

**2015 DRAFTING REQUEST**

**Bill**

Received: **10/26/2015** Received By: **mshovers**  
For: **Administration 7-2872** Same as LRB:  
May Contact: By/Representing: **Megan Cramer**  
Subject: **Local Gov't - munis generally** Drafter: **mshovers**  
**State Govt - miscellaneous** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **megan.cramer@wisconsin.gov**  
Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Land use, filing requirements; transfer certain responsibilities from secretary of state to department of administration secretary

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**Instructions:**

See attached. Companion to LRB -3173/P2

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 10/26/2015	jdye 10/26/2015	_____			
/1			_____	mbarman 10/26/2015	mbarman 10/26/2015	State S&L

FE Sent For:

*at  
intro*

<END>

## Shovers, Marc

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**From:** Parisi, Lori  
**Sent:** Monday, October 26, 2015 11:59 AM  
**To:** Shovers, Marc  
**Subject:** FW: Draft review: LRB -3173/P2

Hi Marc, Could you please take care of this request? Thank you.

Lori

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**From:** Cramer, Megan J - DOA [mailto:Megan.Cramer@wisconsin.gov]  
**Sent:** Monday, October 26, 2015 11:41 AM  
**To:** LRB.Legal <lrblegal@legis.wisconsin.gov>  
**Subject:** RE: Draft review: LRB -3173/P2

Please have both an Assembly and Senate version of this draft jacketed and sent to:

Department of Administration  
Attn: Megan Cramer  
101 E Wilson St, 10<sup>th</sup> Floor

Thank you,

Megan Cramer

**Megan Cramer** | Department of Administration  
Office of the Secretary  
Program and Policy Analyst Advanced  
Legislative Liaison  
Phone: 608.267.2872

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**From:** LRB.Legal [mailto:lrblegal@legis.wisconsin.gov]  
**Sent:** Monday, September 28, 2015 10:46 AM  
**To:** Cramer, Megan J - DOA  
**Subject:** Draft review: LRB -3173/P2

Following is the PDF version of draft LRB -3173/P2.



State of Wisconsin  
2015 - 2016 LEGISLATURE

-3702/1  
LRB-3173/P2  
MES:jld  
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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Jack et  
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1 **AN ACT to amend** 1.031, 59.10 (intro.), 59.10 (2) (d) 1., 59.10 (3) (b) 4., 59.10 (3)  
2 (c) 4., 59.10 (3) (cm) 1., 59.10 (3) (cm) 2., 59.23 (2) (m) 2., 59.23 (2) (s), 59.43 (1)  
3 (t), 59.52 (4) (a) 1., 61.187 (2) (d), 61.189 (2), 66.0101 (3), 66.0101 (3), 66.0211  
4 (5), 66.0215 (5), 66.0216 (5), 66.02162 (5), 66.0217 (1) (b), 66.0217 (1) (c) 1. a.,  
5 66.0217 (1) (c) 1. b., 66.0217 (6) (a), 66.0217 (9) (a), 66.0217 (9) (b), 66.0217 (9)  
6 (c), 66.0219 (7), 66.0219 (9), 66.0221 (1), 66.0223 (1), 66.0227 (5), 66.0231,  
7 66.0823 (3) (b), 66.0825 (4) (b), 66.1305 (1) (h), 84.11 (4), 84.12 (4), 93.18 (5),  
8 198.06 (5) (a), 198.06 (5) (b), 198.06 (5) (d), 198.06 (7), 198.08 (3), 198.20 (2),  
9 198.22 (7) and 200.25 (5) of the statutes; **relating to:** changing the  
10 responsibility for distributing and receiving certain documents from the  
11 secretary of state to the secretary of administration and changing certain notice  
12 requirements related to annexations.

***Analysis by the Legislative Reference Bureau***

This bill changes certain annexation notice requirements and also changes the responsibility to receive, file, and distribute certain documents from the secretary of

state to the secretary of administration. In general, the bill also reduces the number of copies of some of these documents that must be filed or distributed from 7, 6, 4, or 2 copies to one copy.

Under current law, annexations in a county with a population of 50,000 or more are not valid unless the person publishing the notice of annexation mails a copy of the notice to various units of government and the Department of Administration. Under the bill, the population requirement is deleted so the notice requirement applies to all annexations.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 1.031 of the statutes is amended to read:

2           **1.031 Retrocession of jurisdiction.** The governor may accept on behalf of  
3 the state, retrocession of full or partial jurisdiction over any roads, highways or other  
4 lands in federal enclaves within the state where such retrocession has been offered  
5 by appropriate federal authority. Documents concerning such action shall be filed  
6 in the office of the secretary of state administration and recorded in the office of the  
7 register of deeds of the county wherein such lands are located.

