

2005 DRAFTING REQUEST

Bill

Received: 11/29/2004

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-5468**

By/Representing: **Ziegler**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**
Local Gov't - munis generally

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Ziegler, BB0274 -

Topic:

County authority to enter into revenue sharing agreements; expand scope of allowed revenues

Instructions:

See Attached. Allow counties to participate in local gov't rev. sharing agreements. Same as 2003 AB 901 (LRB -4209/1)

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 11/29/2004	jdyer 11/29/2004		_____			S&L
/1			rschluet 11/29/2004	_____	mbarman 11/29/2004		S&L
/2	mshovers 01/26/2005	jdyer 01/26/2005	rschluet 01/26/2005	_____	lemery 01/26/2005		

FE Sent For:

<END>

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/?	mshovers 11/29/2004	jdye 11/29/2004		_____			S&L
/1	12 MES 1/26/05	1/26 jld	rschluet 11/29/2004	_____	mbarman 11/29/2004		

(Handwritten signatures and initials are present over the typed names and dates in the Drafting History table.)

LRB-1018

11/29/2004 01:43:51 PM

Page 2

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1?	mshovers	1/11/29 jkd					
11 MES 11/29/04							
FE Sent For:							

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11/29
<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: County authority to enter revenue sharing agreements
- Tracking Code: BB0274
- SBO team: Education, Workforce and Local Government Team
- SBO analyst: Paul Ziegler
 - Phone: 266-5468
 - Email: paul.ziegler@doa.state.wi.us
- Agency acronym: Shared Revenue and Tax Relief (SR)
- Agency number: 835



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JAMES E. DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: November 23, 2004

To: Steve Miller, Chief
Legislative Reference Bureau

From: Paul Ziegler, Policy and Budget Analyst
State Budget Office, DOA

Subject: Drafting request for 2005-07 Biennial Budget Bill

Please have the following item drafted for possible inclusion in the 2005-07 biennial budget bill:

Topic:

County authority to enter revenue sharing agreements

Drafting Request:

Allow counties to enter revenue sharing agreements in the same manner as municipalities may under current law. (This is the same proposal as was drafted in 2003 AB901, a copy of which is attached.)

Please contact me at 266-5468 or by email at paul.ziegler@doa.state.wi.us with any questions.

Thank you.

2003 ASSEMBLY BILL 901

February 24, 2004 – Introduced by Representatives WIECKERT, GOTTLIEB, HINES, F. LASEE, OTT, UNDERHEIM, OLSEN, KESTELL, OWENS, KAUFERT, TOWNSEND, LEMAHIEU, STONE, HUNDERTMARK, WEBER, KRAWCZYK, NISCHKE, AINSWORTH, VAN ROY, MONTGOMERY and BIES, cosponsored by Senators ROESSLER, A. LASEE and COWLES, by request of Outagamie County, Brown County, Calumet County, Winnebago County and Fond du Lac County. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to amend* 66.0305 (title), 66.0305 (1), 66.0305 (2), 66.0305 (3), 66.0305
2 (4) (a) 4., 66.0305 (5) and 66.0305 (6) of the statutes; **relating to:** authorizing
3 a county to participate in a municipal revenue sharing agreement.

Analysis by the Legislative Reference Bureau

Under current law, cities, villages, and towns (municipalities) may enter into agreements to share revenues from taxes and special charges with other municipalities and with federally recognized American Indian tribes or bands. No municipality may enter into an agreement with one or more municipalities unless the municipality is contiguous to at least one other municipality that enters into the agreement.

A municipal revenue sharing agreement must meet a number of conditions. It must:

1. Be for a minimum term of ten years.
2. Describe the boundaries of the area within which the revenues are to be shared in the agreement.
3. Describe the formula or other means of determining the amount of revenues to be shared under the agreement.
4. Specify the date or dates upon which revenues agreed to be shared are to be paid to the appropriate municipality.
5. Specify how the agreement may be invalidated after the expiration of the minimum ten-year term.

An agreement under current law may address any other necessary and proper matters, including any agreements with respect to services or agreements with

ASSEMBLY BILL 901

respect to municipal boundaries. Current law also requires that at least 30 days before entering into an agreement the participating municipality must hold a public hearing on the proposed agreement (public hearing notice requirements are specified). In addition, current law provides that an advisory referendum on a proposed agreement may be called either by the governing body of the participating municipality or by the qualified electors of a participating municipality. In the latter case, a petition, signed by a number of qualified electors equal to at least ten percent of the votes cast for governor in a municipality at the last gubernatorial election must be timely filed. Time limits and notice requirements are provided for the advisory referendum.

