



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 239

**Assembly
Amendment 1**

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Under *current law*, a city or village may annex land using what is termed direct annexation by unanimous consent. If all electors residing in the territory to be annexed and the owners of all property in that territory sign a petition for annexation, the city or village may annex the territory upon adoption of an annexation ordinance by a 2/3rds vote of the governing body of the city or village. The town is barred from challenging such an annexation on any grounds, whether procedural or jurisdictional.

2009 Assembly Bill 239 requires that land annexed by unanimous consent must be contiguous to the annexing city or village. It further provides that a town may challenge such an annexation relating to the issue of whether the annexed territory is contiguous to the annexing city or village.

Assembly Amendment 1 to Assembly Bill 239 provides that, if a town challenges whether territory annexed by unanimous consent is contiguous to the annexing city or village, and if the court finds that the territory is contiguous, the town must pay the city's or village's actual attorney fees, up to maximum of \$5,000, plus costs.

Legislative History

On October 22, 2009, the Assembly Committee on Renewable Energy and Rural Affairs recommended adoption of Assembly Amendment 1 on a vote of Ayes, 12; and Noes, 2, and recommended passage of Assembly Bill 239, as amended, on a vote of Ayes, 13; and Noes, 1.

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