8           **SECTION 2.** 59.10 (intro.) of the statutes is amended to read:

9           **59.10 Boards: composition; election; terms; compensation;**  
10 **compatibility.** (intro.) The boards of the several counties shall be composed of  
11 representatives from within the county who are elected and compensated as  
12 provided in this section. Each board shall act under sub. (2), (3) or (5), unless the  
13 board enacts an ordinance, by a majority vote of the entire membership, to act under  
14 sub. (1). If a board enacts such ordinance, a certified copy shall be filed with the  
15 secretary of state administration.

16           **SECTION 3.** 59.10 (2) (d) 1. of the statutes is amended to read:

1           59.10 (2) (d) 1. 'Number of supervisors; redistricting.' The board may, not more  
2 than once prior to November 15, 2010, decrease the number of supervisors after the  
3 enactment of a supervisory district plan under par. (a). In that case, the board shall  
4 redistrict, readjust, and change the boundaries of supervisory districts, so that the  
5 number of districts equals the number of supervisors, the districts are substantially  
6 equal in population according to the most recent countywide federal census, the  
7 districts are in as compact a form as possible, and the districts consist of contiguous  
8 municipalities or contiguous whole wards in existence at the time at which the  
9 amended redistricting plan is adopted, except as authorized in sub. (3) (b) 2. In the  
10 amended plan, the board shall adhere to the requirements under sub. (3) (b) 2. with  
11 regard to contiguity and shall, to the extent possible, place whole contiguous  
12 municipalities or contiguous parts of the same municipality within the same district.  
13 In the amended plan, the original numbers of the districts in their geographic  
14 outlines, to the extent possible, shall be retained. The chairperson of the board shall  
15 file a certified copy of any amended plan adopted under this subdivision with the  
16 secretary of state administration.

17           **SECTION 4.** 59.10 (3) (b) 4. of the statutes is amended to read:

18           59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final  
19 districting plan with the secretary of state administration. Unless otherwise ordered  
20 under sub. (6), a plan enacted and filed under this paragraph, together with any  
21 authorized amendment that is enacted and filed under this section, remains in effect  
22 until the plan is superseded by a subsequent plan enacted under this subsection and  
23 a certified copy of that plan is filed with the secretary of state administration.

24           **SECTION 5.** 59.10 (3) (c) 4. of the statutes is amended to read:

1           59.10 (3) (c) 4. The chairperson of the board shall file a certified copy of any  
2 amended plan under this paragraph with the secretary of state administration.

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

4           59.10 (3) (cm) 1. ‘Number of supervisors; redistricting.’ Except as provided in  
5 subd. 3., following the enactment of a decennial supervisory district plan under par.  
6 (b), the board may decrease the number of supervisors. In that case, the board shall  
7 redistrict, readjust, and change the boundaries of supervisory districts, so that the  
8 number of districts equals the number of supervisors, the districts are substantially  
9 equal in population according to the most recent countywide federal census, the  
10 districts are in as compact a form as possible, and the districts consist of contiguous  
11 municipalities or contiguous whole wards in existence at the time at which the  
12 redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting  
13 plan, the board shall adhere to the requirements under par. (b) 2. with regard to  
14 contiguity and shall, to the extent possible, place whole contiguous municipalities or  
15 contiguous parts of the same municipality within the same district. In redistricting  
16 under this subdivision, the original numbers of the districts in their geographic  
17 outlines, to the extent possible, shall be retained. No plan may be enacted under this  
18 subdivision during review of the sufficiency of a petition filed under subd. 2. nor after  
19 a referendum is scheduled on such a petition. However, if the electors of the county  
20 reject a change in the number of supervisory districts under subd. 2., the board may  
21 then take action under this subdivision except as provided in subd. 3. The county  
22 clerk shall file a certified copy of any redistricting plan enacted under this  
23 subdivision with the secretary of state administration.

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

1           59.10 (3) (cm) 2. ‘Petition and referendum.’ Except as provided in subd. 3., the  
2 electors of a county may, by petition and referendum, decrease the number of  
3 supervisors at any time after the first election is held following enactment of a  
4 decennial supervisory district plan under par. (b). A petition for a change in the  
5 number of supervisors may be filed with the county clerk. Prior to circulating a  
6 petition to decrease the number of supervisors in any county, a petitioner shall  
7 register with the county clerk, giving the petitioner’s name and address and  
8 indicating the petitioner’s intent to file such a petition. No signature on a petition  
9 is valid unless the signature is obtained within the 60-day period following such  
10 registration. The petition shall specify the proposed number of supervisors to be  
11 elected. Within 14 days after the last day for filing an original petition, any other  
12 petitioner may file an alternative petition with the county clerk proposing a different  
13 number of supervisors to be elected, and, if the petition is valid, the alternative  
14 proposed in the petition shall be submitted for approval at the same referendum. An  
15 alternative petition is subject to the same registration and signature requirements  
16 as an original petition. Each petition shall be in the form specified in s. 8.40 and shall  
17 contain a number of signatures of electors of the county equal to at least 25 percent  
18 of the total votes cast in the county for the office of supervisor at the most recent  
19 spring election preceding the date of filing. The county clerk shall promptly  
20 determine the sufficiency of a petition filed under this subdivision. Upon  
21 determination that a petition is sufficient, or if one or more valid alternative  
22 petitions are filed, upon determination that the petitions are sufficient, the county  
23 clerk shall call a referendum concurrently with the next spring or general election  
24 in the county that is held not earlier than 70 days after the determination is made.  
25 The question proposed at the referendum shall be: “Shall the board of supervisors

