

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/22/2014** Received By: **tkuczens**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget 266-0239** By/Representing: **Stinebrink**  
May Contact: Drafter: **tkuczens**  
Subject: **Elections - miscellaneous** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**  
**tracy.kuczenski@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**

---

**Pre Topic:**

DOA:.....Stinebrink, BB0017 -

---

**Topic:**

Improvement of Census Data Reporting

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 9/25/2014	kfollett 9/26/2014		_____			
/P1	tkuczens 1/26/2015	kfollett 1/26/2015	rschluet 1/26/2015	_____	lparisi 9/29/2014		State S&L
/P2	tkuczens	wjackson		_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/28/2015	1/28/2015		_____	1/26/2015		S&L
/P3			rschluet	_____	srose		State
			1/28/2015	_____	1/28/2015		S&L

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: 9/22/2014 Received By: tkuczens  
Wanted: As time permits Same as LRB:  
For: Administration-Budget 266-0239 By/Representing: Stinebrink  
May Contact: Drafter: tkuczens  
Subject: Elections - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov  
tracy.kuczenski@legis.wisconsin.gov  
sbostatlanguage@webapps.wi.gov

---

**Pre Topic:**

DOA:.....Stinebrink, BB0017 -

---

**Topic:**

Improvement of Census Data Reporting

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 9/25/2014	kfollett 9/26/2014		_____			
/P1	tkuczens 1/26/2015	kfollett 1/26/2015	rschluet 1/26/2015	_____	lparisi 9/29/2014		State S&L
/P2				_____	srose		State

*Handwritten notes:*  
/P3 WJ 1/28  
2/3

Vers. Drafted

Reviewed

Typed

Proofed

Submitted  
1/26/2015

Jacketed

Required  
S&L

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: 9/22/2014 Received By: tkuczens  
Wanted: As time permits Same as LRB:  
For: Administration-Budget 266-0239 By/Representing: Stinebrink  
May Contact: Drafter: tkuczens  
Subject: Elections - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov  
tracy.kuczenski@legis.wisconsin.gov  
sbostatlanguage@webapps.wi.gov

---

**Pre Topic:**

DOA:.....Stinebrink, BB0017 -

---

**Topic:**

Improvement of Census Data Reporting

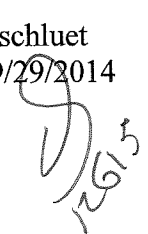
---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 9/25/2014	kfollett 9/26/2014		_____			
/P1		1/25/14 1/26	rschlue 9/29/2014 	_____	lparisi 9/29/2014		State S&L
FE Sent For:							

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: 9/22/2014 Received By: tkuczens  
Wanted: As time permits Same as LRB:  
For: Administration-Budget 266-0239 By/Representing: Stinebrink  
May Contact: Drafter: tkuczens  
Subject: Elections - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov  
tracy.kuczenski@legis.wisconsin.gov  
sbostatlanguage@webapps.wi.gov ✓

---

**Pre Topic:**

DOA:.....Stinebrink, BB0017 - ✓

---

**Topic:**

Improvement of Census Data Reporting ✓

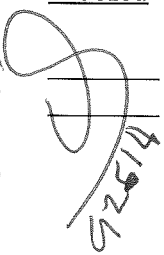
---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 9/25/2014	kfollett 1P/15F 9/26	1P/15F 9/26	 9/25/14			

FE Sent For:

<END>

**Kuczewski, Tracy**

---

**From:** Hanaman, Cathlene  
**Sent:** Friday, September 19, 2014 4:00 PM  
**To:** Kuczewski, Tracy; Kreye, Joseph  
**Subject:** FW: Statutory Language Drafting Request - BB0017  
**Attachments:** legis.pdf

---

**From:** Cory.Stinebrink@Wisconsin.gov [mailto:Cory.Stinebrink@Wisconsin.gov]  
**Sent:** Friday, September 19, 2014 3:36 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kraus, Jennifer - DOA; Stinebrink, Cory R - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0017

Biennial Budget: 2015-17

Topic: Data Improvement

Tracking Code: BB0017

SBO Team: GGCF

SBO Analyst: Stinebrink, Cory R - DOA  
Phone: (608) 266-0239  
E-mail: [Cory.Stinebrink@Wisconsin.gov](mailto:Cory.Stinebrink@Wisconsin.gov)

Agency Acronym: Legis

Agency Number: 765

Priority: Medium

Intent:

Improvement of Census data reporting. Legislature-recommended bill language attached.

Attachments: True

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-02247

TKK...

insert

d-note

RMR

DOA:.....Stinebrink, BB0017 - Improvement of Census Data Reporting

**FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION**

PWF

9/25/14

Don't Gen CAT

1 AN ACT ..; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

Insert Analysis

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

2 SECTION 1. 5.15 (4) (bg) of the statutes is created to read:

3 5.15 (4) (bg) No later than October 15 of each year following the year of a federal

4 decennial census, each municipal clerk shall file a report with the county clerk of

5 each county in which the municipality is contained confirming the boundaries of the

6 municipality and of all wards in the municipality. The report shall be accompanied

7 by a map of the municipally and a list of the block numbers of which the municipality

8 and each ward within the municipally are comprised. Within 5 days after notice to

9 the municipal clerk of a judgment that has the effect of changing the municipal

Insert A

7  
8



1 boundaries, the clerk shall file the same report. Each report filed under this  
 2 paragraph shall identify the name of the municipality and the county or counties in  
 3 which it is located.

XXXX NOTE: Is it appropriate to use the phrase "confirming the boundaries" here? The word "confirming" suggests to me that the boundaries will not or have not changed. Would it be acceptable to use the phrase "describing the boundaries?"

XXXX NOTE: I separated this material relating to the October 15 reporting requirement from the material in current law s. 5.15 (4) (b), where it appeared in the 2013 version of this bill (LRB-3180/6). I also moved the sentence relating to a judgment that has the effect of changing the municipal boundaries to the second-to-the-last sentence of this new s. 5.15 (4) (bg). The sentence seemed to be out of place in the 2013 draft, as it refers to "the same report" before the word report appeared in the statutory material. Let me know if you have any questions or concerns about these changes.

(END)

*change*

*XX*  
*X*

4

*Inset B*

*any reference to a*

*delete*

**BILL**

1 No later than October 15 of each year following the year of a federal decennial census,  
 2 each municipal clerk shall file a report with the county clerk of each county in which  
 3 the municipality is contained confirming the boundaries of the municipality and of  
 4 all wards in the municipality. The report shall be accompanied by a map of the  
 5 municipality and a list of the block numbers of which the municipality and each ward  
 6 within the municipality are comprised. Each copy and report shall identify the name  
 7 of the municipality and the county or counties in which it is located.

End  
Insert  
A

Begin  
Insert  
B

8 **SECTION 4.** 5.15 (4) <sup>e (br)</sup> (bm) of the statutes is created to read:  
 9 5.15 (4) <sup>e (br) 10</sup> (bm) Except as provided in this paragraph, <sup>subdo 20</sup> no later than January 15  
 10 and July 15 of each year, the county clerk shall transmit to the legislative technology  
 11 services bureau a report confirming the boundaries of each municipality, ward, and  
 12 supervisory district in the county together with a map of the county, in an electronic  
 13 format approved by the legislative technology services bureau. Each report shall be  
 14 current to the nearest January 1 or July 1 preceding the date of the report. <sup>or 20</sup> In each  
 15 year following the year of a federal decennial census, the <sup>July</sup> (2nd) report shall <sup>instead</sup> be  
 16 transmitted no later than November 1 and shall be current to the date of the report.  
 17 The report that is due on <sup>report</sup> November 1 shall be accompanied by a list of the block  
 18 numbers of which the county and each municipality and ward within the county are  
 19 comprised.

