members of said society, and shall be received in all courts as competent evidence of the facts therein stated.

Sec. 5. All the officers of said society shall hold their respective offices for one year, and until others are chosen or elected in their stead.

Sec. 6. This act shall take effect from and after its passage, and may be altered, amended, or repealed at any time by the legislature of Wisconsin.

WILLIAM SHEW,

Speaker of the House of Representatives.

MASON C. DARLING,

President of the Council.

Approved, February 4, 1847.

HENRY DODGE.

AN ACT

To provide for the organization of the county of La Fayette, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That all that portion or district of country now boundaries of embraced in and forming a part of Iowa county, designated Fayette county of La

as follows, viz: towns one, two, and three, north of ranges one, two, three, four, and five, east, and the south half of town four, north of ranges one, two, three, four, and five, east, is hereby set off into a separate county, by the name and style of La Fayette county; and from and after the first day of May next said county shall be fully organized for all judicial and county purposes, and shall have and enjoy all the rights, privileges, immunities, and powers of the other counties within this territory.

Sec. 2. All suits and causes pending and undetermined suits pending in the county of Iowa, upon appeal or otherwise, on the first day of May next, in which the defendant or defendants, or either of them, his, her, or their agent or attorney, shall make an affidavit setting forth that said defendant, or where there are several defendants, that all of said defendants who are residents of this territory, are residents of the county of La Fayette, and shall file such affidavit in the office of the clerk of the district court of Iowa county, shall be transferred to the district court of La Fayette county; and it shall be the duty of the clerk of the district court of Iowa county, Duty of clerk within twenty days after the filing in his office of the affidavit hereinbefore specified, to transmit to the clerk of the district court of the county of La Fayette all writs, process, recognizances, pleadings, returns, and other proceedings in said suits and causes remaining in his office, together with a certified transcript of the record in each of said suits and

causes in the district court of Iowa county. The clerk of the district court of said county of La Fayette shall enter said suits and causes upon the docket of causes in the same manner as the same would have stood if originally commenced in said court; and said district court shall proceed to find judgment and execution in such suits and causes in the same manner as if they had originated in said court.

Sec. 3. It shall be the duty of the clerk of the district court of the county of La Fayette, whenever execution or other final process shall issue in any of such suits and causes, to endorse upon the back of said execution or other final process, the amount of costs that accrued in the district court for the county of Iowa, as taxed, together with the fees of the clerk of the district court for the county of Iowa for transcripts of said record, and to include the same in the amount of costs to be collected on such execution or process; and it shall be the duty of the sheriff, or other officer of the county of La Fayette, upon the receipt of any of said costs, to pay the same to the clerk of the district court of the county of Iowa, who shall distribute the same to such person or persons as may be entitled thereto.

Sec. 4. That for the purpose of carrying out the provisions of this act, the officers elected for the county of Iowa, residing in the county of La Fayette at the time of the passage of this act, shall be and remain officers of the county of La Fayette, with the power and jurisdiction which of right appertains to officers of other counties of this territory, for the term for which they were respectively elected; and to fill all such offices as the county of La Fayette, by virtue of its organization, shall be entitled to, the legal voters thereof shall hold a special election on the first Tuesday of April next, at the usual place of holding elections in the respective precincts of said county of La Fayette, and then and there elect all necessary officers to fill all such vacancies, whose term of service shall commence on the first day of May next, and continue until the time now provided by law for the election of their successors. The said election shall be conducted in all respects in the manner now provided by the law regulating general elections, and the votes cast at the same shall

Election how conducted.

be returned and canvassed as therein provided; and the clerk of the board of county commissioners of the county of Iowa shall issue certificates of election to the persons duly elected under the provisions of this act.

Sec. 5. The clerk of the board of county commissioners Notices of Iowa county shall cause notice to be posted up in all the precincts of said county of La Fayette, for the election of the officers to fill the aforesaid vacancies, at least thirty days before the time of holding the same.

Sec. 6. The county of La Fayette shall form a part of the District court first judicial district; the first term of the district court shall be held on the first Monday of September next, and thereafter semi-annually, at the seat of justice for said county, one term on the first Monday of September, and another on the third Monday of April of each year.

Sec. 7. That until suitable buildings are provided at the Court house seat of justice for said county of La Fayette for the accommodation of the district court and the officers which by law are now required to be held at the seat of justice, it shall be the duty of the county commissioners of said county to provide rooms for holding the sessions of the district courts at such place in said county as they may deem most convenient for its inhabitants; and the said commissioners shall give public notice at three several places in each precinct of said county, of the place selected by them for holding the said court, and forward to the judge of the said district court, a copy of said notice, sixty days before holding the said first session; and the place so selected shall be deemed, for all intents and purposes, the court house of the said county for the time being.