1 of .... County be decreased from .... members to .... members?”. If one or more  
2 alternative valid petitions are filed within 14 days after the last day that an original  
3 petition may be filed, the question relating to the number of supervisors shall appear  
4 separately. The first question shall be: “Shall the size of the county board of  
5 supervisors of .... County be decreased from its current membership of .... members?”.  
6 Any subsequent question shall be: “If so, shall the size of the board be decreased to  
7 .... members?”. Each elector may vote in the affirmative or negative on the first  
8 question and may then vote in the affirmative on one of the remaining questions. If  
9 the first question is not approved by a majority of the electors voting on the question,  
10 any subsequent question is of no effect. If the question is approved by a majority of  
11 the electors voting on the question, or, if more than one question is submitted, if the  
12 first question is approved by a majority of the electors voting on the question, the  
13 board shall enact an ordinance prescribing revised boundaries for the supervisory  
14 districts in the county. The ordinance shall be enacted in accordance with the  
15 approved question or, if more than one question is submitted, in accordance with the  
16 choice receiving a plurality of the votes cast. The districts are subject to the same  
17 requirements that apply to districts in any plan enacted by the board under subd. 1.  
18 If the board has determined under sub. (1) (b) to adopt staggered terms for the office  
19 of supervisor, the board may change the expiration date of the term of any supervisor  
20 to an earlier date than the date provided under current ordinance if required to  
21 implement the redistricting or to maintain classes of members. The county clerk  
22 shall file a certified copy of any redistricting plan enacted under this subdivision with  
23 the secretary of state administration.

24 **SECTION 8.** 59.23 (2) (m) 2. of the statutes is amended to read:



1           59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths  
2           and bonds of all county officers and upon request shall certify under the clerk's  
3           signature and seal the official capacity and authority of any county officer so filing  
4           and charge the statutory fee. Upon the commencement of each term every clerk shall  
5           file the clerk's signature and the impression of the clerk's official seal in the office of  
6           the secretary of state administration.

7           **SECTION 9.** 59.23 (2) (s) of the statutes is amended to read:

8           59.23 (2) (s) *List of local officials.* Annually, on the first Tuesday of June,  
9           transmit to the secretary of state administration a list showing the name, phone  
10          number, electronic mail address, and post-office address of local officials, including  
11          the chairperson, mayor, president, clerk, treasurer, council and board members, and  
12          assessor of each municipality, and of the elective or appointive officials of any other  
13          local governmental unit, as defined in s. 66.0135 (1) (c), that is located wholly or  
14          partly within the county. Such lists shall be placed on file for the information of the  
15          public. The clerk, secretary, or other administrative officer of a local governmental  
16          unit, as defined in s. 66.0137 (1) (ae), shall provide the county clerk the information  
17          he or she needs to complete the requirements of this paragraph.

18          **SECTION 10.** 59.43 (1) (t) of the statutes is amended to read:

19          59.43 (1) (t) Upon commencement of each term, file his or her signature and  
20          the impression of his or her official seal or rubber stamp in the office of the secretary  
21          of state administration.

22          **SECTION 11.** 59.52 (4) (a) 1. of the statutes is amended to read:

23          59.52 (4) (a) 1. Notices of tax apportionment that are received from the  
24          secretary of state administration, after 3 years.

1           **SECTION 12.** 61.187 (2) (d) of the statutes, as affected by 2015 Wisconsin Act 55,  
2 is amended to read:

3           61.187 (2) (d) If, in accordance with par. (a), the results of the election under  
4 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the  
5 election, record the petition and determination of the village board of canvassers in  
6 the office of the register of deeds of the county or counties in which the village is  
7 located and file with the secretary of administration certified copies of the petition  
8 and the determination of inspectors of election. The village clerk shall also record  
9 in the office of the register of deeds a certificate by the village clerk showing the date  
10 on which the dissolution takes effect and file with the secretary of administration  
11 ~~4 copies~~ one copy of the certificate. These documents shall be recorded and indexed  
12 by the register of deeds. The index shall include the volume or reel number and the  
13 page or image number of the original documents. The secretary of administration  
14 shall forward ~~2 copies~~ one copy of the certificate to the department of transportation  
15 and one to the department of revenue.