This bill modifies current law by authorizing a county to enter into a revenue sharing agreement with another county or a municipality or federally recognized American Indian tribe or band.

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. 66.0305 (title) of the statutes is amended to read:

2 **66.0305 (title) Municipal Political subdivision revenue sharing.**

3 SECTION 2. 66.0305 (1) of the statutes is amended to read:

4 66.0305 (1) DEFINITION. In this section, "~~municipality~~" "political subdivision"
5 means a city, village ~~or~~, town, or county.

6 SECTION 3. 66.0305 (2) of the statutes is amended to read:

7 66.0305 (2) ~~MUNICIPAL~~ POLITICAL SUBDIVISION REVENUE SHARING AGREEMENT.

8 Subject to the requirements of this section, any 2 or more ~~municipalities~~ political
9 subdivisions may, by a majority vote of a quorum of their governing bodies, enter into
10 an agreement to share all or a specified part of revenues derived from taxes and
11 special charges, as defined in s. 74.01 (4). One or more ~~municipalities~~ political
12 subdivisions may enter into agreements under this section with federally recognized
13 American Indian tribes or bands.

14 SECTION 4. 66.0305 (3) of the statutes is amended to read:

ASSEMBLY BILL 901

1 66.0305 (3) PUBLIC HEARING. At least 30 days before entering into an agreement
2 under sub. (2), a ~~municipality~~ political subdivision shall hold a public hearing on the
3 proposed agreement. Notice of the hearing shall be published as a class 3 notice
4 under ch. 985.

5 SECTION 5. 66.0305 (4) (a) 4. of the statutes is amended to read:

6 66.0305 (4) (a) 4. The date upon which revenues agreed to be shared under the
7 agreement shall be paid to the appropriate ~~municipality~~ political subdivision shall
8 be specified.

9 SECTION 6. 66.0305 (5) of the statutes is amended to read:

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12 subdivisions unless the ~~municipality~~ political subdivision is contiguous to at least
13 one other ~~municipality~~ political subdivision that enters into the agreement.

14 SECTION 7. 66.0305 (6) of the statutes is amended to read:

15 66.0305 (6) ADVISORY REFERENDUM. (a) Within 30 days after the hearing under
16 sub. (3), the governing body of a participating ~~municipality~~ political subdivision may
17 adopt a resolution calling for an advisory referendum on the agreement. An advisory
18 referendum shall be held if, within 30 days after the hearing under sub. (3), a
19 petition, signed by a number of qualified electors equal to at least 10% of the votes
20 cast for governor in the ~~municipality~~ political subdivision at the last gubernatorial
21 election, is filed with the clerk of a participating ~~municipality~~ political subdivision,
22 requesting an advisory referendum on the revenue sharing plan. The petition shall
23 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an
24 advisory referendum is held, the ~~municipality's~~ political subdivision's governing

ASSEMBLY BILL 901**SECTION 7**

1 body may not vote to approve the agreement under sub. (2) until the report under par.
2 (d) is filed.

3 (b) The advisory referendum shall be held not less than 42 days nor more than
4 72 days after adoption of the resolution under par. (a) calling for the referendum or
5 not less than 42 days nor more than 72 days after receipt of the petition under par.
6 (a) by the municipal or county clerk. The municipal or county clerk shall give notice
7 of the referendum by publishing a notice in a newspaper of general circulation in the
8 municipality political subdivision, both on the publication day next preceding the
9 advisory referendum election and one week prior to that publication date.

10 (c) The advisory referendum shall be conducted by the municipality political
11 subdivision's election officials. The governing body of the municipality political
12 subdivision may specify the number of election officials for the referendum. The
13 ballots shall contain the words "For the revenue sharing agreement" and "Against
14 the revenue sharing agreement" and shall otherwise conform to the provisions of s.
15 5.64 (2). The election shall be conducted as are other municipal or county elections
16 in accordance with chs. 6 and 7, insofar as applicable.

17 (d) The election inspectors shall report the results of the election, showing the
18 total number of votes cast and the numbers cast for and against the revenue sharing.
19 The election inspectors shall attach their affidavit to the report and immediately file
20 the report in the office of the municipal or county clerk.

