

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

May 20, 2003 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

1 **AN ACT** *to amend* 66.0229, 66.1001 (3) (d) and 79.036 (1) (d); and *to create*
2 66.0230 of the statutes; **relating to:** creating a new method for towns to
3 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.

Under this substitute amendment, a proposed current law–consolidation of a town must receive circuit court and DOA approval only if the town proposes to consolidate with a city or village.

This substitute amendment also creates another method for certain towns to consolidate with cities or villages. Under this substitute amendment, all or part of a town to which a number of specifications applies may consolidate with a contiguous city or village 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. The specifications that must apply to a town to enable it to consolidate include the following:

1. The town, and the city or village, must adopt identical resolutions describing the level of services that residents of the proposed consolidated city or village will receive, or have access to, in at least the following areas: public health services; police, fire, and emergency services; library services; animal control services; and park services.

2. The town, and the city or village, must reach agreements that relate to the ownership or leasing of government buildings.

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

4. The consolidating town and city or village must agree to adopt a comprehensive plan for the consolidated city or village. The plan must take effect on the effective date of the consolidation.

5. If less than an entire town consolidates with a city or village, 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.

Finally, a consolidation under the substitute amendment may take effect only if some part of the consolidated city or village receives sewage disposal services.

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)**