

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB145)

Received: **04/15/2009**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **Andy Hinkel**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous
Redistricting**

Extra Copies: **SRM - 1
Larry Barish - 1
Mike Keane - 1**

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

No specific topic given

Instructions:

Per LRB-0768/2. Delete proposed legislative review of district boundaries.

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>
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FE Sent For:

<END>

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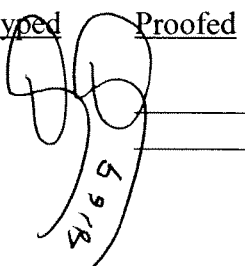
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ASA to AB-145

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FE Sent For:

<END>

Kuesel, Jeffery

To: Hinkel, Andy
Subject: ASA to AB-145

Andy,
Confirming your phone call on 4/9, I have entered a substitute amendment request for Rep. Kessler to AB-145 which will be the same as LRB-0768/2. You should have it shortly.

Jeffery Kuesel
Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

WANTED Fri 4/17

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FROM
0768/2

JTK:bjk:md
stays

ASSEMBLY SUBSTITUTE AMEND

~~2009 BILL~~

To 2009 ASSEMBLY BILL 145

SA

re-gen.

1 AN ACT *to amend* 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (d), 5.18, 59.10 (2) (a), 59.10
 2 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (6), 62.08 (1), 62.08 (5) and 119.08 (1) (b) of the
 3 statutes; **relating to:** legislative review of municipal ward plans.

Analysis by the Legislative Reference Bureau

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

x2
substitute
amendment

This ~~bill~~ shortens the maximum time period specified for action at each of the above stages of the redistricting process to 45 days. The ~~bill~~ also provides that upon enactment or adoption of a municipal ward division plan, the clerk of a municipality must submit a certified copy of the plan to the appropriate standing committees of the legislature. If, within 45 days of the receipt of the plan, the legislature enacts

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Substitute amendment

a law making changes to the wards within a municipality, the municipality must incorporate the changes into its ward division plan, which then takes effect. If, within 45 days of the receipt of the plan, the legislature does not enact a law making changes to the wards within a municipality, the municipal ward division plan takes effect as submitted. Because the legislature has inherent authority to establish municipal wards or to change ward boundaries as a part of a congressional or legislative redistricting plan, the ~~bill~~ does not preclude the legislature from making other changes in municipal ward boundaries as a part of such a plan.

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

1 SECTION 1. 5.15 (1) (b) of the statutes is amended to read:

2 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the

3 receipt of a tentative supervisory district plan and written statement, if any, from the

4 county board of each county in which a municipality is located, the governing body

5 of the municipality shall adjust its wards according to the schedule shown in sub. (2).

6 All territory contained within the municipality, and only the territory so contained,

7 on August 1 following the year of the federal decennial census shall be contained

8 within a ward. Except as authorized in sub. (2), each ward shall consist of whole

9 blocks. To suit the convenience of the voters residing therein each ward shall, as far

10 as practicable, be kept compact and observe the community of interest of existing

11 neighborhoods and other settlements. All territory within a ward shall be

12 contiguous, except for island territory as defined in sub. (2) (f) 3. Enactment or

13 adoption of a division ordinance or resolution requires the affirmative vote of a

14 majority of the members of the governing body. Immediately upon enactment of a

15 division ordinance or resolution, the clerk of the municipality shall submit a certified

16 copy of the ordinance or resolution to the appropriate standing committees of each

17 house of the legislature under s. 13.172 (3). If the legislature does not enact a law

18 making changes in the wards of the municipality submitting a plan within 45 days

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1 of the date of receipt of the certified copy of the ordinance or resolution of a
2 municipality under this paragraph, the ordinance or resolution takes effect upon
3 expiration of the 45-day period. If, within 45 days of the date of receipt of the
4 certified copy of an ordinance or resolution of a municipality under this paragraph,
5 the legislature enacts a law making changes in the wards of a municipality
6 submitting a division ordinance or resolution, the municipality shall revise and
7 reenact or readopt its ordinance or resolution to reflect the changes specified by law.
8 The ordinance or resolution shall then take effect. This paragraph does not preclude
9 the legislature from adjusting the ward boundaries of any municipality, as a matter
10 of statewide concern, in the enactment of congressional districts or in the enactment
11 of legislative districts under article IV, section 3 of the constitution, on the basis of
12 the most recent decennial census of population. An ordinance or resolution enacted
13 under s. 61.189 (1), 66.0211 (1), 66.0215 (2), or 66.0216 (2) (d) is not required to be
14 submitted under this paragraph.

