

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB87)

Received: **02/10/2004**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Eugene Hahn (608) 266-3404**

By/Representing: **Lindy**

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

Drafter: **mshovers**

May Contact: **Curt Witynski**

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Limits on city, village annexations; specifying boundaries for certain annexations

Instructions:

See Attached

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>
/1	mshovers 02/10/2004	wjackson 02/10/2004	rschluet 02/10/2004	_____	lnorthro 02/10/2004	lnorthro 02/10/2004	
/2	mshovers 02/13/2004	wjackson 02/13/2004	chaugen 02/13/2004	_____	lemery 02/13/2004	lemery 02/13/2004	

FE Sent For:

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 FE Sent For: 12 WJ 2/13
 ON 2/13
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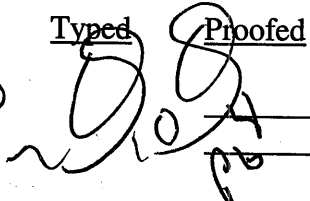
Topic:

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See Attached

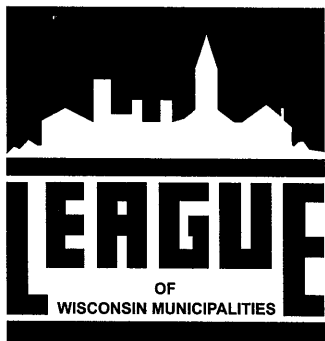
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/1	mshovers	1 WLJ 2/10					
11 MES	2/10/04						

FE Sent For:

<END>

MaCC - Rep. Hahn -
authorizes the
attached amendment
to Sen. Sub. 1 of
SB 87 be drafted.
Give me a call if
you have any questions.
Thanks, Curt W.



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E-mail: league@lwm-info.org
www.lwm-info.org

To: Representative Eugene Hahn, Chair, Assembly Rural Affairs Committee
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: February 10, 2004
RE: Amending SB 87

While the League remains adamantly opposed to SB 87, it appears as if the bill has a good chance of advancing through the legislature. In light of that distinct possibility, we urge you to consider amending the bill to clarify that all types of boundary agreements, not just those entered into pursuant to the cooperative plan statute, sec. 66.0307, would exempt a municipality from the bill's prohibition on annexing territory across county lines.

The version of SB 87 passed by the Senate on January 28th exempts municipalities that enter into boundary agreements under sec. 66.0307, Stats., from the county-line annexation limitation.

However, sec. 66.0307 is a very complicated process requiring final approval from the Dept. of Administration's Boundary Review agency. Since sec. 66.0307 was created in 1992, only 11 boundary agreements have been created according to the Dept. of Administration website. I believe that is due to the complex nature of §66.0307.

There are other methods communities may use to enter into boundary agreements. For example, the City of Neenah recently entered into a 30-year boundary agreement with the Town of Neenah. However, that boundary agreement was done under boundary by judgment, §66.0225. Throughout the state, many other boundary agreements are accomplished under the intergovernmental cooperation statute, §66.0301. If this bill becomes law, the City of Neenah's boundary agreement, which took two years to accomplish, will not provide the City with the protection the Town and City anticipated. In effect, the boundary peace we thought we had negotiated, in an agreement that was mutually beneficial, approved by the town board and town residents would be lost.

We urge you to amend the version of SB 87 passed by the Senate to also exempt boundary agreements entered into pursuant to secs. 66.0301, 66.0225 and 66.0305 from the prohibition on annexing territory across county lines.

Thanks for considering our request.

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 87**

January 28, 2004 – Offered by Senators A. LASEE and ELLIS.

1 **AN ACT** *to renumber and amend* 66.0223; *to amend* 66.0217 (2), 66.0217 (3)
2 (intro.), 66.0219 (intro.) and 66.0221 (1); and *to create* 66.0217 (14), 66.0219
3 (10), 66.0221 (3) and 66.0223 (2) of the statutes; **relating to:** limiting the
4 authority of cities and villages to annex territory and specifying the boundaries
5 for certain annexations, and requiring cities and villages to make payments to
6 certain towns from which land is annexed.

Analysis by the Legislative Reference Bureau

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Three of the methods of annexation include the following: 1) direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; 2) annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk, and a referendum is held and passes in the town; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum. If the city or village submits the resolution and the proper supporting documents and if no petition of

LRBs0320/1
MES:wlj:jf
SECTION 3
Curt says
it's not necessary
to add D. 66.0305
sections

1 1. The city or village, and the town, enter into a boundary agreement under s.
2 66.0307, **66.0301, 66.0225, or 66.0305.**

3 2. The city or village agrees to pay annually to the town, for 5 years, an amount
4 equal to the amount of property taxes that the town levied on the annexed territory,
5 as shown by the tax roll under s. 70.65, in the year in which the annexation is final.

6 SECTION 4. 66.0219 (intro.) of the statutes is amended to read:

7 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

8 As a complete alternative to any other annexation procedure, and subject to sub. (10)
9 and s. 66.0307 (7), unincorporated territory which contains electors and is
10 contiguous to a city or village may be annexed to the city or village under this section.

11 The definitions in s. 66.0217 (1) apply to this section.

12 SECTION 5. 66.0219 (10) of the statutes is created to read:

13 66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY. (a) Except as provided in
14 par. (c), no territory may be annexed by a city or village under this section if no part
15 of the city or village is located in the same county as the territory that is subject to
16 the proposed annexation.

17 (b) Except as provided in par. (c), no territory may be annexed by a city or village
18 under this section unless the entire annexation follows one or more of the following:

- 19 1. A natural boundary.
- 20 2. The center line of a highway.
- 21 3. A surveyor's section line that is no lower than a quarter-quarter section line.

22 (c) Territory to which par. (a) or (b) applies may be annexed by a city or village
23 if all of the following apply:

24 1. The city or village, and the town, enter into a boundary agreement under s.
25 66.0307.

(25)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2161/1
MES.../.....
WLj

ASSEMBLY AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 87

today

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 4, line 2: delete "66.0307" and substitute "66.0225, 66.0301, or
3 66.0307".

4 (END)

Page 4, line 25: delete "66.0307" and substitute "66.0225,
66.0301, or 66.0307".
Page 6, line 13: delete "66.0307" and substitute "66.0225,
66.0301, or 66.0307".
Page 7, line 22: delete "66.0307" and substitute "66.0225,
66.0301, or 66.0307".



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2161/h²
MES:wj:rs

ASSEMBLY AMENDMENT,

~~TO SENATE SUBSTITUTE AMENDMENT 1,~~
TO 2003 SENATE BILL 87 *as shown by*

NOW

bill as shown by

1
2
3
4
5
6
7
8
9
10

At the locations indicated, amend the substitute amendment as follows:

1. Page 4, line 2: delete "66.0307" and substitute "66.0225, 66.0301, or 66.0307".
2. Page 4, line 25: delete "66.0307" and substitute "66.0225, 66.0301, or 66.0307".
3. Page 6, line 13: delete "66.0307" and substitute "66.0225, 66.0301, or 66.0307".
4. Page 7, line 22: delete "66.0307" and substitute "66.0225, 66.0301, or 66.0307".

(END)