

**2003 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB130)**

Received: **04/30/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **Rep. Ladwig**

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

Drafter: **mshovers**

May Contact: **Don Dyke**

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies: **Don Dyke, Leg. Council**

Submit via email: **YES**

Requester's email: **Rep.Ladwig@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Creating a new method for towns to consolidate; modifying consolidation statute

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**Instructions:**

See Attached. Make changes based on meeting w/ Reps. Ladwig and Gunderson, and Don Dyke.

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**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>
/?	mshovers 04/30/2003	kgilfoy 04/30/2003		_____			
/1			rschluet 05/01/2003	_____	sbasford 05/01/2003	sbasford 05/01/2003	
/2	mshovers	kgilfoy	pgreensl	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/13/2003	05/13/2003	05/13/2003 _____		05/13/2003	05/13/2003	

FE Sent For:

**<END>**

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1?	mshovers 04/30/2003	kgilfoy 04/30/2003					
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1		1/2-5/13 KMG	rschluet 05/01/2003	5/13 PST/RS	sbasford 05/01/2003	sbasford 05/01/2003	
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12 MES 5/13/03  
5/13 PG

FE Sent For:

**<END>**

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Pre Topic:

No specific pre topic given


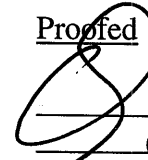
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1?	mshovers	1-4/30 Krug					
/ 1 MES 4/30							
FE Sent For:							

4-30-03

<END>

## Shovers, Marc

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**From:** Hale, Janine  
**Sent:** Monday, April 14, 2003 3:54 PM  
**To:** Shovers, Marc  
**Subject:** Meeting/memo on AB 130 (municipal consolidations)

Marc,

Attached you will find a memo prepared by Don Dyke addressing concerns raised at the public hearing on AB 130 (held last Tuesday). Rep. Ladwig and Rep. Gunderson are meeting this Thursday, April 17th at 12:30 p.m. to discuss this memo and a potential amendment. Rep. Ladwig would greatly appreciate it if you'd be able to attend this meeting. It will be held in our office, room 113 W. Don Dyke will also be attending.

Please let me know if you'll be able to attend the meeting and if you have any questions.

Thank you,

Janine

*Janine L. Hale, Chief of Staff  
State Representative Bonnie Ladwig  
63rd Assembly District  
113 West, State Capitol  
P.O. Box 8952  
Madison, WI 53708  
(608)266-9171  
1-888-534-0063  
janine.hale@legis.state.wi.us*



leg council  
memo.pdf



## WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE SCOTT GUNDERSON, CHAIRPERSON, ASSEMBLY  
COMMITTEE ON URBAN AND LOCAL AFFAIRS

FROM: Don Dyke, Senior Staff Attorney

RE: Assembly Bill 130 (Municipal Consolidation): Issues for Possible Clarification

DATE: April 9, 2003

This memorandum identifies provisions of 2003 Assembly Bill 130 that may be in need of clarification.

- Page 3, lines 6 to 9 and lines 19 to 21: Is it intended that the town be a party to the intergovernmental cooperation agreement "with the city, village, or town with which it is consolidating"?
- Page 3, lines 8 to 16: Is it intended that "some" or "all" town residents be provided with or have access to the listed services? What interpretative problems arise from the absence of a definition of "access to" and the lack of specificity regarding what level of services must be provided or made available? In this regard, see also the revision suggested by the Wisconsin Towns Association in the attached memorandum, dated April 8, 2003. The association suggests that when two towns consolidate, the towns determine the services to be covered by the intergovernmental agreement. (This suggestion raises another question concerning the intergovernmental agreements--are they intended to address services before or after the consolidation?)
- Page 3, lines 22 to 25: Is it intended that the boundary agreement determine the boundaries between every bordering city, village, and town "and the proposed consolidated city or village"?
- Page 4, lines 13 to 15: Is the reference to "a boundary agreement under sub. (3) (b)" sufficiently clear? That is, must the agreement regarding the town remnant be included in each boundary agreement required for the consolidation to take place or only in those boundary agreements that involve cities, villages, and towns that border the town remnant?

- Page 3, lines 1 and 2: The full sentence on those lines is derived from the current consolidation statute, s. 66.0229, Stats. It appears that the reference to s. 66.0235 could be more precise. Perhaps the Department of Administration can provide assistance on this technical issue.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DD:wu;tlu  
Attachment



**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

# INSTRUCTIONS

p. 3 req town & city/vil to adopt a res.  
that describes the services & level  
of services that the residents of  
the new entity will receive.