20 **SECTION 5.** 5.15 (7) of the statutes is amended to read:  
 21 5.15 (7) If a new ~~town~~ municipality is created or if part of a ~~town~~ municipality  
 22 is annexed to a city or village during a decennial period after April 1 of the year of  
 23 the federal decennial census, the ~~town-board~~ governing body of any ~~town~~  
 24 municipality to which territory is attached or from which territory is detached,  
 25 without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution,

**BILL**

1 Upon enactment of the ordinance, the city or village clerk immediately shall file 6  
2 certified copies of the ordinance in the office of the secretary of state, together with  
3 6 copies of a scale map. The city or village shall also file with the county clerk or board  
4 of election commissioners the report required by s. 5.15 (4) (b). <sup>✓ a (bg)</sup> The secretary of state  
5 shall forward 2 copies of the ordinance and scale map to the department of  
6 transportation, one copy to the department of natural resources, one copy to the  
7 department of revenue and one copy to the department of administration. This  
8 subsection does not apply if the town island was created only by the annexation of  
9 a railroad right-of-way or drainage ditch. This subsection does not apply to land  
10 owned by a town government which has existing town government buildings located  
11 on the land. No town island may be annexed under this subsection if the island  
12 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
13 to annexations under this subsection. Except as provided in sub. (2), after  
14 December 2, 1973, no city or village may, by annexation, create a town area which  
15 is completely surrounded by the city or village.

16 **SECTION 10.** 66.0223 (1) of the statutes, as affected by 2013 Wisconsin Act 80,  
17 is amended to read:

18 66.0223 (1) In addition to other methods provided by law and subject to sub.  
19 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not  
20 necessarily contiguous to a village or city may be annexed to a village or city by  
21 ordinance enacted by the board of trustees of the village or the common council of the  
22 city, provided that in the case of noncontiguous territory the use of the territory by  
23 the city or village is not contrary to any town or county zoning regulation. The  
24 ordinance shall contain the exact description of the territory annexed and the names  
25 of the towns from which detached, and attaches the territory to the village or city

**BILL**

1 upon the filing of 7 certified copies of the ordinance in the office of the secretary of  
 2 state, together with 7 copies of a plat showing the boundaries of the territory  
 3 attached. The city or village shall also file with the county clerk or board of election  
 4 commissioners the report required by s. 5.15 (4) (b). <sup>✓ e (bg)</sup> Two copies of the ordinance and  
 5 plat shall be forwarded by the secretary of state to the department of transportation,  
 6 one copy to the department of administration, one copy to the department of natural  
 7 resources, one copy to the department of revenue and one copy to the department of  
 8 public instruction. Within 10 days of filing the certified copies, a copy of the  
 9 ordinance and plat shall be mailed or delivered to the clerk of the county in which  
 10 the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to  
 11 annexations under this section.

12 **SECTION 11.** 66.0231 of the statutes is amended to read: ✓

13 **66.0231 Notice of certain litigation affecting municipal status or**  
 14 **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to  
 15 66.0213, 66.0215, 66.0216, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301 (6), or  
 16 66.0307 or other sections relating to an incorporation, annexation, consolidation,  
 17 dissolution or detachment of territory of a city or village is contested by instigation  
 18 of legal proceedings, the clerk of the city or village involved in the proceedings shall  
 19 file with the secretary of state 4 copies of a notice of the commencement of the action.  
 20 The clerk shall file with the secretary of state 4 copies of any judgments rendered or  
 21 appeals taken in such cases. The notices or copies of judgments that are required  
 22 under this section may also be filed by an officer or attorney of any party of interest.  
 23 If any judgment has the effect of changing the municipal boundaries, the city or  
 24 village clerk shall also file with the county clerk or board of election commissioners  
 25 the report required by s. 5.15 (4) (b). <sup>✓ e (bg)</sup> The secretary of state shall forward to the



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3180/6  
JTK:kjfrs

2013 BILL

Begin Insert Analysis

no later than October 15  
of each year following the  
year of a federal  
decennial census

1 **AN ACT** to renumber and amend 13.96 (1); to amend 5.15 (1) (c), 5.15 (4) (b),  
2 5.15 (7), 66.0217 (9) (a), 66.0221 (1), 66.0223 (1) and 66.0231; and to create 5.15  
3 (2) (f) 5, 5.15 (4) (bm) and 13.96 (1) (b) and (c) of the statutes; relating to:  
4 transmittal of municipal boundary information to counties and certain state  
5 agencies, division of municipalities into wards, and duties of the Legislative  
6 Technology Services Bureau.

(original municipal clerk)

**Analysis by the Legislative Reference Bureau**

Currently, the municipal clerk or board of election commissioners of each municipality, within five days after adoption or enactment of an ordinance or resolution dividing the municipality into wards, or any amendment thereto, must transmit one copy of the ordinance or resolution to the county clerk or board of election commissioners of each county in which the municipality is located together with a ward map and a list of the block numbers of the census blocks comprising the wards. If the population of the municipality exceeds 10,000, the clerk or board must submit the same documents to the Legislative Reference Bureau (LRB) at the same time.

This bill ~~deletes the requirement to transmit this report to the LRB but, in addition, directs each municipal clerk or board of election commissioners to transmit a report~~ to the county clerk or board of election commissioners of each county in which the municipality is contained, no later than October 15 of each year following

(original county clerk)

**BILL**

that municipal clerks

The bill deletes the requirement to transmit documents to the LRBOT

a report

the year of a federal decennial census, confirming the boundaries of the municipality and each ward within the municipality. Under the bill, the report must be accompanied by a map showing the municipal and ward boundaries and a list of the census block numbers of which the municipality and each ward within the municipality are comprised. The bill also directs each county clerk or board of election commissioners, no later than January 15 and July 15 of each year, to transmit to the Legislative Technology Services Bureau (LTSB), in an electronic format approved by LTSB, a report confirming the boundaries of each municipality and each ward and supervisory district within the county as of the preceding January 1 or July 1 except that in the year following the year of the federal decennial census, the second report must be transmitted no later than November 1 and must be current to the date of the report. The report that is due on November 1 must also include a list of the census block numbers of which the county and each municipality and ward within the county are comprised.

biennially

The report must be transmitted no later than January 15 and July 15 of each year

The bill then provides that, upon receipt of the information from each county clerk or board of election commissioners at each reporting interval, LTSB must reconcile and compile the information received into a statewide data base consisting of municipal boundary information for the entire state. The bill also directs LTSB to participate, on behalf of this state, in geographic boundary information programs when offered by the U.S. Bureau of the Census.

The reporting system established by the bill first applies in 2016.

Currently, with certain exceptions, the wards created by a municipality in response to each federal decennial census must remain in place until the wards are revised in response to the next federal decennial census. This bill creates an exception that permits a municipality to create a ward after a decennial ward revision if the ward consists of territory that lies between an actual municipal boundary that existed on April 1 of the year of a federal decennial census and an intersecting municipal boundary that deviates from the actual boundary on that date if the deviating boundary was used by the U.S. Bureau of the Census to enumerate the population of the municipality in that census.