21 (e) The costs of the advisory referendum election shall be borne by the
22 municipality political subdivision that holds the election.

23 (END)

SOON

2005 - 2006 LEGISLATURE

-1018/1
LRB-0635/1
MES/jd:jf
Stays
RMNR

FOR

2005 BILL

DOA
2007 BUDGET

LPS -
Please fix
request sheet

do not gen ✓

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3 a county to participate in a municipal revenue sharing agreement. ✓

head
LOCAL GOVERNMENT

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Under current law, cities, villages, and towns (municipalities) may enter into agreements to share revenues from taxes and special charges with other municipalities and with federally recognized American Indian tribes or bands. No municipality may enter into an agreement with one or more municipalities unless the municipality is contiguous to at least one other municipality that enters into the agreement.

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BILL

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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BILL

1 body may not vote to approve the agreement under sub. (2) until the report under par.
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23 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1018/2
MES:jld:rs FMR

LPS-please fix request
sheet

DOA:.....Ziegler, BB0274 - County authority to enter into revenue sharing agreements; expand scope of allowed revenues

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

D-NOTE
This draft reconciles LRB-1018/1 ✓ and LRB-1017/1. It replaces LRB-1017/1 in the compiled bill. ⊙
MES

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1 AN ACT relating to: authorizing a county to participate in a municipal
2 revenue sharing agreement. and expanding the types of revenues that may be included in such agreement.
Law

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT

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9 subdivisions may, by a majority vote of a quorum of their governing bodies, enter into

10 an agreement to share all or a specified part of revenues derived from taxes ^{✓, payments received from the state, fee revenues} and

11 special charges, as defined in s. 74.01 (4). One or more ~~municipalities~~ political

12 subdivisions may enter into agreements under this section with federally recognized

13 American Indian tribes or bands.

*** Note: This is reconciled s. 66.0305(2). This SECTION has been affected by drafts with the following LRB#s: -1017/1 and -1018/1. ^(CS)

1 **SECTION 4.** 66.0305 (3) of the statutes is amended to read:

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INS - ANL

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NOT
such

~~The~~ ^{also} ~~This~~ bill modifies current law by expanding the types of revenues that may be subject to a ~~municipal~~ revenue sharing agreement. Under the bill, fee revenues and payments received from the state may also be included in ~~the~~ ^{the} agreements.

For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill.

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3 requirements of this section, any 2 or more municipalities may, by a majority vote of
4 a quorum of their governing bodies, enter into an agreement to share all or a specified
5 part of revenues derived from taxes, payments received from the state, fee revenues,
6 and special charges, as defined in s. 74.01 (4). One or more municipalities may enter
7 into agreements under this section with federally recognized American Indian tribes
8 or bands.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1018/2dn
MES:jld:rs

January 26, 2005

This draft reconciles LRB-1018/1 and LRB-1017/1. It replaces LRB-1017/1 in the compiled bill.

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



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1018/2

MES:jld:rs

DOA:.....Ziegler, BB0274 – County authority to enter into revenue sharing agreements; expand scope of allowed revenues

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A municipal revenue sharing agreement must meet a number of conditions. It must:

1. Be for a minimum term of ten years.
2. Describe the boundaries of the area within which the revenues are to be shared in the agreement.
3. Describe the formula or other means of determining the amount of revenues to be shared under the agreement.
4. Specify the date or dates upon which revenues agreed to be shared are to be paid to the appropriate municipality.

5. Specify how the agreement may be invalidated after the expiration of the minimum ten-year term.

An agreement under current law may address any other necessary and proper matters, including any agreements with respect to services or agreements with respect to municipal boundaries. Current law also requires that at least 30 days before entering into an agreement the participating municipality must hold a public hearing on the proposed agreement (public hearing notice requirements are specified). In addition, current law provides that an advisory referendum on a proposed agreement may be called either by the governing body of the participating municipality or by the qualified electors of a participating municipality. In the latter case, a petition, signed by a number of qualified electors equal to at least 10 percent of the votes cast for governor in a municipality at the last gubernatorial election must be timely filed. Time limits and notice requirements are provided for the advisory referendum.

This bill modifies current law by authorizing a county to enter into a revenue sharing agreement with another county or a municipality or federally recognized American Indian tribe or band. The bill also modifies current law by expanding the types of revenues that may be subject to such a revenue sharing agreement. Under the bill, fee revenues and payments received from the state may also be included in the agreements.

