

**2015 DRAFTING REQUEST**

**Bill**

Received:	12/23/2014	Received By:	mshovers
Wanted:	As time permits	Same as LRB:	
For:	Administration-Budget 6-0239	By/Representing:	Stinebrink
May Contact:		Drafter:	mshovers
Subject:	Local Gov't - misc State Govt - miscellaneous	Addl. Drafters:	
		Extra Copies:	EVM, RAC, GMM

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: sbostatlanguage@webapps.wi.gov

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**Pre Topic:**

DOA:.....Stinebrink, BB0355 -

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**Topic:**

Transfer from secretary of state to DOA the responsibility to record municipal boundary, name, and status changes

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**Instructions:**

See attached

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**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>
/?	mshovers 12/30/2014	kfollett 1/6/2015	rschluet 1/6/2015	_____			
/1	mshovers 1/21/2015			_____	sbasford 1/6/2015		
/2	mshovers	kfollett	rschluet	_____	lparisi		

<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	1/21/2015	1/23/2015	_____	1/23/2015		
/3		kfollett 1/28/2015	rschluet 1/28/2015	_____	lparisi 1/28/2015		

FE Sent For:

**<END>**

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13 MES 1/28/15  
13 SF  
1/28  
F 3 13 5

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/1	MES 1/2	12/5/15	1/21	_____	sbasford 1/6/2015		

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**Topic:**

Transfer from secretary of state to DOA the responsibility to record municipal boundary changes. *oe*

*name, and status*

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**Instructions:**

See attached

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1/? mshovers

11 MEs 12/30/14

*Handwritten signature and initials*

FE Sent For:

<END>



60.05(4) 60.065  
61.187(2)(d) 61.189(2)  
62.02 62.075(5), 62.26(7)  
66.0203(7)(a)  
66.0211(5) - x-refs

66.0213(4)(a), (b)

66.0215(5)

66.0216(6)

66.0217(a)(a), (b)

66.0219(7)

66.0221(1)

66.0223(1)

66.0227(5)

66.0231

66.0301(6)(e)

66.0307(10)

~~66.0221(1)~~



Attachments: False

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

## Shovers, Marc

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**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Monday, January 05, 2015 4:41 PM  
**To:** Shovers, Marc  
**Subject:** RE: Draft

Yeah, we can just say DOA, or however it works best, and have the secretary assign responsibility. I wasn't sure what exactly the department wanted.

---

**From:** Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]  
**Sent:** Monday, January 05, 2015 4:33 PM  
**To:** Stinebrink, Cory R - DOA  
**Subject:** RE: Draft

Yeah, that would work, but why not just say "DOA"? The change is easy – you just need to decide to whom the responsibility should be assigned. If you just want it to be DOA, with no further specification, that's fine. Presumably the secretary would assign responsibility, right?

---

**From:** Stinebrink, Cory R - DOA [mailto:Cory.Stinebrink@wisconsin.gov]  
**Sent:** Monday, January 05, 2015 4:23 PM  
**To:** Shovers, Marc  
**Subject:** RE: Draft

Marc-

Is it as simple as changing the secretary of state to "the department" as defined in 66.0217?

---

**From:** Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]  
**Sent:** Monday, January 05, 2015 2:42 PM  
**To:** Stinebrink, Cory R - DOA  
**Subject:** RE: Draft

Hi Cory:

Thanks for getting back to me. I understand which statutes in ch. 66 need to be changed – my question is, to what should the "sec. of state" references be changed? I did not find anything referring to "DOA's division of intergovernmental relations" in the statutes, which is what the instructions requested. Please let me know to whom the responsibility should shift, and what the statutory reference is for that entity. Thanks.

Marc

**Shovers, Marc**

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**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Monday, January 05, 2015 12:20 PM  
**To:** Shovers, Marc  
**Subject:** RE: Draft

If I recall correctly, you had asked me about which statute in Secretary of State would be changed, correct? I haven't been able to find statutory authority for Secretary of State unless it falls under the requirement to keep a record of the official acts of the executive department. If which case, it's probably not something we can do constitutionally. Otherwise, there are various parts of chapter 66 that this proposal would be applicable to. They are:

- 66.0203-66.0209 2
- 66.0215-66.0217
- 66.0219
- 66.0221
- 66.0223
- 66.0225 2
- 66.0227
- 66.0229 2
- 66.0230 2
- 66.0301
- 66.0307

Is it possible to specify in these sections that they don't have to be recorded in the secretary of state, but would be recorded in DOA instead?