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

end insert analysis

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

Begin Insert A

- 1 SECTION 1. 5.15 (1) (c) of the statutes is amended to read:
- 2 5.15 (1) (c) The wards established by municipal governing bodies in a division
- 3 ordinance or resolution enacted or adopted under this section shall govern the
- 4 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic
- 5 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1

**BILL**

1 of the 2nd year commencing after the year of the census until revised under this  
 2 section on the basis of the results of the next decennial census of population unless  
 3 adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless a division is required to  
 4 effect an act of the legislature redistricting legislative districts under article IV,  
 5 section 3, of the constitution or redistricting congressional districts. The populations  
 6 of wards under each decennial ward division shall be determined on the basis of the  
 7 federal decennial census and any official corrections to the census issued on or before  
 8 the date of adoption of the division ordinance or resolution to reflect the correct  
 9 populations of the municipality and the blocks within the municipality on April 1 of  
 10 the year of the census.

11 **SECTION 2.** 5.15 (2) (f) 5 of the statutes is created to read:

12 5.15 (2) (f) 5. Territory that lies between an actual municipal boundary that  
 13 existed on April 1 of the year of a federal decennial census and an intersecting  
 14 municipal boundary that deviates from the actual municipal boundary on that date  
 15 if the deviating boundary was used by the U.S. bureau of the census to enumerate  
 16 the population of the municipality in that census.

17 **SECTION 3.** 5.15 (4) (b) of the statutes is amended to read:

18 5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or  
 19 resolution under this section or any amendment thereto, the municipal clerk shall  
 20 transmit one copy of the ordinance or resolution or the amendment to the county  
 21 clerk of each county in which the municipality is contained, accompanied by the list  
 22 and map specified in par. (a). ~~If the population of the municipality exceeds 10,000,~~  
 23 ~~the municipal clerk shall furnish one copy to the legislative reference bureau at the~~  
 24 same time. Within 5 days after notice to the municipal clerk of a judgment that has  
 25 the effect of changing the municipal boundaries, the clerk shall file the same report.

(CS)  
 \*\*\* (NOTE): Is "intersecting" the appropriate word to use in this subdivision? ©  
 It is not clear how territory can lie between a boundary and an intersecting  
 boundary? I wonder if "adjacent" or "contiguous" or "close" would be better. ©

**BILL**

1 create new wards or adjust the existing wards in that town municipality to the extent  
 2 required to reflect the change. If a municipality is consolidated with another  
 3 municipality during a decennial period after April 1 of the year of the federal  
 4 decennial census, the governing body of the consolidated municipality, without  
 5 regard to the time provisions under sub. (1) (b), may, by ordinance or resolution,  
 6 create new wards or adjust the existing wards of the municipality to the extent  
 7 required to reflect the change. No ward line adjustment under this subsection may  
 8 cross the boundary of a congressional, assembly, or supervisory district. The Within  
 9 5 days after adoption of the ordinance or resolution, the municipal clerk shall  
 10 transmit copies of the ordinance or resolution making the adjustment to the county  
 11 clerk in compliance with sub. (4) (b).

12 SECTION 6. 13.96 (1) of the statutes is renumbered 13.96 (1) (intro.) and  
 13 amended to read:

14 13.96 (1) DUTIES OF THE STAFF. (intro.) The legislative technology services  
 15 bureau shall provide:

16 (a) Provide and coordinate information technology support and services to the  
 17 legislative branch.

18 SECTION 7. 13.96 (1) (b) and (c) of the statutes are created to read:

19 13.96 (1) (b) Upon receipt of municipal boundary information at each reporting  
 20 interval under s. 5.15 (4) (b), reconcile and compile the information received to  
 21 produce a statewide data base consisting of municipal boundary information for the  
 22 entire state.

23 (c) Participate, on behalf of this state, in geographic boundary information  
 24 programs when offered by the U.S. bureau of the census.

25 SECTION 8. 66.0217 (9) (a) of the statutes is amended to read:

(B) (CS)  
 A SECTION #  
 13.96(1)(b)  
 (5)

is  
 (are)  
 (b)  
 (1)(c)  
 of the statutes is created to read:



**BILL**

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

17           **SECTION 9.** 66.0221 (1) of the statutes is amended to read:

18           66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
19 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of  
20 its governing body, may enact an ordinance annexing territory which comprises a  
21 portion of a town or towns and which was completely surrounded by territory of the  
22 city or village on December 2, 1973. The ordinance shall include all surrounded town  
23 areas except those that are exempt by mutual agreement of all of the governing  
24 bodies involved. The annexation ordinance shall contain a legal description of the  
25 territory and the name of the town or towns from which the territory is detached.

**BILL**

1 department of transportation 2 copies and to the department of revenue and the  
2 department of administration one copy each of any notice of action or judgment filed  
3 with the secretary of state under this section.

4 **SECTION 12. Initial applicability.**

Local Government B

5 (1) The treatment of section 5.15 (1) (c), (4) (b) and (b<sup>m</sup>) and (7) of the statutes  
6 first applies with respect to transmittal of municipal boundary information for the  
7 2016 calendar year.

(END)

CS Censur data reporting C

End Insert B

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0224/?dn

TKK:...

*Date*

Cory:

Please note that I have embedded several drafting notes in this preliminary draft. Let me know if you have any questions or concerns or wish to make any changes.

Tracy K. Kuczenski  
Senior Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0224/P1dn  
TKK:kjf:rs

September 29, 2014

Cory:

Please note that I have embedded several drafting notes in this preliminary draft. Let me know if you have any questions or concerns or wish to make any changes.

Tracy K. Kuczenski  
Senior Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0224/P1 Pz

TKK:kjf:rs

faurel

DOA:.....Stinebrink, BB0017 – Improvement of Census Data Reporting

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION**

Today

1/26/15

minor changes

(~~1/26/15~~ Oct Notes)

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

Currently, the municipal clerk or board of election commissioners of each municipality (municipal clerk), within five days after adoption or enactment of an ordinance or resolution dividing the municipality into wards, or any amendment thereto, must transmit one copy of the ordinance or resolution to the county clerk or board of election commissioners of each county in which the municipality is located together with a ward map and a list of the block numbers of the census blocks comprising the wards. If the population of the municipality exceeds 10,000, the clerk or board must submit the same documents to the Legislative Reference Bureau (LRB) at the same time.

This bill directs each municipal clerk to, no later than October 15 of each year following the year of a federal decennial census, transmit to the county clerk or board of election commissioners of each county in which the municipality is contained (county clerk) a report confirming the boundaries of the municipality and each ward within the municipality. Under the bill, the report must be accompanied by a map showing the municipal and ward boundaries and a list of the census block numbers of which the municipality and each ward within the municipality are comprised. The bill deletes the requirement that municipal clerks transmit documents to the LRB.

The bill also directs each county clerk to biennially transmit to the Legislative Technology Services Bureau (LTSB), in an electronic format approved by LTSB, a

report confirming the boundaries of each municipality and each ward and supervisory district within the county as of the preceding January 1 or July 1. The report must be transmitted no later than January 15 and July 15 of each year, except that in the year following the year of the federal decennial census, the second report must be transmitted no later than November 1 and must be current to the date of the report. The report that is due on November 1 must also include a list of the census block numbers of which the county and each municipality and ward within the county are comprised.

The bill then provides that, upon receipt of the information from each county clerk at each reporting interval, LTSB must reconcile and compile the information received into a statewide data base consisting of municipal boundary information for the entire state. The bill also directs LTSB to participate, on behalf of this state, in geographic boundary information programs when offered by the U.S. Bureau of the Census.