TAKE OUT intergovt agreement  
stuff

**2003 ASSEMBLY BILL 130**

MARKED-UP w/ instructions for  
Sub.

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

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.

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

(2) All or part of a town may consolidate with a city, village, or town under sub.

(1) if the town is party to an intergovernmental cooperation agreement, as described  
5 under s. 66.0301, that provides town residents with, or access to, at least all of the

following services:

- (a) Sewage disposal services.
- (b) Public health services.
- (c) Animal control services.
- (d) Library services.
- (e) Fire and emergency rescue services.
- (f) Law enforcement services.
- (g) Public parks services.

(3) All or part of a town may consolidate with a city, village, or town under sub.

(1) if all of the following apply:

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

(b) The city or village with which the town wishes to consolidate enters into a  
8 <sup>separate</sup> boundary agreement, with every city, village, and town that borders the proposed  
9 consolidated city or village, which determines the boundaries between every  
10 bordering city, village, and town. The boundary agreement shall state the term of

*each municipality  
to that address  
& level of services  
clarify that agreement  
is return city will to  
the town & agreement  
takes effect  
upon approval  
of ref.*

*state that parties determine the  
level of services*

*break out -  
some part of the consolidated  
entity must have sewage disp  
services*

*clarify that current  
law consol. stat don't  
apply to towns  
(ref. ind. applies but  
no DOA review  
pertains town  
consol.)*

*in clause  
on word*

*but borders the consolidated city or village  
The boundary agreement shall be  
subject to town board approval*

## ASSEMBLY BILL 130

## SECTION 1

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)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0070/8

MES...  
*Handwritten initials*

*Handwritten signature/initials*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY SUBSTITUTE AMENDMENT,**

**TO 2003 ASSEMBLY BILL 130**

*SON  
FN  
4/30*

*(Handwritten mark)*

~~AN ACT ...; relating to: ???~~

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

~~(END)~~

# 2003 ASSEMBLY BILL 130

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

*Regen*

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~~ <sup>city or village</sup> Under this ~~bill~~ <sup>substitute amendment also</sup>, all or part of a town to which a number of specifications applies may consolidate with a contiguous ~~municipality~~ <sup>city or village</sup> 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

*substitute amendment*

*(R) Under this <sup>substitute amendment</sup> a proposed <sup>current law</sup> consolidation of a town must receive circuit court and DOA approval only if the town proposes to consolidate with a city or village.*

ASSEMBLY BILL 130

municipality. The specifications that must apply to a town to enable it to consolidate include the following: <sup>identical</sup> and the city or village <sup>must</sup> adopt resolutions describing the level of services that residents of the proposed consolidated city or village will

1. The town <sup>in at least the following areas: AA</sup> 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. <sup>must</sup> and the city or village <sup>must</sup> reach agreements

2. The town <sup>for the consolidated city or village</sup> must be a party to an intergovernmental cooperation agreement that relates to the ownership or leasing of government buildings. <sup>must</sup>

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

4. The consolidating town and <sup>city or village</sup> municipality enter into an agreement <sup>must</sup> to adopt jointly a comprehensive plan. The plan must take effect <sup>on</sup> before the consolidation <sup>may</sup> take effect. <sup>the effective date of</sup>

5. If less than an entire town consolidates with a <sup>city or village</sup> 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. <sup>Finally, a consolidation under the may take effect only if some part of the consolidated city or village receives sewage disposal services.</sup>

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:**

ENS 2-1

SECTION 1. 66.0230 of the statutes is created to read:

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

(b) With regard to the referendum, the ballots shall bear the words "for consolidation," and "against consolidation," and if a majority of the votes cast in each 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, <sup>or</sup> village, ~~or town~~ under sub.

7 (1) if the town <sup>and the city or village, adopt identical resolutions that describe the</sup> is party to an intergovernmental cooperation agreement, as described  
8 <sup>level of services</sup> under s. 66.0301, that <sup>of the proposed city or village will receive</sup> provides ~~with~~ residents <sup>with</sup>, or access to, at least all of the  
9 following <sup>areas</sup> 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) <sup>a</sup> Public parks services.

17 (3) All or part of a town may consolidate with a city, <sup>or</sup> village, ~~or town~~ under sub.