15 **SECTION 2.** 5.15 (1) (c) of the statutes is amended to read:

16 5.15 (1) (c) The wards established by municipal governing bodies under this
17 section on the basis of the published results of each federal decennial census of
18 population, as adjusted under par. (b), shall govern the adjustment of supervisory
19 districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08
20 (1) for the purpose of local elections beginning on January 1 of the 2nd year
21 commencing after the year of the census until revised under this section on the basis
22 of the results of the next decennial census of population unless adjusted under sub.
23 (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the
24 enactment of legislative districts under article IV, section 3, of the constitution on the
25 basis of the most recent decennial census of population.

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1 **SECTION 3.** 5.15 (2) (d) of the statutes is amended to read:

2 5.15 (2) (d) Every municipality shall make a good faith effort to accommodate
3 the tentative plan submitted by the county or counties in which it is located under
4 s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards, consistently with any
5 adjustments made by law under sub. (1) (b). in such a manner that will permit the
6 creation of county supervisory districts in accordance with the population
7 requirements for the plan specified in s. 59.10 (2) (a) or (3) (b) 1.

8 **SECTION 4.** 5.18 of the statutes is amended to read:

9 **5.18 Enforcement of division requirement.** If any municipality fails to
10 comply with s. 5.15, the county in which the municipality is located or any elector of
11 the municipality may submit to the circuit court for any county in which the
12 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day
13 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
14 wards in compliance with this section. If the circuit court finds that the existing
15 division of the municipality into wards fails to comply with s. 5.15, it shall review the
16 plan submitted by the petitioner and after reasonable notice to the municipality may
17 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary
18 ward plan for the municipality ~~to remain in effect~~ until superseded by a ward plan
19 adopted by the governing body in compliance with s. 5.15. Upon promulgation of a
20 temporary ward plan or enactment of any subsequent plan under s. 5.15, the clerk
21 of the municipality shall submit a certified copy of the plan to the appropriate
22 standing committees of the legislature under s. 5.15 (1) (b).

23 **SECTION 5.** 59.10 (2) (a) of the statutes is amended to read:

24 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the
25 population count by block, established in the decennial federal census of population,

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1 and maps showing the location and numbering of census blocks become available in
2 printed form from the federal government or are published for distribution by an
3 agency of this state, but no later than July 1 following the year of each decennial
4 census, the board shall adopt and transmit to the governing body of each city and
5 village wholly or partially contained within the county a tentative county
6 supervisory district plan to be considered by the cities and villages when dividing
7 into wards. The plan shall specify the number of supervisors to be elected and shall
8 divide the county into a number of districts equal to the number of supervisors, with
9 each district substantially equal in population and consisting of contiguous whole
10 wards. Except as otherwise provided in this paragraph, the board shall develop and
11 adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a
12 final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

13 **SECTION 6.** 59.10 (3) (b) 1. of the statutes is amended to read:

14 59.10 **(3)** (b) 1. Within ~~60~~ 45 days after the population count by block,
15 established in the decennial federal census of population, and maps showing the
16 location and numbering of census blocks become available in printed form from the
17 federal government or are published for distribution by an agency of this state, but
18 no later than July 1 following the year of each decennial census, each board shall
19 propose a tentative county supervisory district plan setting forth the number of
20 supervisory districts and tentative boundaries or a description of boundary
21 requirements, hold a public hearing on the proposed plan and adopt a tentative plan.
22 The proposed plan may be amended after the public hearing. The board shall solicit
23 suggestions from municipalities concerning the development of an appropriate plan.
24 The board shall transmit to each municipal governing body in the county the
25 tentative plan that is adopted. Each district shall consist of whole wards or