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.** 66.0305 (title) of the statutes is amended to read:

2 **66.0305 (title) Municipal Political subdivision revenue sharing.**

3 **SECTION 2.** 66.0305 (1) of the statutes is amended to read:

4 66.0305 (1) DEFINITION. In this section, "~~municipality~~" "political subdivision"
5 means a city, village ~~or~~, town, or county.

6 **SECTION 3.** 66.0305 (2) of the statutes is amended to read:

7 **66.0305 (2) MUNICIPAL POLITICAL SUBDIVISION REVENUE SHARING AGREEMENT.**

8 Subject to the requirements of this section, any 2 or more ~~municipalities~~ political
9 subdivisions may, by a majority vote of a quorum of their governing bodies, enter into
10 an agreement to share all or a specified part of revenues derived from taxes,

1 payments received from the state, fee revenues, and special charges, as defined in
2 s. 74.01 (4). One or more ~~municipalities~~ political subdivisions may enter into
3 agreements under this section with federally recognized American Indian tribes or
4 bands.

****NOTE: This is reconciled s. 66.0305 (2). This SECTION has been affected by drafts
with the following LRB numbers: -1017/1 and 1081/1.

5 **SECTION 4.** 66.0305 (3) of the statutes is amended to read:

6 66.0305 (3) PUBLIC HEARING. At least 30 days before entering into an agreement
7 under sub. (2), a ~~municipality~~ political subdivision shall hold a public hearing on the
8 proposed agreement. Notice of the hearing shall be published as a class 3 notice
9 under ch. 985.

10 **SECTION 5.** 66.0305 (4) (a) 4. of the statutes is amended to read:

11 66.0305 (4) (a) 4. The date upon which revenues agreed to be shared under the
12 agreement shall be paid to the appropriate ~~municipality~~ political subdivision shall
13 be specified.

14 **SECTION 6.** 66.0305 (5) of the statutes is amended to read:

15 66.0305 (5) CONTIGUOUS BOUNDARIES. No ~~municipality~~ political subdivision
16 may enter into an agreement under sub. (2) with one or more ~~municipalities~~ political
17 subdivisions unless the ~~municipality~~ political subdivision is contiguous to at least
18 one other ~~municipality~~ political subdivision that enters into the agreement.

19 **SECTION 7.** 66.0305 (6) of the statutes is amended to read:

20 66.0305 (6) ADVISORY REFERENDUM. (a) Within 30 days after the hearing under
21 sub. (3), the governing body of a participating ~~municipality~~ political subdivision may
22 adopt a resolution calling for an advisory referendum on the agreement. An advisory
23 referendum shall be held if, within 30 days after the hearing under sub. (3), a

1 petition, signed by a number of qualified electors equal to at least 10% of the votes
2 cast for governor in the municipality political subdivision at the last gubernatorial
3 election, is filed with the clerk of a participating municipality political subdivision,
4 requesting an advisory referendum on the revenue sharing plan. The petition shall
5 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an
6 advisory referendum is held, the municipality's political subdivision's governing
7 body may not vote to approve the agreement under sub. (2) until the report under par.
8 (d) is filed.

9 (b) The advisory referendum shall be held not less than 42 days nor more than
10 72 days after adoption of the resolution under par. (a) calling for the referendum or
11 not less than 42 days nor more than 72 days after receipt of the petition under par.
12 (a) by the municipal or county clerk. The municipal or county clerk shall give notice
13 of the referendum by publishing a notice in a newspaper of general circulation in the
14 municipality political subdivision, both on the publication day next preceding the
15 advisory referendum election and one week prior to that publication date.

16 (c) The advisory referendum shall be conducted by the municipal political
17 subdivision's election officials. The governing body of the municipality political
18 subdivision may specify the number of election officials for the referendum. The
19 ballots shall contain the words "For the revenue sharing agreement" and "Against
20 the revenue sharing agreement" and shall otherwise conform to the provisions of s.
21 5.64 (2). The election shall be conducted as are other municipal or county elections
22 in accordance with chs. 6 and 7, insofar as applicable.

23 (d) The election inspectors shall report the results of the election, showing the
24 total number of votes cast and the numbers cast for and against the revenue sharing.

1 The election inspectors shall attach their affidavit to the report and immediately file
2 the report in the office of the municipal or county clerk.

3 (e) The costs of the advisory referendum election shall be borne by the
4 ~~municipality~~ political subdivision that holds the election.

5

(END)