The reporting system established by the bill first applies in 2016.

Currently, with certain exceptions, the wards created by a municipality in response to each federal decennial census must remain in place until the wards are revised in response to the next federal decennial census. This bill creates an exception that permits a municipality to create a ward after a decennial ward revision if the ward consists of territory that lies between an actual municipal boundary that existed on April 1 of the year of a federal decennial census and an intersecting municipal boundary that deviates from the actual boundary on that date if the deviating boundary was used by the U.S. Bureau of the Census to enumerate the population of the municipality in that census.

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:*

1           **SECTION 1.** 5.15 (1) (c) of the statutes is amended to read:

2           5.15 (1) (c) The wards established by municipal governing bodies in a division  
3 ordinance or resolution enacted or adopted under this section shall govern the  
4 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic  
5 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1  
6 of the 2nd year commencing after the year of the census until revised under this  
7 section on the basis of the results of the next decennial census of population unless  
8 adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless a division is required to

1 effect an act of the legislature redistricting legislative districts under article IV,  
2 section 3, of the constitution or redistricting congressional districts. The populations  
3 of wards under each decennial ward division shall be determined on the basis of the  
4 federal decennial census and any official corrections to the census issued on or before  
5 the date of adoption of the division ordinance or resolution to reflect the correct  
6 populations of the municipality and the blocks within the municipality on April 1 of  
7 the year of the census.

8 **SECTION 2.** 5.15 (2) (f) 5. of the statutes is <sup>✓</sup>created to read:

9 5.15 (2) (f) 5. Territory that lies between an actual municipal boundary that  
10 existed on April 1 of the year of a federal decennial census and an intersecting  
11 municipal boundary that deviates from the actual municipal boundary on that date  
12 if the deviating boundary was used by the U.S. bureau of the census to enumerate  
13 the population of the municipality in that census.

6 *\*\*\*\*NOTE: Is "intersecting" the appropriate word to use in this subdivision? It is not  
clear how territory can lie between a boundary and an intersecting boundary. I wonder  
if "adjacent" or "contiguous" or "close" would be better.*

14 **SECTION 3.** 5.15 (4) (b) of the statutes is <sup>✓</sup>amended to read:

15 5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or  
16 resolution under this section or any amendment thereto, the municipal clerk shall  
17 transmit one copy of the ordinance or resolution or the amendment to the county  
18 clerk of each county in which the municipality is contained, accompanied by the list  
19 and map specified in par. (a). ~~If the population of the municipality exceeds 10,000,~~  
20 ~~the municipal clerk shall furnish one copy to the legislative reference bureau at the~~  
21 ~~same time.~~ Each copy shall identify the name of the municipality and the county or  
22 counties in which it is located.

23 **SECTION 4.** 5.15 (4) (bg) of the statutes is <sup>✓</sup>created to read:

1           5.15 (4) (bg) No later than October 15 of each year following the year of a federal  
2 decennial census, each municipal clerk shall file a report with the county clerk of  
3 each county in which the municipality is contained confirming the boundaries of the  
4 municipality and of all wards in the municipality. The report shall be accompanied  
5 by a map of the municipality and a list of the block numbers of which the municipality  
6 and each ward within the municipality are comprised. Within 5 days after notice to  
7 the municipal clerk of a judgment that has the effect of changing the municipal  
8 boundaries, the clerk shall file the same report. Each report filed under this  
9 paragraph shall identify the name of the municipality and the county or counties in  
10 which it is located.

le \*\*\*\*\*NOTE: Is it appropriate to use the phrase “confirming the boundaries” here? The word “confirming” suggests to me that the boundaries will not change or have not changed. Would it be acceptable to use the phrase “describing the boundaries”?

\*\*\*\*\*NOTE: I separated this material relating to the October 15 reporting requirement from the material in current law s. 5.15 (4) (b), where it appeared in the 2013 version of this bill (LRB-3180/6). I also moved the sentence relating to a judgment that has the effect of changing the municipal boundaries to the second-to-the-last sentence of this new s. 5.15 (4) (bg). The sentence seemed to be out of place in the 2013 draft, as it refers to “the same report” before any reference to a report appeared in the statutory material. Let me know if you have any questions or concerns about these changes.

11           **SECTION 5.** 5.15 (4) (br) of the statutes is created to read:

12           5.15 (4) (br) 1. Except as provided in subd. 2., no later than January 15 and July  
13 15 of each year, the county clerk shall transmit to the legislative technology services  
14 bureau a report confirming the boundaries of each municipality, ward, and  
15 supervisory district in the county together with a map of the county, in an electronic  
16 format approved by the legislative technology services bureau. Each report shall be  
17 current to the nearest January 1 or July 1 preceding the date of the report.

18           2. In each year following the year of a federal decennial census, the July report  
19 shall instead be transmitted no later than November 1 and shall be current to the  
20 date of the report. The November 1 report shall be accompanied by a list of the block



1 numbers of which the county and each municipality and ward within the county are  
2 comprised.

3 **SECTION 6.** 5.15 (7) of the statutes is amended to read: ✓

4 5.15 (7) If a new ~~town~~ municipality is created or if part of a ~~town~~ municipality  
5 is annexed to a city or village during a decennial period after April 1 of the year of  
6 the federal decennial census, the ~~town board~~ governing body of any ~~town~~  
7 municipality to which territory is attached or from which territory is detached,  
8 without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution,  
9 create new wards or adjust the existing wards in that ~~town~~ municipality to the extent  
10 required to reflect the change. If a municipality is consolidated with another  
11 municipality during a decennial period after April 1 of the year of the federal  
12 decennial census, the governing body of the consolidated municipality, without  
13 regard to the time provisions under sub. (1) (b), may, by ordinance or resolution,  
14 create new wards or adjust the existing wards of the municipality to the extent  
15 required to reflect the change. No ward line adjustment under this subsection may  
16 cross the boundary of a congressional, assembly, or supervisory district. ~~The~~ Within  
17 5 days after adoption of the ordinance or resolution, the municipal clerk shall  
18 transmit copies of the ordinance or resolution making the adjustment to the county  
19 clerk in compliance with sub. (4) (b).

20 **SECTION 7.** 13.96 (1) of the statutes is renumbered 13.96 (1) (intro.) and ✓  
21 amended to read:

22 13.96 (1) DUTIES OF THE STAFF. (intro.) The legislative technology services  
23 bureau shall provide:

24 (a) Provide and coordinate information technology support and services to the  
25 legislative branch.

1           **SECTION 8.** 13.96 (1) (b) of the statutes is created to read:

2           13.96 (1) (b) Upon receipt of municipal boundary information at each reporting  
3 interval under s. 5.15 (4) (bg), reconcile and compile the information received to  
4 produce a statewide data base consisting of municipal boundary information for the  
5 entire state.

6           **SECTION 9.** 13.96 (1) (c) of the statutes is created to read:

7           13.96 (1) (c) Participate, on behalf of this state, in geographic boundary  
8 information programs when offered by the U.S. bureau of the census.

