

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB323)

Received: 03/08/2004

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Ronald Brown (608) 266-8546

By/Representing: Missy

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Munis - miscellaneous
Munis - zoning
State Govt - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Brown@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Change procedures for incorporating cities and villages, and for annexations; create a board to review incorporation petitions;

Instructions:

See Attached. Stay the 180 day clock for DOA to decide if parties agree to enter into ADR.

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1	mshovers 03/08/2004	kgilfoy 03/08/2004	rschluet 03/08/2004	_____	lemery 03/08/2004	lemery 03/08/2004	

FE Sent For:

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img* *CH
3-8* *CH
3F 3-8*

2003 DRAFTING REQUEST

Senate Amendment (SA-SB323)

Received: 03/08/2004

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Ronald Brown (608) 266-8546

By/Representing: Missy

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**
Munis - zoning
State Govt - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

See Attached. Stay the 180 day clock for DOA to decide if parties agree to enter into ADR.

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/1	mshovers	1-3/8 Emg					
11MES 3/8/04							
FE Sent For:							

Handwritten signatures and initials are present over the Drafting History table. There are two large, overlapping signatures in the 'Typed' and 'Proofed' columns. Below these, there are initials '3/8' and '4/8' written across the 'Typed' and 'Proofed' columns respectively. A 'p6' is written in the 'Submitted' column.

<END>

Shovers, Marc

From: Gilbert, Melissa
Sent: Thursday, March 04, 2004 10:38 AM
To: Shovers, Marc
Subject: Assembly amendments to SB 323

Hi Marc,

We need a couple of Assembly amendments drafted to Senate Bill 323 (incorporation reform). The amendments would do the following:

1. Stay the 180-day clock for DOA to make a determination if the city/village and town agree to enter into Alternative Dispute Resolution.

2. Make the non-DOA members of the board advisory only.

We're hoping to get the bill scheduled for the Assembly floor on Tuesday. Let me know if you have any questions.

Thanks,

Melissa Gilbert

Committee Clerk

Homeland Security, Veterans and Military Affairs and Government Reform

Office of Sen. Ron Brown

608-266-8546



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2671/1

MES... King

Assembly

~~SENATE~~ AMENDMENT,
TO 2003 SENATE BILL 323

Tip
request
sheet

D-NOTE

Wanted
today 2 p.m.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 5, line 12: delete "(d), (e) (intro.), (f), (g) and (h) ~~of the~~" and substitute
3 "and (d)".

4 ✓ 2. Page 5, line 23: delete "Unless" and substitute "Unless Subject to par. (dm),
5 unless".

6 ✓ 3. Page 6, line 5: after that line insert:

7 "SECTION 9m. 66.0203 (9) (dm) of the statutes is created to read:

8 66.0203 (9) (dm) The time period specified or set by the court under par. (d)
9 shall be stayed ^{until the alternative dispute resolution is completed} by ~~the board~~ if the city or village which has commenced an annexation
10 proceeding that is described under sub. (8) (c), the representative of the petitioners,
11 as described in sub. (2) (c), and the town from which the territory that is subject to
12 annexation or incorporation, agree to resolve the annexation and incorporation
13 dispute through ^{an} alternative dispute resolution ^{proceeding}".

§

NaCS

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✓ 4. Page 6, line 6: before that line insert: **SECTION 9s. 66.0203 (9) (e) (intro.), (f), (g) and (h) of the statutes are amended to read:**"

✓ 5. Page 6, line 6: before "(e) (intro.)" insert "66.0203 (9)".

no
E

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2671/1dn

MES...
mg

Senator Brown:

You instructions were to stay the 180-day clock for DOA's determination on an incorporation petition if the "city/village and town" agree to enter into alternative dispute resolution. Is created s. 66.0203 (9) (dm) consistent with your intent?

I assume that the dispute to which you want an ADR process to apply would involve a petition for incorporation vs. an annexation proceeding that affects some or all of the territory to be incorporated. I'm not sure, however, that a single town would necessarily be the only party to such a dispute because s. 66.0203 (2) (b) clearly indicates that the territory that is subject to an incorporation petition may be in more than one county and, therefore, in more than one town. Also, if the territory subject to the petition constitutes only part of a town, the dispute may not involve only the town government, but the petitioners of the territory as well. Did you want the representative of the petitioners to be involved?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2671/1dn
MES:kmg:rs

March 8, 2004

Senator Brown:

You instructions were to stay the 180-day clock for DOA's determination on an incorporation petition if the "city/village and town" agree to enter into alternative dispute resolution. Is created s. 66.0203 (9) (dm) consistent with your intent?

