

2003 ASSEMBLY BILL 130

March 6, 2003 – Introduced by Representatives LADWIG, GUNDERSON, KERKMAN, J. LEHMAN, AINSWORTH, ALBERS, FREESE, HINES, HUNDERTMARK, KRAWCZYK, MCCORMICK, MONTGOMERY, MUSSER, OWENS, TOWNSEND, VAN ROY and WARD, cosponsored by Senators STEPP and WELCH. Referred to Committee on Urban and Local Affairs.

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

Analysis by the Legislative Reference Bureau

Generally, under current law, a city, village, or town (municipality) may be consolidated with a contiguous municipality if a consolidation ordinance is passed by a two-thirds vote of the governing bodies of each municipality and if the ordinance is ratified by the electors in a referendum in each municipality.

Also under current law, an ordinance proposing the consolidation of a town and another municipality may not, following its enactment, be submitted to the electors for approval in a referendum until the circuit court and the Department of Administration (DOA) determine whether the proposed consolidation is in the public interest. In determining whether the proposed consolidation is in the public interest, DOA is required to consider a variety of factors, including whether governmental services could be better supplied to the residents of the consolidated territory by the consolidated municipal government, the shape of the proposed territory, the population and housing density of the territory beyond the most densely populated one-half or one square mile of the territory, and the homogeneity and compactness of the territory.

This bill creates another method for certain towns to consolidate with other municipalities. Under this bill, all or part of a town to which a number of specifications applies may consolidate with a contiguous municipality if a consolidation ordinance is passed by a two-thirds vote of the governing bodies of each municipality and if the ordinance is ratified by the electors in a referendum in each

ASSEMBLY BILL 130

municipality. The specifications that must apply to a town to enable it to consolidate include the following:

1. The town must be a party to an intergovernmental cooperation agreement under which the town's residents must receive, or have access to, sewage disposal services; public health services; police, fire, and emergency services; library services; animal control services; and park services.

2. The town must be a party to an intergovernmental cooperation agreement that relates to the ownership or leasing of government buildings.

3. The city or village with which the town wishes to consolidate enters into a boundary agreement with every municipality that borders the proposed consolidated city or village.

4. The consolidating town and municipality enter into an agreement to adopt jointly a comprehensive plan. The plan must take effect before the consolidation may take effect.

5. If less than an entire town consolidates with a municipality, the consolidation may not take effect unless the town enters into an agreement with a municipality that shares a border with the town remnant under which the town remnant becomes part of the municipality with a common boundary.

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.** 66.0230 of the statutes is created to read:

2 **66.0230 Town consolidation.** (1) (a) In addition to the method described in
3 s. 66.0229 and subject to subs. (2), (3), and (4), and to s. 66.0307 (7), all or part of a
4 town may consolidate with a contiguous city, village, or town by ordinance passed by
5 a two-thirds vote of all of the members of each board or council, fixing the terms of
6 the consolidation, and ratified by the electors at a referendum held in each
7 municipality. The terms of consolidation shall include a description of how all of the
8 items listed in subs. (2) and (3) apply to the town.

9 (b) With regard to the referendum, the ballots shall bear the words “for
10 consolidation,” and “against consolidation,” and if a majority of the votes cast in each
11 municipality are for consolidation the ordinances shall take effect and have the force

ASSEMBLY BILL 130

1 of a contract. The ordinance and the result of the referendum shall be preserved as
2 provided in ss. 66.0211 (5) and 66.0235.

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

6 **(2)** All or part of a town may consolidate with a city, village, or town under sub.
7 (1) if the town is party to an intergovernmental cooperation agreement, as described
8 under s. 66.0301, that provides town residents with, or access to, at least all of the
9 following services:

10 (a) Sewage disposal services.

11 (b) Public health services.

12 (c) Animal control services.

13 (d) Library services.

14 (e) Fire and emergency rescue services.

15 (f) Law enforcement services.

16 (g) Public parks services.

17 **(3)** All or part of a town may consolidate with a city, village, or town under sub.
18 (1) if all of the following apply:

19 (a) The town is party to an intergovernmental cooperation agreement, as
20 described under s. 66.0301, that relates to the ownership or leasing of government
21 buildings.

22 (b) The city or village with which the town wishes to consolidate enters into a
23 boundary agreement, with every city, village, and town that borders the proposed
24 consolidated city or village, which determines the boundaries between every
25 bordering city, village, and town. The boundary agreement shall state the term of

ASSEMBLY BILL 130

1 the agreement and shall contain the procedures under which the agreement may be
2 amended during its term. A boundary agreement entered into under this paragraph
3 is a binding contract upon the parties, and the agreement may take effect only if it
4 is adopted by the governing bodies of each party to the agreement.

5 (c) The consolidating town and city, village, or town enter into an
6 intergovernmental agreement to adopt jointly a comprehensive plan under s.
7 66.1001, and the comprehensive plan must be in effect before the consolidation may
8 take effect.

9 (4) If less than an entire town consolidates with a city, village, or town under
10 sub. (1), the consolidation may not take effect unless the town enters into an
11 agreement with a city, village, or town that has a common boundary with the
12 remnant of the town that is not consolidated under which the town remnant becomes
13 part of the city, village, or town with the common boundary. An agreement described
14 under this subsection shall be included in a boundary agreement under sub. (3) (b)
15 if a town remnant becomes part of a city or village. An agreement entered into under
16 this subsection is a binding contract upon the parties, and the agreement may take
17 effect only if it is adopted by the governing bodies of each party to the agreement.

18 **SECTION 2.** 66.1001 (3) (d) of the statutes is amended to read:

19 66.1001 (3) (d) Consolidation of territory under s. 66.0229 or 66.0230.

20 **SECTION 3.** 79.036 (1) (d) of the statutes is amended to read:

21 79.036 (1) (d) The department of revenue shall consider a consolidation
22 ordinance under s. 66.0229 or 66.0230 to be an agreement to consolidate municipal
23 services for purposes of this subsection.

24 (END)