9           **SECTION 10.** 66.0217 (9) (a) of the statutes is amended to read:

10           66.0217 (9) (a) The clerk of a city or village which has annexed territory shall  
11 file immediately with the secretary of state a certified copy of the ordinance,  
12 certificate and plat, and shall send one copy to each company that provides any  
13 utility service in the area that is annexed. The city or village shall also file with the  
14 county clerk or board of election commissioners the report required by s. 5.15 (4) (bg).  
15 The clerk shall record the ordinance with the register of deeds and file a signed copy  
16 of the ordinance with the clerk of any affected school district. Failure to file, record  
17 or send does not invalidate the annexation and the duty to file, record or send is a  
18 continuing one. The ordinance that is filed, recorded or sent shall describe the  
19 annexed territory and the associated population. The information filed with the  
20 secretary of state shall be utilized in making recommendations for adjustments to  
21 entitlements under the federal revenue sharing program and distribution of funds  
22 under ch. 79. The clerk shall certify annually to the secretary of state and record with  
23 the register of deeds a legal description of the total boundaries of the municipality  
24 as those boundaries existed on December 1, unless there has been no change in the  
25 12 months preceding.

✓

1           **SECTION 11.** 66.0221 (1) of the statutes is amended to read:

2           66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
3           and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of  
4           its governing body, may enact an ordinance annexing territory which comprises a  
5           portion of a town or towns and which was completely surrounded by territory of the  
6           city or village on December 2, 1973. The ordinance shall include all surrounded town  
7           areas except those that are exempt by mutual agreement of all of the governing  
8           bodies involved. The annexation ordinance shall contain a legal description of the  
9           territory and the name of the town or towns from which the territory is detached.  
10          Upon enactment of the ordinance, the city or village clerk immediately shall file 6  
11          certified copies of the ordinance in the office of the secretary of state, together with  
12          6 copies of a scale map. The city or village shall also file with the county clerk or board  
13          of election commissioners the report required by s. 5.15 (4) (bg). The secretary of  
14          state shall forward 2 copies of the ordinance and scale map to the department of  
15          transportation, one copy to the department of natural resources, one copy to the  
16          department of revenue and one copy to the department of administration. This  
17          subsection does not apply if the town island was created only by the annexation of  
18          a railroad right-of-way or drainage ditch. This subsection does not apply to land  
19          owned by a town government which has existing town government buildings located  
20          on the land. No town island may be annexed under this subsection if the island  
21          consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
22          to annexations under this subsection. Except as provided in sub. (2), after  
23          December 2, 1973, no city or village may, by annexation, create a town area which  
24          is completely surrounded by the city or village. ✓

25          **SECTION 12.** 66.0223 (1) of the statutes is amended to read:

1           66.0223 (1) In addition to other methods provided by law and subject to sub.  
2 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not  
3 necessarily contiguous to a village or city may be annexed to a village or city by  
4 ordinance enacted by the board of trustees of the village or the common council of the  
5 city, provided that in the case of noncontiguous territory the use of the territory by  
6 the city or village is not contrary to any town or county zoning regulation. The  
7 ordinance shall contain the exact description of the territory annexed and the names  
8 of the towns from which detached, and attaches the territory to the village or city  
9 upon the filing of 7 certified copies of the ordinance in the office of the secretary of  
10 state, together with 7 copies of a plat showing the boundaries of the territory  
11 attached. The city or village shall also file with the county clerk or board of election  
12 commissioners the report required by s. 5.15 (4) (bg). Two copies of the ordinance and  
13 plat shall be forwarded by the secretary of state to the department of transportation,  
14 one copy to the department of administration, one copy to the department of natural  
15 resources, one copy to the department of revenue and one copy to the department of  
16 public instruction. Within 10 days of filing the certified copies, a copy of the  
17 ordinance and plat shall be mailed or delivered to the clerk of the county in which  
18 the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to  
19 annexations under this section.

20           **SECTION 13.** 66.0231 of the statutes is amended to read:

21           **66.0231 Notice of certain litigation affecting municipal status or**  
22 **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to  
23 66.0213, 66.0215, 66.0216, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301 (6), or  
24 66.0307 or other sections relating to an incorporation, annexation, consolidation,  
25 dissolution or detachment of territory of a city or village is contested by instigation

1 of legal proceedings, the clerk of the city or village involved in the proceedings shall  
2 file with the secretary of state 4 copies of a notice of the commencement of the action.  
3 The clerk shall file with the secretary of state 4 copies of any judgments rendered or  
4 appeals taken in such cases. The notices or copies of judgments that are required  
5 under this section may also be filed by an officer or attorney of any party of interest.  
6 If any judgment has the effect of changing the municipal boundaries, the city or  
7 village clerk shall also file with the county clerk or board of election commissioners  
8 the report required by s. 5.15 (4) (bg). The secretary of state shall forward to the  
9 department of transportation 2 copies and to the department of revenue and the  
10 department of administration one copy each of any notice of action or judgment filed  
11 with the secretary of state under this section.

12 **SECTION 9329. Initial applicability; Local Government.**

13 (1) CENSUS DATA REPORTING. The treatment of section 5.15 (1) (c), (4) (b), (bg),  
14 and (br), and (7) of the statutes first applies with respect to transmittal of municipal  
15 boundary information for the 2016 calendar year.

16 (END)



State of Wisconsin  
2015 - 2016 LEGISLATURE

93  
LRB-0224/P2

TKK:kjfrs

stays insert  
+ WLG

DOA:.....Stinebrink, BB0017 – Improvement of Census Data Reporting

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION**

1/28/15

D-Note

Do Not Gen

1 AN ACT ..., relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

Currently, the municipal clerk or board of election commissioners of each municipality (municipal clerk), within five days after adoption or enactment of an ordinance or resolution dividing the municipality into wards, or any amendment thereto, must transmit one copy of the ordinance or resolution to the county clerk or board of election commissioners of each county in which the municipality is located together with a ward map and a list of the block numbers of the census blocks comprising the wards. If the population of the municipality exceeds 10,000, the clerk or board must submit the same documents to the Legislative Reference Bureau (LRB) at the same time.

This bill directs each municipal clerk to, no later than October 15 of each year following the year of a federal decennial census, transmit to the county clerk or board of election commissioners of each county in which the municipality is contained (county clerk) a report confirming the boundaries of the municipality and each ward within the municipality. Under the bill, the report must be accompanied by a map showing the municipal and ward boundaries and a list of the census block numbers of which the municipality and each ward within the municipality are comprised. The bill deletes the requirement that municipal clerks transmit documents to the LRB.

The bill also directs each county clerk to biennially transmit to the Legislative Technology Services Bureau (LTSB), in an electronic format approved by LTSB, a

report confirming the boundaries of each municipality and each ward and supervisory district within the county as of the preceding January 1 or July 1. The report must be transmitted no later than January 15 and July 15 of each year, except that in the year following the year of the federal decennial census, the second report must be transmitted no later than November 1 and must be current to the date of the report. The report that is due on November 1 must also include a list of the census block numbers of which the county and each municipality and ward within the county are comprised.

The bill then provides that, upon receipt of the information from each county clerk at each reporting interval, LTSB must reconcile and compile the information received into a statewide data base consisting of municipal boundary information for the entire state. The bill also directs LTSB to participate, on behalf of this state, in geographic boundary information programs when offered by the U.S. Bureau of the Census.

The reporting system established by the bill first applies in 2016.

Currently, with certain exceptions, the wards created by a municipality in response to each federal decennial census must remain in place until the wards are revised in response to the next federal decennial census. This bill creates an exception that permits a municipality to create a ward after a decennial ward revision if the ward consists of territory that lies between an actual municipal boundary that existed on April 1 of the year of a federal decennial census and an intersecting municipal boundary that deviates from the actual boundary on that date if the deviating boundary was used by the U.S. Bureau of the Census to enumerate the population of the municipality in that census.