Sec. 8. All officers residing in the county of Iowa at the time of the adoption of this act, who were elected for Iowa to hold out their county at the last general election, and who do not reside within the limits of the county of La Fayette, as defined in the first section of this act, shall be and remain officers of Iowa county during the term for which they were respectively elected; and to fill the vacancies in all such offices in the county of Iowa as by virtue of this act shall become vacant, now filled.

the legal voters of said county of Iowa shall hold a special election on the first Tuesday of April next, at the usual places of holding elections, in the respective precincts of said county of Iowa, whose terms of service shall commence on the first day of May next, and continue until the time now provided by law for the election of their successors.

Sec. 9. The debts and liabilities of the county of Iowa, as the same may exist on the first day of May next ensuing the passage of this act, shall be divided between the said counties of La Fayette and Iowa; and each of said counties shall pay such a proportion of such debts and liabilities as their population, respectively to be ascertained as hereinafter provided, shall bear to the whole population of both counties, when so ascertained.

Concerning
debt of Iowa
county.

Governor to
appoint mar-
shal to take
census.

Sec. 10. The governor shall appoint in each of said counties of La Fayette and Iowa, some suitable person who is hereby authorized and required to cause the number of inhabitants in his respective county to be taken, omitting in their enumeration, Indians not citizens, and soldiers of the United States army; and the persons so appointed shall have power to appoint assistants to aid them in taking the census.

Marshal to
take oath.

Sec. 11. The persons appointed to take the census, and their assistants, shall severally take and subscribe an oath or affirmation before some person authorized by law to administer oaths, previous to entering upon the discharge of the duties imposed by this act, that they will well and truly cause to be made a just enumeration of all the inhabitants resident within their county, and a true return thereof make in pursuance of the provisions of this act, which oath or oaths shall be returned with the census as hereinafter provided, to the secretary of this territory.

Returns to
whom made.

Census how
taken.

Sec. 12. The said enumeration shall be made by an actual enquiry by the persons taking the census at every dwelling, or by personal enquiry of the head of every family in their respective counties; and shall commence the first day of March next, and shall be closed and completed in twenty days thereafter, and shall embrace the several families by the name of the head thereof, and the aggregate population in the several counties.

Sec. 13. The several persons appointed in pursuance of Returns whose made. the provisions of this act to take the census in their respective counties, shall transmit one of said copies to the secretary of the territory, and deliver the other to the register of deeds of Iowa county, and the said register shall preserve the same on file in his office, subject to the inspection of all persons.

Sec. 14. The persons appointed to take said census and Companies their associates, shall receive, from the treasurer of Iowa county of mar- tion of mar- county, for the service to be performed in taking such censuses, at the rate of one dollar and fifty cents for every one hundred persons enumerated by them respectively, and they shall be allowed the sum of five dollars for making the abstract, or copies required.

Sec. 15. The register of deeds of the county of La Fayette shall have the privilege of transcribing, from the records of Certain re- cords to be Iowa county, free from charge, any record of conveyance of transcribed. land, or personal property, or any charge or mortgage concerning the same, lying and being in the county of La Fayette, and the same to record in his own office, and such record shall be as good evidence in all courts as the original records of Iowa county can be.

Sec. 16. To provide for the division of the property and Commission- effects of Iowa county, John W. Blackstone, and Robert C. ers to praise Hoard, of said county, be, and they are hereby appointed and divide certain prop- commissioners, with a third person, whom they shall select, ery. to appraise the value of said property and effects, for which purpose the said commissioners shall meet, on or before the first Monday of June next ensuing the passage of this act, and after being sworn by an officer authorized by law to administer oaths, to make a fair and true appraisal of said property and effects, and file the said appraisal, or amount of valuation agreed upon by them for said property and effects, with the clerk of the board of county commissioners of each of the counties of La Fayette and Iowa, after the appraisal Property of said property and effects, by the said commissioners, it when sold. shall by them be offered for sale at public auction, in the town of Mineral Point, within sixty days after the said ap-



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2209/1
JK:wlj:rs

LFB:.....Olin - Exclude certain counties from maximum payment component; technical change

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 854, line 3: after that line insert:

3 "SECTION 2287. 79.06 (2) (b) of the statutes is amended to read:

4 79.06 (2) (b) If the payments to a municipality or county, except any county in
5 which there are no cities or villages, or any county created in the year 1846 or 1847,
6 with a population in the year 1990 greater than 16,000 but less than 17,000, as
7 determined by the 1990 federal decennial census, in any year exceed its combined
8 payments under this section and s. 79.03, excluding payments under s. 79.03 (3c),
9 in the previous year by more than the maximum allowable increase, the excess shall
10 be withheld to fund minimum payments in that year under sub. (1) (c)."