16           **SECTION 13.** 61.189 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
17 is amended to read:

18           61.189 (2) The election shall be noticed and conducted and the result canvassed  
19 and certified as in the case of regular village elections and the village clerk shall  
20 immediately file with the secretary of administration ~~4 copies~~ one copy of a  
21 certification certifying the fact of holding such election and the result thereof and a  
22 description of the legal boundaries of such village or proposed city and ~~4 certified~~  
23 copies one certified copy of a ~~plat~~ scale map thereof; and thereupon a certificate of  
24 incorporation shall be issued to such city by the secretary of administration. ~~Two~~  
25 copies One copy of the certification and ~~plat~~ scale map shall be forwarded by the

1 secretary of administration to the department of transportation and one copy to the  
2 department of revenue. Thereafter such city shall in all things be governed by the  
3 general city charter law. All debts, obligations and liabilities existing against such  
4 village at the time of such change shall continue and become like debts, obligations  
5 and liabilities against such city, and such city may carry out and complete all  
6 proceedings then pending for the issue of bonds for improvements therein.

7 **SECTION 14.** 66.0101 (3) of the statutes is amended to read:

8 66.0101 (3) A charter ordinance shall be published as a class 1 notice, under  
9 ch. 985, and shall be recorded by the clerk in a permanent book kept for that purpose,  
10 with a statement of the manner of its adoption. A certified copy of the charter  
11 ordinance shall be filed by the clerk with the secretary of state administration. The  
12 secretary of state administration shall keep a separate index of all charter  
13 ordinances, arranged alphabetically by city and village and summarizing each  
14 ordinance, and annually shall issue the index of charter ordinances filed during the  
15 12 months prior to July 1.

16 **SECTION 15.** 66.0101 (3) of the statutes is amended to read:

17 66.0101 (3) A charter ordinance shall be published as a class 1 notice, under  
18 ch. 985, and shall be recorded by the clerk in a permanent book kept for that purpose,  
19 with a statement of the manner of its adoption. A certified copy of the charter  
20 ordinance shall be filed by the clerk with the secretary of state administration. The  
21 secretary of state administration shall keep a separate index of all charter  
22 ordinances, arranged alphabetically by city and village and summarizing each  
23 ordinance, and annually shall issue the index of charter ordinances filed during the  
24 12 months prior to July 1.

1           **SECTION 16.** 66.0211 (5) of the statutes, as affected by 2015 Wisconsin Act 55,  
2 is amended to read:

3           **66.0211 (5) CERTIFICATION OF INCORPORATION.** If a majority of the votes in an  
4 incorporation referendum are cast in favor of a village or city, the clerk of the circuit  
5 court shall certify the fact to the secretary of administration and supply the secretary  
6 of administration with a copy of a description of the legal boundaries of the village  
7 or city and the associated population and a copy of a ~~plat~~ scale map of the village or  
8 city. Within 10 days of receipt of the description and ~~plat~~ scale map, the secretary  
9 of administration shall forward ~~–2– copies~~ one copy to the department of  
10 transportation and one copy each to the department of administration and the  
11 department of revenue. The secretary of administration shall issue a certificate of  
12 incorporation and record the certificate.

13           **SECTION 17.** 66.0215 (5) of the statutes, as affected by 2015 Wisconsin Act 55,  
14 is amended to read:

15           **66.0215 (5) CERTIFICATE OF INCORPORATION.** If a majority of the votes are cast  
16 in favor of a city the clerk shall certify the fact to the secretary of administration,  
17 together with the result of the census, if any, and ~~–4– copies~~ one copy of a description  
18 of the legal boundaries of the town and ~~–4– copies~~ one copy of a ~~plat~~ scale map of the  
19 town. The secretary of administration shall then issue a certificate of incorporation,  
20 and record the certificate in a book kept for that purpose. ~~Two copies~~ One copy of the  
21 description and ~~plat~~ scale map shall be forwarded by the secretary of administration  
22 to the department of transportation and one copy to the department of revenue.