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1 municipalities. Each district shall be designated to be represented by one supervisor,
2 and all districts shall be substantially equal in population. In the tentative plan, the
3 board shall, whenever possible, place whole contiguous municipalities or contiguous
4 parts of the same municipality within the same district. If the division of a
5 municipality is sought by the board, the board shall provide with the plan a written
6 statement to the municipality affected by each proposed division specifying the
7 approximate location of the territory from which a ward is sought to be created for
8 contiguity purposes and the approximate population of the ward proposed to
9 effectuate the division.

10 **SECTION 7.** 59.10 (3) (b) 2. of the statutes is amended to read:

11 59.10 (3) (b) 2. Within ~~60~~ 45 days after a ward division ordinance or resolution
12 becomes effective under s. 5.15 (1) and (2) in every municipality in the county ~~adjusts~~
13 ~~its wards under s. 5.15~~, the board shall hold a public hearing and shall then adopt
14 a final supervisory district plan, numbering each district. Wards within each
15 supervisory district created by the plan shall be contiguous, except that one or more
16 wards located within a city or village which is wholly surrounded by another city or
17 water, or both, may be combined with one or more noncontiguous wards, or one or
18 more wards or portions of wards consisting of island territory as defined in s. 5.15
19 (2) (f) 3. may be combined with one or more noncontiguous wards or portions of wards
20 within the same municipality, to form a supervisory district.

21 **SECTION 8.** 59.10 (6) of the statutes is amended to read:

22 59.10 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
23 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the
24 county or any elector of the county may submit to the circuit court for the county
25 within 14 days from the expiration of either ~~60-day~~ 45-day period under sub. (2) (a)

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1 or (3) (b) a proposed tentative or final plan for creation of supervisory districts in
2 compliance with this section. If the court finds that the existing division of the county
3 into supervisory districts fails to comply with this section, it shall review the plan
4 submitted by the petitioner and after reasonable notice to the county may
5 promulgate the plan, or any other plan in compliance with this section, as a
6 temporary supervisory district plan until superseded by a districting plan adopted
7 by the board in compliance with this section.

8 **SECTION 9.** 62.08 (1) of the statutes is amended to read:

9 62.08 (1) Within ~~60~~ 45 days after the ~~wards have been readjusted~~ a ward
10 division ordinance or resolution under s. 5.15 (1) and (2) becomes effective in a city,
11 including a city of the first class, the common council of ~~every~~ the city, ~~including any~~
12 ~~city of the first class,~~ shall redistrict the boundaries of its aldermanic districts, by an
13 ordinance introduced at a regular meeting of the council, published as a class 2
14 notice, under ch. 985, and thereafter adopted by a majority vote of all the members
15 of the council, so that all aldermanic districts are as compact in area as possible and
16 contain, as nearly as practicable by combining contiguous whole wards, an equal
17 number of inhabitants according to the most recent decennial federal census of
18 population.

19 **SECTION 10.** 62.08 (5) of the statutes is amended to read:

20 62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit
21 to the circuit court for any county in which the city is located within 14 days from the
22 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation
23 of aldermanic districts in compliance with this section. If the court finds that the
24 existing division of the city into aldermanic districts fails to comply with this section,
25 it shall review the plan submitted by the petitioner and after reasonable notice to the

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1 city may promulgate the plan, or any other plan in compliance with this section, as
2 a temporary aldermanic district plan until superseded by a districting plan adopted
3 by the council in compliance with this section.

4 **SECTION 11.** 119.08 (1) (b) of the statutes is amended to read:

5 119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an
6 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of the
7 ~~aldermanic districts~~ wards in the city following the federal decennial census under
8 s. ~~62.08 5.15~~ (1) and (2), the board shall, by vote of a majority of the membership of
9 the board, adopt an election district apportionment plan for the election of board
10 members which shall be effective until the city enacts a new ordinance under s. 62.08
11 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its
12 wards under s. 5.15 (1) and (2).

13 (END)