18 (1) if all of the following apply:

19 (a) The town <sup>and the city or village, adopt identical resolutions</sup> 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 <sup>separate</sup> boundary agreement, <sup>subject to town board approval,</sup> 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. <sup>that borders the consolidated city or village as boundaries</sup> The boundary agreement shall state the term of

*agreements shall be subject to town board approval*

ASSEMBLY BILL 130

SECTION 1

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<sup>↓</sup>/village, ~~or town~~<sup>or</sup> enter into an  
6 intergovernmental agreement<sup>agree</sup> to adopt jointly a comprehensive plan under s.  
7 66.1001, and the comprehensive plan ~~must be in effect before~~<sup>for the consolidated city or village</sup> the consolidation ~~may~~<sup>take effect upon the effective date of</sup>  
8 ~~take effect.~~ <sup>(d) At least some part of the consolidated city or village receives sewage disposal services.</sup>

9 (4) If less than an entire town consolidates with a city, village, ~~or town~~<sup>or</sup>  
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 <sup>an applicable</sup> 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 (5) In this section, a municipality that borders or has a common  
19 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)

boundary with another municipality includes municipalities that intersect at only one point.

INS 2-1

Section #. 66.0229 of the statutes is amended to read:

**66.0229 Consolidation.** Subject to s. 66.0307 (7), a town, village or city may be consolidated with a contiguous town, village or city, by ordinance, passed by a two-thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation", and "against consolidation", and if a majority of the votes cast in each municipality are for consolidation, the ordinances shall take effect and have the force of a contract. The ordinance and the result of the referendum shall be certified as provided in s. 66.0211 (5); if a town the certification shall be preserved as provided in ss. 66.0211 (5) and 66.0235, respectively. Consolidation does not affect the preexisting rights or liabilities of any municipality and actions on those rights or liabilities may be commenced or completed as if there were no consolidation. A consolidation ordinance proposing the consolidation of a town and ~~another municipality~~ <sup>a city or village</sup> shall, within 10 days after its adoption and prior to its submission to the voters for ratification at a referendum, be submitted to the circuit court and the department of administration for a determination <sup>of</sup> whether the proposed consolidation is in the public interest. The circuit court shall determine whether the proposed ordinance meets the formal requirements of this section and shall then refer the matter to the department of administration, which shall find as prescribed in s. 66.0203 whether the proposed consolidation is in the public interest in accordance with the standards in s. 66.0207. The department's findings have the same status as incorporation findings under ss. 66.0203 to 66.0213.

History: 1977 c. 29; 1979 c. 361 s. 112; 1983 a. 532 s. 36; 1991 a. 39, 269; 1995 a. 27, ss. 3307 and 9116 (5); 1995 a. 216; 1997 a. 27; 1999 a. 150 s. 42; Stats. 1999 s. 66.0229.

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 ASSEMBLY BILL 130

INSTRUCTIONS  
FROM  
DON DYKE

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 jointly 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.

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

*Need*

*is this part of the resolution under sub. (2) ?*

1 (b) With regard to the referendum, the ballots shall bear the words "for  
2 consolidation," and "against consolidation," and if a majority of the votes cast in each  
3 municipality are for consolidation the ordinances shall take effect and have the force  
4 of a contract. The ordinance and the result of the referendum shall be <sup>certified</sup> preserved as  
5 provided in ss. 66.0211 (5) ~~and 66.0215~~.

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

9 (2) All or part of a town may consolidate with a city or village under sub. (1) <sup>if all of the following</sup>  
10 (a) ~~if~~ <sup>describing</sup> the town, and the city or village, adopt identical resolutions <sup>that describe</sup> the level <sup>1 apply:</sup>  
11 of services that residents of the proposed city or village will receive, or have access  
12 to, in at least all of the following areas:

- 13 1. ~~(a)~~ Public parks services.
- 14 2. ~~(b)~~ Public health services.
- 15 3. ~~(c)~~ Animal control services.
- 16 4. ~~(d)~~ Library services.
- 17 5. ~~(e)~~ Fire and emergency rescue services.
- 18 6. ~~(f)~~ Law enforcement services.

19 (3) ~~All or part of a town may consolidate with a city or village under sub. (1)~~  
20 ~~if all of the following apply:~~

21 (b) ~~(a)~~ The town, and the city or village, adopt identical resolutions that relate to  
22 the ownership or leasing of government buildings.

23 (c) ~~(b)~~ The city or village with which the town wishes to consolidate enters into a  
24 separate boundary agreement, subject to ~~town board~~ approval, with every city,  
25 village, and town that borders the proposed consolidated city or village, ~~which~~

*of the town board for  
the town to be consolidated*

*The boundary agreement shall determine the boundaries between every city, village, and town that borders the consolidated city or village. The boundary agreement shall state the term of the agreement and shall contain the procedures under which the agreement may be amended during its term. A boundary agreement entered into under this paragraph is a binding contract upon the parties, and the agreement may take effect only if it is adopted by the governing bodies of each party to the agreement.*

*entered into by a city, village, or town bordering the remnant*

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determines the boundaries between every city, village, and town that borders the consolidated city or village. The boundary agreement shall state the term of the agreement and shall contain the procedures under which the agreement may be amended during its term. A boundary agreement entered into under this paragraph is a binding contract upon the parties, and the agreement may take effect only if it is adopted by the governing bodies of each party to the agreement.

