



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBs0196/en
SRM:jek:...

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 181**

1 **AN ACT** *to repeal* 66.0217 (14) (b) 2.; *to consolidate, renumber and amend*
2 66.0217 (14) (b) (intro.) and 1.; *to amend* 66.0217 (11) (c); and *to create* 66.0217
3 (6) (d) of the statutes; **relating to:** Department of Administration review of
4 annexations of town territory, county board approval of certain annexations,
5 and authorizing towns to challenge certain city or village annexations.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 66.0217 (6) (d) of the statutes is created to read:
7 66.0217 **(6)** (d) *Direct annexation by unanimous approval.* 1. Upon the request
8 of the town affected by the annexation, the department shall review an annexation
9 under sub. (2) to determine whether the annexation violates any of the following,

1 provided that the town submits its request to the department within 30 days of the
2 enactment of the annexation ordinance:

3 a. The requirement under sub. (2) regarding the contiguity of the territory to
4 be annexed with the annexing city or village.

5 b. The requirement under sub. (14) (b).

6 2. Following its review, and within 20 days of receiving the town's request, the
7 department shall send a copy of its findings to any affected landowner, the town
8 affected by the annexation, and the annexing city or village. If the department does
9 not complete its review and send a copy of its findings within 20 days of receiving the
10 town's request, the effect on the town and the annexing city or village shall be the
11 same as if the department found no violation of the requirements specified in subd.

12 1. If the department finds that an annexation violates any requirement specified in
13 subd. 1., the town from which territory is annexed may, within 45 days of its receipt
14 of the department's findings, challenge the annexation in circuit court.

15 3. If the town commences an action to challenge the annexation and the circuit
16 court rules against the town, the town shall pay the court costs and the city's or
17 village's reasonable attorney fees incurred in defending the annexation. If the town
18 commences an action to challenge the annexation and the circuit court rules in the
19 town's favor and upholds the town's challenge, the city or village shall pay the court
20 costs and the town's reasonable attorney fees incurred in challenging the
21 annexation.

22 **SECTION 2.** 66.0217 (11) (c) of the statutes is amended to read:

23 66.0217 (11) (c) ~~No~~ Except as provided in sub. (6) (d) 2., no action on any
24 grounds, whether procedural or jurisdictional, to contest the validity of an
25 annexation under sub. (2), may be brought by any town.