23           **SECTION 18.** 66.0216 (5) of the statutes, as affected by 2015 Wisconsin Act 55,  
24 is amended to read:

1           66.0216 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast  
2 in favor of a city or village, the town clerk shall certify that fact to the secretary of  
3 administration, together with ~~4 copies~~ one copy of a description of the legal  
4 boundaries of the town, and 4 copies of a ~~plat~~ scale map of the town. The town clerk  
5 shall also send the secretary of administration an incorporation fee of \$1,000. Upon  
6 receipt of the town clerk's certification, the incorporation fee, and other required  
7 documents, the secretary of administration shall issue a certificate of incorporation  
8 and record the certificate in a book kept for that purpose. The secretary of  
9 administration shall provide ~~2 copies~~ one copy of the description and ~~plat~~ scale map  
10 to the department of transportation and one copy to the department of revenue. The  
11 town clerk shall also transmit a copy of the certification and the resolution under sub.  
12 (1) to the county clerk.

13           **SECTION 19.** 66.02162 (5) of the statutes, as created by 2015 Wisconsin Act 55,  
14 is amended to read:

15           66.02162 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast  
16 in favor of a village, the town clerk shall certify that fact to the secretary, together  
17 with 4 copies of a description of the legal boundaries of the town, and 4 copies of a  
18 ~~plat~~ scale map of the town. The town clerk shall also send the secretary an  
19 incorporation fee of \$1,000. Upon receipt of the town clerk's certification, the  
20 incorporation fee, and other required documents, the secretary shall issue a  
21 certificate of incorporation and record the certificate in a book kept for that purpose.  
22 The secretary shall provide 2 copies of the description and ~~plat~~ scale map to the  
23 department of transportation and one copy to the department of revenue. The town  
24 clerk shall also transmit a copy of the certification and the resolution under sub. (1)  
25 to the county clerk.

1           **SECTION 20.** 66.0217 (1) (b) of the statutes is amended to read:

2           66.0217 (1) (b) “Department” means the secretary of the department of  
3 administration.

4           **SECTION 21.** 66.0217 (1) (c) 1. a. of the statutes is amended to read:

5           66.0217 (1) (c) 1. a. By government lot, section, township, and range.

6           **SECTION 22.** 66.0217 (1) (c) 1. b. of the statutes is amended to read:

7           66.0217 (1) (c) 1. b. By recorded private claim, section, township, and range.

          \*\*\*\*NOTE: Please review the amendment of sub. (1) to ensure it meets your intent. One of your instructions stated that the term “plat” is used in several places in the statute even though “scale map” is the preferred term. I did not make any of these changes as your instructions also state that “We need to study precisely where it should be changed and where it should remain.” Please let me know when you’ve concluded your study and I will redraft the bill to include your changes from “plat” to “scale map” where you believe it is appropriate.

8           **SECTION 23.** 66.0217 (6) (a) of the statutes is amended to read:

9           66.0217 (6) (a) *Annexations within ~~populous~~ counties.* No annexation  
10 proceeding ~~within a county having a population of 50,000 or more~~ is valid unless the  
11 person publishing a notice of annexation under sub. (4) mails a copy of the notice to  
12 the clerk of each municipality affected and the department, together with any fee  
13 imposed under s. 16.53 (14), within 5 days of the publication. The department shall  
14 within 20 days after receipt of the notice mail to the clerk of the town within which  
15 the territory lies and to the clerk of the proposed annexing village or city a notice that  
16 states whether in its opinion the annexation is in the public interest or is against the  
17 public interest and that advises the clerks of the reasons the annexation is in or  
18 against the public interest as defined in par. (c). The annexing municipality shall  
19 review the advice before final action is taken.

20           **SECTION 24.** 66.0217 (9) (a) of the statutes, as affected by 2015 Wisconsin Act  
21 55, is amended to read:

1           66.0217 (9) (a) The clerk of a city or village which has annexed territory shall  
2 file immediately with the secretary of administration a certified copy of the  
3 ordinance, certificate and plat scale map, and shall send one copy to each company  
4 that provides any utility service in the area that is annexed. The city or village shall  
5 also file with the county clerk or board of election commissioners the report required  
6 by s. 5.15 (4) (bg). The clerk shall record the ordinance with the register of deeds and  
7 file a signed copy of the ordinance with the clerk of any affected school district.  
8 Failure to file, record or send does not invalidate the annexation and the duty to file,  
9 record or send is a continuing one. The ordinance that is filed, recorded or sent shall  
10 describe the annexed territory and the associated population. The information filed  
11 with the secretary of administration shall be utilized in making recommendations  
12 for adjustments to entitlements under the federal revenue sharing program and  
13 distribution of funds under ch. 79. The clerk shall certify annually, no later than  
14 December 31, to the secretary of administration and record with the register of deeds  
15 a legal description of the total boundaries of the municipality as those boundaries  
16 existed on December 1, unless there has been no change in the 12 months preceding.