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

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

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

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

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

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

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

*is it clear what this is?*







State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0070/2  
MES:kmg:rs

fmr

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 ASSEMBLY BILL 130

WANTED  
Wednesday  
IN 5/13

refer

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.

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*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 ~~with~~ 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.** <sup>③</sup> with a city or village (1) (a) In addition to the method described in  
 20 s. 66.0229 and subject to subs. (2), (3), <sup>and</sup> (4) ~~and~~ <sup>and</sup> and to s. 66.0307 (7), all or part  
 21 of a town may consolidate with a contiguous city or village by ordinance passed by  
 22 a two-thirds vote of all of the members of each board or council, ~~fixing the terms of~~  
 23 ~~the consolidation~~ and ratified by the electors at a referendum held in each  
 24 municipality. ~~The terms of consolidation shall include a description of how all of the~~  
 25 ~~items listed in subs. (2) and (3) apply to the town~~

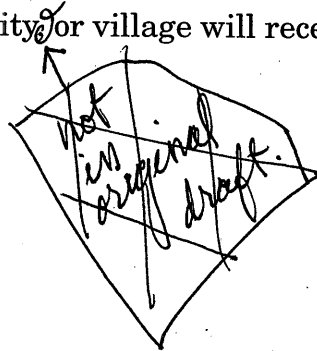
(b) With regard to the referendum, the ballots shall bear the words "for consolidation," and "against consolidation," and if a majority of the votes cast in each municipality are for consolidation the ordinances shall take effect and have the force of a contract. The ordinance and the result of the referendum shall be <sup>certified</sup> ~~preserved~~ as provided in <sup>s.</sup> ~~§s.~~ 66.0211 (5) ~~and 66.0211.~~

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

*if all of the following apply:*

(2) All or part of a town may consolidate with a city or village under sub. (1)

~~(a)~~ <sup>(a)</sup> the town, and the city or village, adopt identical resolutions that describe the level of services that residents of the proposed city or village will receive, or have access to, in at least all of the following areas:



1. ~~(a)~~ Public parks services.
2. ~~(b)~~ Public health services.
3. ~~(c)~~ Animal control services.
4. ~~(d)~~ Library services.
5. ~~(e)~~ Fire and emergency rescue services.
6. ~~(f)~~ Law enforcement services.

~~(3) All or part of a town may consolidate with a city or village under sub. (1)~~

~~if all of the following apply:~~

~~(b)~~ <sup>(b)</sup> The town, and the city or village, adopt identical resolutions that relate to the ownership or leasing of government buildings.

~~(c)~~ <sup>(c)</sup> The city or village with which the town wishes to consolidate enters into a separate boundary agreement, subject to <sup>of the town board of the town to be consolidated</sup> ~~town board~~ approval, with every city, village, and town that borders the proposed consolidated city or village <sup>which</sup>.

①

- 5 - *the parties to the agreement.*

*Each boundary agreement shall*

determines the boundaries between ~~any~~ city, village, and town that borders the

~~(consolidated city or village).~~ The boundary agreement shall state the term of the

agreement and shall contain the procedures under which the agreement may be

amended during its term. A boundary agreement entered into under this paragraph

is a binding contract upon the parties, and the agreement may take effect only if it

is adopted by the governing bodies of each party to the agreement.

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

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

(B) (3) ~~en~~ If less than an entire town consolidates with a city or village under sub. (1), the consolidation may not take effect unless the town enters into an agreement with a city, village, or town that has a common boundary with the remnant of the town that is not consolidated under which the town remnant becomes part of the city, village,

*If a town remnant becomes part of a city or village,*  
or town with the common boundary.

An agreement described under this subsection shall be included in ~~an applicable~~ <sup>each</sup> boundary agreement under sub. (b) ~~(b)~~ <sup>(b)</sup> ~~that~~ <sup>the</sup> ~~town~~ <sup>remnant</sup>

~~remnant becomes part of a city or village.~~ An agreement entered into under this subsection is a binding contract upon the parties, and the agreement may take effect only if it is adopted by the governing bodies of each party to the agreement.

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

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

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

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

*that is entered into by a city, village, or town that borders the remnant.*

*Proposed*

