

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 130**

**AN ACT** *to amend* 66.0229, 66.1001 (3) (d) and 79.036 (1) (d); and *to create* 66.0230 of the statutes; **relating to:** creating a new method for towns to consolidate.

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*Analysis by the Legislative Reference Bureau*

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 66.0229 of the statutes is amended to read:  
2           **66.0229 Consolidation.** Subject to s. 66.0307 (7), a town, village or city may  
3 be consolidated with a contiguous town, village or city, by ordinance, passed by a  
4 two-thirds vote of all the members of each board or council, fixing the terms of the  
5 consolidation and ratified by the electors at a referendum held in each municipality.  
6 The ballots shall bear the words, “for consolidation”, and “against consolidation”, and

1 if a majority of the votes cast in each municipality are for consolidation, the  
2 ordinances shall take effect and have the force of a contract. The ordinance and the  
3 result of the referendum shall be certified as provided in s. 66.0211 (5); if a town the  
4 certification shall be preserved as provided in ss. 66.0211 (5) and 66.0235,  
5 respectively. Consolidation does not affect the preexisting rights or liabilities of any  
6 municipality and actions on those rights or liabilities may be commenced or  
7 completed as if there were no consolidation. A consolidation ordinance proposing the  
8 consolidation of a town and ~~another municipality~~ a city or village shall, within 10  
9 days after its adoption and prior to its submission to the voters for ratification at a  
10 referendum, be submitted to the circuit court and the department of administration  
11 for a determination of whether the proposed consolidation is in the public interest.  
12 The circuit court shall determine whether the proposed ordinance meets the formal  
13 requirements of this section and shall then refer the matter to the department of  
14 administration, which shall find as prescribed in s. 66.0203 whether the proposed  
15 consolidation is in the public interest in accordance with the standards in s. 66.0207.  
16 The department's findings have the same status as incorporation findings under ss.  
17 66.0203 to 66.0213.

18 **SECTION 2.** 66.0230 of the statutes is created to read:

19 **66.0230 Town consolidation with a city or village. (1)** (a) In addition to  
20 the method described in s. 66.0229 and subject to subs. (2), (3), and (4) and to s.  
21 66.0307 (7), all or part of a town may consolidate with a contiguous city or village by  
22 ordinance passed by a two-thirds vote of all of the members of each board or council  
23 and ratified by the electors at a referendum held in each municipality.

24 (b) With regard to the referendum, the ballots shall bear the words “for  
25 consolidation,” and “against consolidation,” and if a majority of the votes cast in each

1 municipality are for consolidation the ordinances shall take effect and have the force  
2 of a contract. The ordinance and the result of the referendum shall be certified as  
3 provided in s. 66.0211 (5).

4 (c) Consolidation does not affect the preexisting rights or liabilities of any  
5 municipality and actions on those rights or liabilities may be commenced or  
6 completed as if there were no consolidation.

7 **(2)** All or part of a town may consolidate with a city or village under sub. (1)  
8 if all of the following apply:

9 (a) The town, and the city or village, adopt identical resolutions that describe  
10 the level of services that residents of the proposed city or village will receive, or have  
11 access to, in at least all of the following areas:

- 12 1. Public parks services.
- 13 2. Public health services.
- 14 3. Animal control services.
- 15 4. Library services.
- 16 5. Fire and emergency rescue services.
- 17 6. Law enforcement services.

18 (b) The town, and the city or village, adopt identical resolutions that relate to  
19 the ownership or leasing of government buildings.

20 (c) The city or village with which the town wishes to consolidate enters into a  
21 separate boundary agreement, subject to approval of the town board of the town to  
22 be consolidated, with every city, village, and town that borders the proposed  
23 consolidated city or village. Each boundary agreement shall determine the  
24 boundaries between the parties to the agreement. The boundary agreement shall  
25 state the term of the agreement and shall contain the procedures under which the

1 agreement may be amended during its term. A boundary agreement entered into  
2 under this paragraph is a binding contract upon the parties.

3 (d) The consolidating town, and city or village, agree to adopt a comprehensive  
4 plan under s. 66.1001 for the consolidated city or village, and the comprehensive plan  
5 takes effect on the effective date of the consolidation.

6 (e) At least some part of the consolidated city or village receives sewage disposal  
7 services.

8 **(3)** If less than an entire town consolidates with a city or village under sub. (1),  
9 the consolidation may not take effect unless the town enters into an agreement with  
10 a city, village, or town that has a common boundary with the remnant of the town that  
11 is not consolidated under which the town remnant becomes part of the city, village,  
12 or town with the common boundary. If a town remnant becomes part of a city or  
13 village, an agreement described under this subsection shall be included in each  
14 boundary agreement under sub. (2) (c) that is entered into by a city, village, or town  
15 that borders the remnant. An agreement entered into under this subsection is a  
16 binding contract upon the parties.

17 **(4)** In this section, a municipality that borders or has a common boundary with  
18 another municipality includes municipalities that intersect at only one point.

19 **SECTION 3.** 66.1001 (3) (d) of the statutes is amended to read:

20 66.1001 **(3)** (d) Consolidation of territory under s. 66.0229 or 66.0230.

21 **SECTION 4.** 79.036 (1) (d) of the statutes is amended to read:

22 79.036 **(1)** (d) The department of revenue shall consider a consolidation  
23 ordinance under s. 66.0229 or 66.0230 to be an agreement to consolidate municipal  
24 services for purposes of this subsection.

25 **(END)**