17           **SECTION 25.** 66.0217 (9) (b) of the statutes, as affected by 2015 Wisconsin Act  
18 55, is amended to read:

19           66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat  
20 scale map, the secretary of administration shall forward ~~2 copies~~ one copy of the  
21 ordinance, certificate and plat scale map to the department of transportation, one  
22 copy to the department of administration, one copy to the department of revenue, one  
23 copy to the department of public instruction, ~~one copy to the department~~, one copy  
24 to the department of natural resources, one copy to the department of agriculture,

1 trade and consumer protection and 2 copies to the clerk of the municipality from  
2 which the territory was annexed.

3 **SECTION 26.** 66.0217 (9) (c) of the statutes is amended to read:

4 66.0217 (9) (c) Any city or village may direct a survey of its present boundaries  
5 to be made, and when properly attested the survey and plat scale map may be filed  
6 in the office of the register of deeds in the county in which the city or village is located.  
7 Upon filing, the survey and plat scale map are prima facie evidence of the facts set  
8 forth in the survey and plat scale map.

9 **SECTION 27.** 66.0219 (7) of the statutes, as affected by 2015 Wisconsin Act 55,  
10 is amended to read:

11 66.0219 (7) APPEAL. An appeal from the order of the circuit court is limited to  
12 contested issues determined by the circuit court. An appeal shall not stay the  
13 conduct of the referendum election, if one is ordered, but the statement of the election  
14 results and the copies of the certificate and plat scale map may not be filed with the  
15 secretary of administration until the appeal has been determined.

16 **SECTION 28.** 66.0219 (9) of the statutes is amended to read:

17 66.0219 (9) TERRITORY EXCEPTED. This section does not apply to any territory  
18 located in an area for which a certificate of incorporation was issued before  
19 February 24, 1959, by the secretary of state administration, even if the  
20 incorporation of the territory is later held to be invalid by a court.

21 **SECTION 29.** 66.0221 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
22 is amended to read:

23 66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
24 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of  
25 its governing body, may enact an ordinance annexing territory which comprises a



1 portion of a town or towns and which was completely surrounded by territory of the  
2 city or village on December 2, 1973. The ordinance shall include all surrounded town  
3 areas except those that are exempt by mutual agreement of all of the governing  
4 bodies involved. The annexation ordinance shall contain a legal description of the  
5 territory and the name of the town or towns from which the territory is detached.  
6 Upon enactment of the ordinance, the city or village clerk immediately shall file ~~6~~  
7 ~~certified copies~~ one certified copy of the ordinance with the secretary of  
8 administration, together with ~~6 copies~~ one copy of a scale map. The city or village  
9 shall also file with the county clerk or board of election commissioners the report  
10 required by s. 5.15 (4) (bg). The secretary of administration shall forward ~~2 copies~~  
11 one copy of the ordinance and scale map to the department of transportation, one  
12 copy to the department of natural resources, and one copy to the department of  
13 revenue ~~and one copy to the department of administration~~. This subsection does not  
14 apply if the town island was created only by the annexation of a railroad  
15 right-of-way or drainage ditch. This subsection does not apply to land owned by a  
16 town government which has existing town government buildings located on the land.  
17 No town island may be annexed under this subsection if the island consists of over  
18 65 acres or contains over 100 residents. Section 66.0217 (11) applies to annexations  
19 under this subsection. Except as provided in sub. (2), after December 2, 1973, no city  
20 or village may, by annexation, create a town area which is completely surrounded by  
21 the city or village.

22 **SECTION 30.** 66.0223 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
23 is amended to read:

24 66.0223 (1) In addition to other methods provided by law and subject to sub.  
25 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not

1 necessarily contiguous to a village or city may be annexed to a village or city by  
2 ordinance enacted by the board of trustees of the village or the common council of the  
3 city, provided that in the case of noncontiguous territory the use of the territory by  
4 the city or village is not contrary to any town or county zoning regulation. The  
5 ordinance shall contain the exact description of the territory annexed and the names  
6 of the towns from which detached, and attaches the territory to the village or city  
7 upon the filing of ~~7 certified copies~~ one certified copy of the ordinance with the  
8 secretary of administration, together with ~~7 copies~~ one copy of a plat scale map  
9 showing the boundaries of the territory attached. The city or village shall also file  
10 with the county clerk or board of election commissioners the report required by s. 5.15  
11 (4) (bg). ~~Two copies~~ One copy of the ordinance and plat scale map shall be forwarded  
12 by the secretary of administration to the department of transportation, ~~one copy to~~  
13 ~~the department of administration~~, one copy to the department of natural resources,  
14 one copy to the department of revenue and one copy to the department of public  
15 instruction. Within 10 days of filing the certified ~~copies~~ copy, a copy of the ordinance  
16 and plat scale map shall be mailed or delivered to the clerk of the county in which  
17 the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to  
18 annexations under this section.