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:***

1           **SECTION 1.** 5.15 (1) (c) of the statutes is amended to read:

2           5.15 (1) (c) The wards established by municipal governing bodies in a division  
3 ordinance or resolution enacted or adopted under this section shall govern the  
4 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic  
5 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1  
6 of the 2nd year commencing after the year of the census until revised under this  
7 section on the basis of the results of the next decennial census of population unless  
8 adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless a division is required to

1 effect an act of the legislature redistricting legislative districts under article IV,  
2 section 3, of the constitution or redistricting congressional districts. The populations  
3 of wards under each decennial ward division shall be determined on the basis of the  
4 federal decennial census and any official corrections to the census issued on or before  
5 the date of adoption of the division ordinance or resolution to reflect the correct  
6 populations of the municipality and the blocks within the municipality on April 1 of  
7 the year of the census.

8 **SECTION 2.** 5.15 (2) (f) 5. of the statutes is created to read:

9 5.15 (2) (f) 5. Territory that lies between an actual municipal boundary that  
10 existed on April 1 of the year of a federal decennial census and an intersecting  
11 municipal boundary that deviates from the actual municipal boundary on that date  
12 if the deviating boundary was used by the U.S. bureau of the census to enumerate  
13 the population of the municipality in that census.

14 **SECTION 3.** 5.15 (4) (b) of the statutes is amended to read:

15 5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or  
16 resolution under this section or any amendment thereto, the municipal clerk shall  
17 transmit one copy of the ordinance or resolution or the amendment to the county  
18 clerk of each county in which the municipality is contained, accompanied by the list  
19 and map specified in par. (a). ~~If the population of the municipality exceeds 10,000,~~  
20 ~~the municipal clerk shall furnish one copy to the legislative reference bureau at the~~  
21 ~~same time.~~ Each copy shall identify the name of the municipality and the county or  
22 counties in which it is located.

23 **SECTION 4.** 5.15 (4) (bg) of the statutes is created to read:

24 5.15 (4) (bg) No later than October 15 of each year following the year of a federal  
25 decennial census, each municipal clerk shall file a report with the county clerk of



1 each county in which the municipality is contained confirming the boundaries of the  
2 municipality and of all wards in the municipality. The report shall be accompanied  
3 by a map of the municipality and a list of the block numbers of which the municipality  
4 and each ward within the municipality are comprised. Within 5 days after notice to  
5 the municipal clerk of a judgment that has the effect of changing the municipal  
6 boundaries, the clerk shall file the same report. Each report filed under this  
7 paragraph shall identify the name of the municipality and the county or counties in  
8 which it is located.

9 **SECTION 5.** 5.15 (4) (br) of the statutes is created to read:

10 5.15 (4) (br) 1. Except as provided in subd. 2., no later than January 15 and July  
11 15 of each year, the county clerk shall transmit to the legislative technology services  
12 bureau a report confirming the boundaries of each municipality, ward, and  
13 supervisory district in the county together with a map of the county, in an electronic  
14 format approved by the legislative technology services bureau. Each report shall be  
15 current to the nearest January 1 or July 1 preceding the date of the report.

16 2. In each year following the year of a federal decennial census, the July report  
17 shall instead be transmitted no later than November 1 and shall be current to the  
18 date of the report. The November 1 report shall be accompanied by a list of the block  
19 numbers of which the county and each municipality and ward within the county are  
20 comprised.

21 **SECTION 6.** 5.15 (7) of the statutes is amended to read:

22 5.15 (7) If a new ~~town~~ municipality is created or if part of a ~~town~~ municipality  
23 is annexed to a city or village during a decennial period after April 1 of the year of  
24 the federal decennial census, the ~~town~~ board governing body of any ~~town~~  
25 municipality to which territory is attached or from which territory is detached,

1 without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution,  
2 create new wards or adjust the existing wards in that ~~town~~ municipality to the extent  
3 required to reflect the change. If a municipality is consolidated with another  
4 municipality during a decennial period after April 1 of the year of the federal  
5 decennial census, the governing body of the consolidated municipality, without  
6 regard to the time provisions under sub. (1) (b), may, by ordinance or resolution,  
7 create new wards or adjust the existing wards of the municipality to the extent  
8 required to reflect the change. No ward line adjustment under this subsection may  
9 cross the boundary of a congressional, assembly, or supervisory district. The Within  
10 5 days after adoption of the ordinance or resolution, the municipal clerk shall  
11 transmit copies of the ordinance or resolution making the adjustment to the county  
12 clerk in compliance with sub. (4) (b).

13 **SECTION 7.** 13.96 (1) of the statutes is renumbered 13.96 (1) (intro.) and  
14 amended to read:

15 13.96 (1) DUTIES OF THE STAFF. (intro.) The legislative technology services  
16 bureau shall provide:

17 (a) Provide and coordinate information technology support and services to the  
18 legislative branch.

19 **SECTION 8.** 13.96 (1) (b) of the statutes is created to read:

20 13.96 (1) (b) Upon receipt of municipal boundary information at each reporting  
21 interval under s. 5.15 (4) (bg), reconcile and compile the information received to  
22 produce a statewide data base consisting of municipal boundary information for the  
23 entire state.

24 **SECTION 9.** 13.96 (1) (c) of the statutes is created to read:

1 13.96 (1) (c) Participate, on behalf of this state, in geographic boundary  
2 information programs when offered by the U.S. bureau of the census.

3 SECTION 10. 66.0217 (9) (a) of the statutes is amended to read:

4 66.0217 (9) (a) The clerk of a city or village which has annexed territory shall  
5 file immediately with the secretary of state <sup>administration</sup> a certified copy of the ordinance,  
6 certificate and plat, and shall send one copy to each company that provides any  
7 utility service in the area that is annexed. The city or village shall also file with the  
8 county clerk or board of election commissioners the report required by s. 5.15 (4) (bg).

9 The clerk shall record the ordinance with the register of deeds and file a signed copy  
10 of the ordinance with the clerk of any affected school district. Failure to file, record  
11 or send does not invalidate the annexation and the duty to file, record or send is a  
12 continuing one. The ordinance that is filed, recorded or sent shall describe the  
13 annexed territory and the associated population. The information filed with the  
14 secretary of state <sup>administration</sup> shall be utilized in making recommendations for adjustments to  
15 entitlements under the federal revenue sharing program and distribution of funds  
16 under ch. 79. The clerk shall certify annually to the secretary of state <sup>administration</sup> and record with  
17 the register of deeds a legal description of the total boundaries of the municipality  
18 as those boundaries existed on December 1, unless there has been no change in the  
19 12 months preceding.