I assume that the dispute to which you want an ADR process to apply would involve a petition for incorporation vs. an annexation proceeding that affects some or all of the territory to be incorporated. I'm not sure, however, that a single town would necessarily be the only party to such a dispute because s. 66.0203 (2) (b) clearly indicates that the territory that is subject to an incorporation petition may be in more than one county and, therefore, in more than one town. Also, if the territory subject to the petition constitutes only part of a town, the dispute may not involve only the town government, but the petitioners of the territory as well. Did you want the representative of the petitioners to be involved?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

Shovers, Marc

From: Gilbert, Melissa
Sent: Monday, March 08, 2004 5:09 PM
To: Shovers, Marc
Subject: revision to LRB a2671/1 -- amendment to SB 323

Hi Marc,

Upon receiving your drafter's note and consulting with DOA, we would appreciate the changes to LRBa2671/1 that are detailed below. Thanks!

Melissa -

The amendments look good, with the exception of 3 concerns we have regarding the proposed section 66.0203(9)(dm) paragraph. These concerns are:

- 1) The paragraph does not set a time limit for how long a proceeding may be stayed. Without any limit it's conceivable that an incorporation proceeding could drag out too long. We suggest inserting the word 'reasonable' (see suggested language below).
- 2) The paragraph does not require that an agreement between parties to stay the 180 days be in writing. Failure to have this agreement in writing invites uncertainty and maybe mischief. Also, we suggest that this written agreement be sent to the Board (so it knows to quit working on the petition) and the circuit court.
- 3) The paragraph is too prescriptive regarding the kinds of disputes that may be stayed to attempt ADR, and also regarding the kinds of participants that may be involved. Specifically, the paragraph may be interpreted to allow a stay for ADR only of disputes involving annexation by cities and villages, and only when the participants to the dispute are a city/village, town, and petitioner. It does not allow for other kinds of incorporation-related disputes (services, taxation, transportation, land use, etc.) or other kinds of participants, such as a business or a stakeholder group that has intervened in the petition. Marc Shovers' letter indicates his uncertainty about this issue as well. Making the paragraph less prescriptive would likely eliminate his questions and our concerns (see suggested language below).

Suggested language:

66.0203(9)(dm) The time period specified or set by the court under par. (d) ^{shall} ~~may~~ be stayed for a reasonable period of time to allow for alternative dispute resolution of any disagreements between interested parties that result from the filing of an incorporation petition, provided that all interested parties agree to this stay and provide written notice to both the Board and circuit court. Per missy

Melissa Gilbert
Committee Clerk
Homeland Security, Veterans and Military Affairs and Government Reform
Office of Sen. Ron Brown
608-266-8546



RMR

ASSEMBLY AMENDMENT,
TO 2003 SENATE BILL 323

Tues
AM

P-NOTE

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 12: delete “, (d), (e) (intro.), (f), (g) and (h)” and substitute “and
3 (d)”.

4 2. Page 5, line 23: delete “Unless” and substitute “Unless Subject to par. (dm),
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6 3. Page 6, line 5: after that line insert:

7 “SECTION 9m. 66.0203 (9) (dm) of the statutes is created to read:

8 66.0203 (9) (dm) The time period specified or set by the court under par. (d)
9 shall be stayed ^{for a reasonable period of time to allow for} ~~until the~~ alternative dispute resolution is completed if the city or

10 ~~village which has commenced an annexation proceeding that is described under sub.~~
11 ~~(8) (c), the representative of the petitioners, as described in sub. (2) (c), and the town~~
12 ~~from which the territory that is subject to annexation or incorporation, agree to~~

1 ~~resolve the annexation and incorporation dispute through an alternative dispute~~
2 ~~resolution proceeding?~~

3 4. Page 6, line 6: before that line insert:

4 "SECTION 9s. 66.0203 (9) (e) (intro.), (f), (g) and (h) of the statutes are amended
5 to read:"

6 5. Page 6, line 6: before "(e) (intro.)" insert "66.0203 (9)".

7 (END)

→ of any disagreements between interested parties that result from the filing of an incorporation petition if all interested parties agree to this stay and ^{provide} written notice to ^{of their} the board and to ^{the} ~~the~~ circuit court ^{agreement}

D-NOTE

Do you want the written notice to specify what a "reasonable" period of time is? If a specific time period is not specified, what would happen if one or more of the parties write the board and the courts after 2 months of ADR and say ~~the~~ ADR has failed and ~~the~~ they withdraw their agreement and want the board to resolve the issue? MGA

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2671/2dn
MES:kmg:ch

March 9, 2004

Do you want the written notice to specify what a "reasonable" period of time is? If a specific time period is not specified, what would happen if one or more of the parties write the board and the court after 2 months of ADR and say ADR has failed and they withdraw their agreement and want the board to resolve the issue?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us