19 **SECTION 31.** 66.0227 (5) of the statutes, as affected by 2015 Wisconsin Act 55,  
20 is amended to read:

21 66.0227 (5) The ordinance, certificate and plat scale map shall be filed and  
22 recorded in the same manner as annexations under s. 66.0217 (9) (a). The  
23 requirements for the secretary of administration are the same as in s. 66.0217 (9) (b).

24 **SECTION 32.** 66.0231 of the statutes, as affected by 2015 Wisconsin Act 55, is  
25 amended to read:

1           **66.0231 Notice of certain litigation affecting municipal status or**  
2 **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to  
3 66.0213, 66.0215, 66.0216, 66.02162, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301  
4 (6), or 66.0307 or other sections relating to an incorporation, annexation,  
5 consolidation, dissolution or detachment of territory of a city or village is contested  
6 by instigation of legal proceedings, the clerk of the city or village involved in the  
7 proceedings shall file with the secretary of administration ~~4 copies~~ one copy of a  
8 notice of the commencement of the action. The clerk shall file with the secretary of  
9 administration ~~4 copies~~ one copy of any judgments rendered or appeals taken in such  
10 cases. The notices or copies of judgments that are required under this section may  
11 also be filed by an officer or attorney of any party of interest. If any judgment has  
12 the effect of changing the municipal boundaries, the city or village clerk shall also  
13 file with the county clerk or board of election commissioners the report required by  
14 s. 5.15 (4) (bg). The secretary of administration shall forward to the department of  
15 transportation ~~2 copies~~ and to the department of revenue ~~and the department of~~  
16 ~~administration~~ one copy each of any notice of action or judgment filed with the  
17 secretary of administration under this section.

18           **SECTION 33.** 66.0823 (3) (b) of the statutes is amended to read:

19           66.0823 (3) (b) *Filing requirements.* The parties entering into a contract under  
20 this subsection shall file a copy of the contract with the secretary of state  
21 administration. Upon receipt, the secretary of state administration shall record the  
22 contract and issue a certificate of incorporation stating the name of the authority and  
23 the date and fact of incorporation. The corporate existence of the authority begins  
24 upon issuance of the certificate.

25           **SECTION 34.** 66.0825 (4) (b) of the statutes is amended to read:

1           66.0825 (4) (b) Any contract entered into under this section shall be filed with  
2 the secretary of state administration. Upon receipt, the secretary shall record the  
3 contract and issue a certificate of incorporation stating the name of the company and  
4 the date and fact of incorporation. Upon issuance of the certificate, the existence of  
5 the company shall begin.

6           **SECTION 35.** 66.1305 (1) (h) of the statutes is amended to read:

7           66.1305 (1) (h) Dissolve without obtaining the approval of the local governing  
8 body, which may be given upon conditions deemed necessary or appropriate to the  
9 protection of the interest of the city in the proceeds of the sale of the real property  
10 as to any property or work turned into the development by the city. The approval  
11 shall be endorsed on the certificate of dissolution and the certificate may not be filed  
12 in the office of the secretary of state administration in the absence of the  
13 endorsement.

14           **SECTION 36.** 84.11 (4) of the statutes is amended to read:

15           84.11 (4) FINDING, DETERMINATION, AND ORDER. After such hearing the  
16 department shall make such investigation as it considers necessary in order to make  
17 a decision in the matter. If the department finds that the construction is necessary  
18 it shall determine the location of the project and whether the project is eligible for  
19 construction under this section. The department shall also determine the character  
20 and kind of bridge most suitable for such location and estimate separately the cost  
21 of the bridge portion and the entire project. The department shall make its finding,  
22 determination, and order, in writing, and file a certified copy thereof with the clerk  
23 of each county, city, village, and town in which any portion of the bridge project will  
24 be located and also with the ~~secretary of state and~~ the secretary of administration.  
25 The determination of the location of the project made by the department and set forth

1 in its finding, determination, and order shall be conclusive as to such location and  
2 shall constitute full authority for laying out new streets or highways or for any  
3 relocations of highways made necessary for the construction of the project and for  
4 acquirement of any lands necessary for such streets or highways, relocation or  
5 construction. The estimate of cost made by the department shall be conclusive  
6 insofar as cost may determine eligibility of construction under this section.

