

# State of Misconsin 2011 - 2012 LEGISLATURE



### **2011 ASSEMBLY BILL 181**

June 13, 2011 – Introduced by Representatives A. Ott, Bernier, Bies, Brooks, Craig, Kerkman, Kestell, LeMahieu, Murtha, Petersen, Pridemore, Spanbauer, Tauchen and Vruwink, cosponsored by Senators Lasee, Holperin, Kedzie and Moulton. Referred to Committee on Rural Economic Development and Rural Affairs.

AN ACT *to repeal* 66.0217 (11) (c); and *to amend* 66.0307 (4m) (c) 2. (intro.) of the statutes; **relating to:** authorizing towns to challenge certain city or village annexation procedures.

#### Analysis by the Legislative Reference Bureau

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods if, in general, some of the city's or village's territory is in the same county as the territory to be annexed, unless both the town and county boards approve of the proposed annexation, and the city or village agrees to make limited payments to the town based on property taxes that the town levied on the annexed territory.

One of the methods of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two–thirds vote of the body. Such an annexation, however, is subject to Department of Administration advisory review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum. In addition, such an annexation is limited under current law to town land that 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

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annexations. This bill changes current law by repealing the provision that prohibits a town from challenging in court direct annexation by unanimous approval.

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:

**SECTION 1.** 66.0217 (11) (c) of the statutes is repealed.

**SECTION 2.** 66.0307 (4m) (c) 2. (intro.) of the statutes is amended to read:

66.0307 **(4m)** (c) 2. (intro.) If a nonpetitioning city or village refuses under par.

(b) to engage in mediation, an annexation of territory of the petitioning town to the

nonpetitioning city or village that is commenced during the shorter of the following

periods shall be reviewed by the department in the manner described under s.

66.0217 (6), regardless of the population of the county in which the annexation

proceeding is commenced, and, notwithstanding s. 66.0217 (11) (c), may be contested

by the town if the department determines that the annexation is not in the public

interest:

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#### **SECTION 3. Initial applicability.**

(1) This act first applies to any annexation that commences on the effective date of this subsection.

14 (END)