



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 172

**Senate
Amendments 1 and 2**

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2009 Senate Bill 172

2009 Senate Bill 172 relates to city's and village's use of direct annexation and authorizing limited town challenges to annexation. Under current law, generally cities and villages may annex territory that is owned by the city or village and that lies near or not necessarily contiguous to the city or village by enacting an ordinance to annex such territory. Senate Bill 172 provides that no territory may be annexed by a city or village under their direct annexation by unanimous approval provision unless that territory is contiguous to the annexing city or village.

Under current law, a town *may not* challenge in court, on any grounds, any direct annexation by unanimous approval as well as several other types of annexation. Senate Bill 172 provides that a town *may* challenge direct annexation by unanimous approval as well as several other types of annexation, including annexation by referendum initiated by a city or village and annexation of city-owned or village-owned territory, but *only* on the issue of whether the territory proposed for annexation is contiguous to the annexing city or village.

Senate Amendment 1

Senate Amendment 1 would expressly provide that with regard to an action by a town challenging an annexation on the basis of contiguity, if a court finds that the challenged annexation involves territory that is contiguous to the annexing city or village, notwithstanding reasonable cost statutes, the court must order the town to pay the annexing cities, or villages actual attorney fees, plus costs.

Senate Amendment 2

Senate Amendment 2 *deletes* SECTION 2 of the bill regarding the original bill that would permit a town to challenge the validity of an annexation on whether territory is contiguous to the annexing city or village. Senate Amendment 2 would supersede the material inserted by Senate Amendment 1 therefore, it appears that if the intent is to implement and incorporate the provisions of Senate Amendment 2 it would appear advisable *not* to adopt Senate Amendment 1. As drafted, it will not be possible to give affect to both amendments.

Legislative History

2009 Assembly Bill 172 was introduced by Senator Holperin and others; cosponsored by Representative Jorgensen and others; on April 23, 2009. The Senate Committee on Labor, Elections, and Urban Affairs held a public hearing on the bill on February 17, 2010. Senator Holperin offered Senate Amendment 1 on April 2, 2010 and Senate Amendment 2 on April 7, 2010. At an executive session on April 8, 2010, the Senate Committee on Labor, Elections, and Urban Affairs reported adoption of Senate Amendment 1 on a vote of Ayes, 5; Noes, 0; and recommended adoption of Senate Amendment 2 on an identical vote. The committee recommended passage, as amended, on a vote of Ayes, 5; Noes, 0.

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