7 **SECTION 37.** 84.12 (4) of the statutes is amended to read:

8 84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the  
9 construction is necessary, and that provision has been made or will be made by the  
10 adjoining state or its subdivisions to bear its or their portions of the cost of the project,  
11 the department, in cooperation with the state highway department of the adjoining  
12 state, shall determine the location thereof, the character and kind of bridge and other  
13 construction most suitable at such location, estimate the cost of the project, and  
14 determine the respective portions of the estimated cost to be paid by each state and  
15 its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the  
16 department shall further determine the respective portions of the cost to be paid by  
17 this state and by its subdivisions which are required to pay portions of the cost. The  
18 department, after such hearing, investigation, and negotiations, shall make its  
19 finding, determination, and order in writing and file a certified copy thereof with the  
20 clerk of each county, city, village, or town in this state in which any part of the bridge  
21 project will be located, with the ~~secretary of state,~~ and the secretary of  
22 administration, and with the state highway department of the adjoining state. The  
23 determination of the location set forth in the finding, determination, and order of the  
24 department shall be conclusive as to such location and shall constitute full authority  
25 for laying out new streets or highways or for any relocations of the highways made

1 necessary for the construction of the project and for acquiring lands necessary for  
2 such streets or highways, relocation or construction.

3 **SECTION 38.** 93.18 (5) of the statutes is amended to read:

4 93.18 (5) Complaint, notice, order or other process of the department may be  
5 served as may be a summons, and a subpoena as provided by s. 885.03, and either  
6 may be served by registered mail to an address furnished by the person or concern  
7 to either the department or the secretary of state. Service may be proved by affidavit.  
8 Service in any event may be also by registered mail addressed to the person or  
9 concern and proved by the post-office return receipt, in which case the time of service  
10 is the date borne by the receipt.

11 **SECTION 39.** 198.06 (5) (a) of the statutes is amended to read:

12 198.06 (5) (a) The board of canvassers shall cause a certified copy of the order  
13 declaring the result of the election to be filed in the office of the secretary of state  
14 administration. A certified copy of the order shall also be filed with the clerk of each  
15 municipality included in the district, with the county clerk, and with the commission.

16 **SECTION 40.** 198.06 (5) (b) of the statutes is amended to read:

17 198.06 (5) (b) If the district as finally constituted comprises a smaller area than  
18 originally proposed because of the failure of one or more municipalities to approve  
19 the district at the election, the commission shall, within 10 days following the filing  
20 of the order under par. (a) with the commission, file its approval or disapproval of the  
21 district as created by the election with the secretary of state administration, the clerk  
22 of each municipality included in the district and the county clerk. If the commission  
23 approves, upon the filing of the approval the creation and incorporation of the district  
24 shall be considered complete. If the commission disapproves, the district shall be

1 considered dissolved. Except as provided in par. (c), the approval or disapproval of  
2 the commission shall be final.

3 **SECTION 41.** 198.06 (5) (d) of the statutes is amended to read:

4 198.06 (5) (d) If a district has been approved by all of the municipalities within  
5 the district as proposed, the creation and incorporation of the district shall be  
6 considered complete upon the filing of the result of the election with the secretary of  
7 state administration by the board of canvassers.

8 **SECTION 42.** 198.06 (7) of the statutes is amended to read:

9 198.06 (7) INFORMALITIES DISREGARDED, LIMITATION OF ACTION TO TEST VALIDITY OF  
10 DISTRICT. No informality in any proceeding or in the conduct of the election, not  
11 substantially affecting adversely the legal rights of any citizen, shall be held to  
12 invalidate the creation of any district, and any proceedings wherein the validity of  
13 the creation is denied shall be commenced within 3 months from the date of filing the  
14 order of the board of canvassers with the secretary of state administration, otherwise  
15 the creation and the legal existence of the district shall be held to be valid and in  
16 every respect legal and incontestable.

17 **SECTION 43.** 198.08 (3) of the statutes is amended to read:

18 198.08 (3) APPOINTMENT, VOTE BY MUNICIPAL EXECUTIVE OFFICERS. In the selection  
19 of a director for a subdistrict each chief executive shall have one vote for each 1,000  
20 voters within that chief executive's municipality, or the part of the municipality that  
21 is located in the subdistrict. A three-fourths vote shall be necessary for the selection  
22 of a director. The result of the selection of the director shall be certified to by the  
23 chairperson and clerk of the meeting and immediately filed with the secretary of  
24 state administration and the clerk of each municipality in the district.

25 **SECTION 44.** 198.20 (2) of the statutes is amended to read:





**Barman, Mike**

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**From:** LRB.Legal  
**To:** megan.cramer@wisconsin.gov  
**Subject:** Draft review: LRB -3702/1  
**Attachments:** 15-3702/1

**State of Wisconsin - Legislative Reference Bureau  
One East Main Street - Suite 200 - Madison**

**The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.** If you have any questions concerning the draft or would like to have it redrafted, please contact Marc E. Shovers, Senior Legislative Attorney, at (608) 266-0129, at [marc.shovers@legis.wisconsin.gov](mailto:marc.shovers@legis.wisconsin.gov), or at One East Main Street, Suite 200.

**We will jacket this draft for introduction in the Senate. (per MES)**

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**