20 SECTION 11. 66.0221 (1) of the statutes is amended to read:

21 66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
22 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of  
23 its governing body, may enact an ordinance annexing territory which comprises a  
24 portion of a town or towns and which was completely surrounded by territory of the  
25 city or village on December 2, 1973. The ordinance shall include all surrounded town

Inset 6-20

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

19 **SECTION 12.** 66.0223 (1) of the statutes is amended to read:

20 66.0223 (1) In addition to other methods provided by law and subject to sub.  
 21 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not  
 22 necessarily contiguous to a village or city may be annexed to a village or city by  
 23 ordinance enacted by the board of trustees of the village or the common council of the  
 24 city, provided that in the case of noncontiguous territory the use of the territory by  
 25 the city or village is not contrary to any town or county zoning regulation. The

Insert 7-19

1 ordinance shall contain the exact description of the territory annexed and the names  
 2 of the towns from which detached, and attaches the territory to the village or city  
 3 upon the filing of 7 certified copies of the ordinance ~~in the office of the secretary of~~ <sup>with</sup>  
 4 ~~state,~~ <sup>administration</sup> together with 7 copies of a plat showing the boundaries of the territory  
 5 attached. The city or village shall also file with the county clerk or board of election  
 6 commissioners the report required by s. 5.15 (4) (bg). Two copies of the ordinance and  
 7 plat shall be forwarded by the secretary of ~~state~~ <sup>administration</sup> to the department of transportation,  
 8 one copy to the department of administration, one copy to the department of natural  
 9 resources, one copy to the department of revenue and one copy to the department of  
 10 public instruction. Within 10 days of filing the certified copies, a copy of the  
 11 ordinance and plat shall be mailed or delivered to the clerk of the county in which  
 12 the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to  
 13 annexations under this section.

14 **SECTION 13.** 66.0231 of the statutes is amended to read:

15 **66.0231 Notice of certain litigation affecting municipal status or**  
 16 **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to  
 17 66.0213, 66.0215, 66.0216, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301 (6), or  
 18 66.0307 or other sections relating to an incorporation, annexation, consolidation,  
 19 dissolution or detachment of territory of a city or village is contested by instigation  
 20 of legal proceedings, the clerk of the city or village involved in the proceedings shall  
 21 file with the secretary of ~~state~~ <sup>administration</sup> 4 copies of a notice of the commencement of the action.  
 22 The clerk shall file with the secretary of ~~state~~ <sup>administration</sup> 4 copies of any judgments rendered or  
 23 appeals taken in such cases. The notices or copies of judgments that are required  
 24 under this section may also be filed by an officer or attorney of any party of interest.  
 25 If any judgment has the effect of changing the municipal boundaries, the city or

Insert 8-14

1 village clerk shall also file with the county clerk or board of election commissioners  
 2 the report required by s. 5.15 (4) (bg). The secretary of state shall forward to the  
 3 department of transportation 2 copies and to the department of revenue and the  
 4 department of administration one copy each of any notice of action or judgment filed  
 5 with the secretary of state under this section.

Insert 9-6

6 **SECTION 9329. Initial applicability; Local Government.**

7 (1) CENSUS DATA REPORTING. The treatment of section 5.15 (1) (c), (4) (b), (bg),  
 8 and (br), and (7) of the statutes first applies with respect to transmittal of municipal  
 9 boundary information for the 2016 calendar year.

10 (END)

**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0224/P2ins  
TKK:kjf:rs

**INSERT 6-20**

\*\*\*\*NOTE: This is reconciled s. 66.0217 (9) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

**INSERT 7-19**

\*\*\*\*NOTE: This is reconciled s. 66.0221 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

**INSERT 8-14**

\*\*\*\*NOTE: This is reconciled s. 66.0223 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

**INSERT 9-6**

\*\*\*\*NOTE: This is reconciled s. 66.0231. This SECTION has been affected by drafts with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0224/P3dn  
TKK:kjf&wlj:rs

January 28, 2015

This draft reconciles LRB-0224/P2 and LRB-1025/2. Both of these drafts should continue to appear in the compiled bill.

Tracy K. Kuczenski  
Senior Legislative Attorney  
(608) 266-9867  
tracy.kuczenski@legis.wisconsin.gov



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0224/P3dn  
TKK:kjf&wlj:rs

January 28, 2015

This draft reconciles LRB-0224/P2 and LRB-1025/2. Both of these drafts should continue to appear in the compiled bill.

Tracy K. Kuczenski  
Senior Legislative Attorney  
(608) 266-9867  
tracy.kuczenski@legis.wisconsin.gov



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-0224/P3  
TKK:kjf&wlj:rs

DOA:.....Stinebrink, BB0017 – Improvement of Census Data Reporting

**FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**LOCAL GOVERNMENT**

Currently, the municipal clerk or board of election commissioners of each municipality (municipal clerk), within five days after adoption or enactment of an ordinance or resolution dividing the municipality into wards, or any amendment thereto, must transmit one copy of the ordinance or resolution to the county clerk or board of election commissioners of each county in which the municipality is located together with a ward map and a list of the block numbers of the census blocks comprising the wards. If the population of the municipality exceeds 10,000, the clerk or board must submit the same documents to the Legislative Reference Bureau (LRB) at the same time.

This bill directs each municipal clerk to, no later than October 15 of each year following the year of a federal decennial census, transmit to the county clerk or board of election commissioners of each county in which the municipality is contained (county clerk) a report confirming the boundaries of the municipality and each ward within the municipality. Under the bill, the report must be accompanied by a map showing the municipal and ward boundaries and a list of the census block numbers of which the municipality and each ward within the municipality are comprised. The bill deletes the requirement that municipal clerks transmit documents to the LRB.

The bill also directs each county clerk to biennially transmit to the Legislative Technology Services Bureau (LTSB), in an electronic format approved by LTSB, a

report confirming the boundaries of each municipality and each ward and supervisory district within the county as of the preceding January 1 or July 1. The report must be transmitted no later than January 15 and July 15 of each year, except that in the year following the year of the federal decennial census, the second report must be transmitted no later than November 1 and must be current to the date of the report. The report that is due on November 1 must also include a list of the census block numbers of which the county and each municipality and ward within the county are comprised.

The bill then provides that, upon receipt of the information from each county clerk at each reporting interval, LTSB must reconcile and compile the information received into a statewide data base consisting of municipal boundary information for the entire state. The bill also directs LTSB to participate, on behalf of this state, in geographic boundary information programs when offered by the U.S. Bureau of the Census.

The reporting system established by the bill first applies in 2016.

Currently, with certain exceptions, the wards created by a municipality in response to each federal decennial census must remain in place until the wards are revised in response to the next federal decennial census. This bill creates an exception that permits a municipality to create a ward after a decennial ward revision if the ward consists of territory that lies between an actual municipal boundary that existed on April 1 of the year of a federal decennial census and an intersecting municipal boundary that deviates from the actual boundary on that date if the deviating boundary was used by the U.S. Bureau of the Census to enumerate the population of the municipality in that census.

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:***

1           **SECTION 1.** 5.15 (1) (c) of the statutes is amended to read:

2           5.15 (1) (c) The wards established by municipal governing bodies in a division  
3 ordinance or resolution enacted or adopted under this section shall govern the  
4 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic  
5 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1  
6 of the 2nd year commencing after the year of the census until revised under this  
7 section on the basis of the results of the next decennial census of population unless  
8 adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless a division is required to

1 effect an act of the legislature redistricting legislative districts under article IV,  
2 section 3, of the constitution or redistricting congressional districts. The populations  
3 of wards under each decennial ward division shall be determined on the basis of the  
4 federal decennial census and any official corrections to the census issued on or before  
5 the date of adoption of the division ordinance or resolution to reflect the correct  
6 populations of the municipality and the blocks within the municipality on April 1 of  
7 the year of the census.

8 **SECTION 2.** 5.15 (2) (f) 5. of the statutes is created to read:

9 5.15 (2) (f) 5. Territory that lies between an actual municipal boundary that  
10 existed on April 1 of the year of a federal decennial census and an intersecting  
11 municipal boundary that deviates from the actual municipal boundary on that date  
12 if the deviating boundary was used by the U.S. bureau of the census to enumerate  
13 the population of the municipality in that census.

14 **SECTION 3.** 5.15 (4) (b) of the statutes is amended to read:

15 5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or  
16 resolution under this section or any amendment thereto, the municipal clerk shall  
17 transmit one copy of the ordinance or resolution or the amendment to the county  
18 clerk of each county in which the municipality is contained, accompanied by the list  
19 and map specified in par. (a). ~~If the population of the municipality exceeds 10,000,~~  
20 ~~the municipal clerk shall furnish one copy to the legislative reference bureau at the~~  
21 ~~same time.~~ Each copy shall identify the name of the municipality and the county or  
22 counties in which it is located.

23 **SECTION 4.** 5.15 (4) (bg) of the statutes is created to read:

24 5.15 (4) (bg) No later than October 15 of each year following the year of a federal  
25 decennial census, each municipal clerk shall file a report with the county clerk of

1 each county in which the municipality is contained confirming the boundaries of the  
2 municipality and of all wards in the municipality. The report shall be accompanied  
3 by a map of the municipality and a list of the block numbers of which the municipality  
4 and each ward within the municipality are comprised. Within 5 days after notice to  
5 the municipal clerk of a judgment that has the effect of changing the municipal  
6 boundaries, the clerk shall file the same report. Each report filed under this  
7 paragraph shall identify the name of the municipality and the county or counties in  
8 which it is located.

9 **SECTION 5.** 5.15 (4) (br) of the statutes is created to read:

10 5.15 (4) (br) 1. Except as provided in subd. 2., no later than January 15 and July  
11 15 of each year, the county clerk shall transmit to the legislative technology services  
12 bureau a report confirming the boundaries of each municipality, ward, and  
13 supervisory district in the county together with a map of the county, in an electronic  
14 format approved by the legislative technology services bureau. Each report shall be  
15 current to the nearest January 1 or July 1 preceding the date of the report.

16 2. In each year following the year of a federal decennial census, the July report  
17 shall instead be transmitted no later than November 1 and shall be current to the  
18 date of the report. The November 1 report shall be accompanied by a list of the block  
19 numbers of which the county and each municipality and ward within the county are  
20 comprised.

21 **SECTION 6.** 5.15 (7) of the statutes is amended to read:

22 5.15 (7) If a new ~~town~~ municipality is created or if part of a ~~town~~ municipality  
23 is annexed to a city or village during a decennial period after April 1 of the year of  
24 the federal decennial census, the ~~town~~ board governing body of any ~~town~~  
25 municipality to which territory is attached or from which territory is detached,

1 without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution,  
2 create new wards or adjust the existing wards in that ~~town~~ municipality to the extent  
3 required to reflect the change. If a municipality is consolidated with another  
4 municipality during a decennial period after April 1 of the year of the federal  
5 decennial census, the governing body of the consolidated municipality, without  
6 regard to the time provisions under sub. (1) (b), may, by ordinance or resolution,  
7 create new wards or adjust the existing wards of the municipality to the extent  
8 required to reflect the change. No ward line adjustment under this subsection may  
9 cross the boundary of a congressional, assembly, or supervisory district. The Within  
10 5 days after adoption of the ordinance or resolution, the municipal clerk shall  
11 transmit copies of the ordinance or resolution making the adjustment to the county  
12 clerk in compliance with sub. (4) (b).

13 **SECTION 7.** 13.96 (1) of the statutes is renumbered 13.96 (1) (intro.) and  
14 amended to read:

15 13.96 (1) DUTIES OF THE STAFF. (intro.) The legislative technology services  
16 bureau shall provide:

17 (a) Provide and coordinate information technology support and services to the  
18 legislative branch.

19 **SECTION 8.** 13.96 (1) (b) of the statutes is created to read:

20 13.96 (1) (b) Upon receipt of municipal boundary information at each reporting  
21 interval under s. 5.15 (4) (bg), reconcile and compile the information received to  
22 produce a statewide data base consisting of municipal boundary information for the  
23 entire state.

24 **SECTION 9.** 13.96 (1) (c) of the statutes is created to read:

1           13.96 (1) (c) Participate, on behalf of this state, in geographic boundary  
2 information programs when offered by the U.S. bureau of the census.

3           **SECTION 10.** 66.0217 (9) (a) of the statutes is amended to read:

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

\*\*\*\*NOTE: This is reconciled s. 66.0217 (9) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

21           **SECTION 11.** 66.0221 (1) of the statutes is amended to read:

22           66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
23 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of

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

\*\*\*\*NOTE: This is reconciled s. 66.0221 (1). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

22 **SECTION 12.** 66.0223 (1) of the statutes is amended to read:



1           66.0223 (1) In addition to other methods provided by law and subject to sub.  
2 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not  
3 necessarily contiguous to a village or city may be annexed to a village or city by  
4 ordinance enacted by the board of trustees of the village or the common council of the  
5 city, provided that in the case of noncontiguous territory the use of the territory by  
6 the city or village is not contrary to any town or county zoning regulation. The  
7 ordinance shall contain the exact description of the territory annexed and the names  
8 of the towns from which detached, and attaches the territory to the village or city  
9 upon the filing of 7 certified copies of the ordinance ~~in the office of~~ with the secretary  
10 of state administration, together with 7 copies of a plat showing the boundaries of  
11 the territory attached. The city or village shall also file with the county clerk or board  
12 of election commissioners the report required by s. 5.15 (4) (bg). Two copies of the  
13 ordinance and plat shall be forwarded by the secretary of state administration to the  
14 department of transportation, one copy to the department of administration, one  
15 copy to the department of natural resources, one copy to the department of revenue  
16 and one copy to the department of public instruction. Within 10 days of filing the  
17 certified copies, a copy of the ordinance and plat shall be mailed or delivered to the  
18 clerk of the county in which the annexed territory is located. Sections 66.0203 (8) (c)  
19 and 66.0217 (11) apply to annexations under this section.

\*\*\*\*NOTE: This is reconciled s. 66.0223 (1). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

20           **SECTION 13.** 66.0231 of the statutes is amended to read:

21           **66.0231 Notice of certain litigation affecting municipal status or**  
22 **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to  
23 66.0213, 66.0215, 66.0216, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301 (6), or

1 66.0307 or other sections relating to an incorporation, annexation, consolidation,  
2 dissolution or detachment of territory of a city or village is contested by instigation  
3 of legal proceedings, the clerk of the city or village involved in the proceedings shall  
4 file with the secretary of state administration 4 copies of a notice of the  
5 commencement of the action. The clerk shall file with the secretary of state  
6 administration 4 copies of any judgments rendered or appeals taken in such cases.  
7 The notices or copies of judgments that are required under this section may also be  
8 filed by an officer or attorney of any party of interest. If any judgment has the effect  
9 of changing the municipal boundaries, the city or village clerk shall also file with the  
10 county clerk or board of election commissioners the report required by s. 5.15 (4) (bg).  
11 The secretary of state administration shall forward to the department of  
12 transportation 2 copies and to the department of revenue and the department of  
13 administration one copy each of any notice of action or judgment filed with the  
14 secretary of state administration under this section.

\*\*\*\*NOTE: This is reconciled s. 66.0231. This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0224/P2 and LRB-1025/2.

15 **SECTION 9329. Initial applicability; Local Government.**

16 (1) CENSUS DATA REPORTING. The treatment of section 5.15 (1) (c), (4) (b), (bg),  
17 and (br), and (7) of the statutes first applies with respect to transmittal of municipal  
18 boundary information for the 2016 calendar year.

19 (END)