---

**From:** Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]  
**Sent:** Monday, January 05, 2015 11:12 AM  
**To:** Stinebrink, Cory R - DOA  
**Subject:** RE: Draft

Yep, it was me.

---

**From:** Stinebrink, Cory R - DOA [mailto:Cory.Stinebrink@wisconsin.gov]  
**Sent:** Friday, January 02, 2015 3:23 PM  
**To:** Shovers, Marc  
**Subject:** Draft

Marc-  
Are you the one who called me regarding the recording of annexations and other boundary changes being recorded in DOA rather than Secretary of State? I failed to write down who that was.

Cory Stinebrink  
Executive Policy and Budget Analyst  
State Budget Office  
(608)266-0239



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-1025/?  
MES

ups: request sheet updated

5f

DOA:.....Stinebrink, BB0355 - Transfer from secretary of state to DOA the responsibility to record municipal boundary, name, and status changes

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

IN 12/30

1-7

due TUES, 1-6 please

do not open

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

**Analysis by the Legislative Reference Bureau**

**LOCAL ~~LAW~~ GOVERNMENTS**

to

Generally under current law, if a municipality (a city, village, or town) changes its boundaries or its name, or if it changes status (dissolves or reorganizes as another form of local government), the municipality must file a certified copy of the change with the secretary of state. Depending on the type of action taken by the municipality, the secretary of state may then be required to notify other state agencies, such as DNR, DOR, or DOT, of the action taken and the secretary of state may be required to issue a certificate of incorporation to the municipality. Under this bill, certified copies of such changes, and certificates of incorporation related to such changes, must be filed with, and issued by, DOA's division of intergovernmental relations. *The secretary of DOA*

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

2 SECTION 1. 60.05 (4) of the statutes is amended to read:

1           60.05 (4) COURT ORDER. If, after the hearing under sub. (3), the court finds that  
 2 the area of the proposed town meets the requirements of sub. (1), the court shall enter  
 3 an order establishing a new town under the name proposed in the petition and shall  
 4 designate the location of the first town meeting of the new town. The clerk of court  
 5 shall immediately file certified copies of the order with the secretary of state ~~XXX~~ and  
 6 the county clerk.

secretary of state ~~XXX~~  
 plain  
 administration

History: 1983 a. 532; 1999 a. 150 s. 672.

SECTION 2. 60.065 of the statutes is amended to read:

8           **60.065 Change of town name.** The name of a town shall be changed if a  
 9 petition designating the new name is signed and filed with the town clerk under the  
 10 procedures in s. 9.20 (1), certified by the town clerk under the procedure in s. 9.20  
 11 (3), approved by the electors in an election held under the procedures in s. 9.20 (4)  
 12 and the result of the election is published in the town's official paper, or posted in the  
 13 town, and the new name is filed in the office of the secretary of state ~~XXX~~.

plain

History: 1993 a. 246.

\*\*\*\*NOTE: Is the amendment of this section consistent with your intent? If you don't want a name change filing removed from the secretary of state's purview, please let me know.

SECTION 3. 61.187 (2) (d) of the statutes is amended to read:

15           61.187 (2) (d) If, in accordance with par. (a), the results of the election under  
 16 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the  
 17 election, record the petition and determination of the village board of canvassers in  
 18 the office of the register of deeds of the county or counties in which the village is  
 19 located and file with the secretary of state ~~XXX~~ certified copies of the petition and  
 20 the determination of inspectors of election. The village clerk shall also record in the  
 21 office of the register of deeds a certificate by the village clerk showing the date on  
 22 which the dissolution takes effect and file with the secretary of state ~~XXX~~ 4 copies

plain

5  
13  
19  
20  
21  
22



1 of the certificate. These documents shall be recorded and indexed by the register of  
 2 deeds. The index shall include the volume or reel number and the page or image  
 3 number of the original documents. The secretary of state XXX shall forward 2 copies  
 4 of the certificate to the department of transportation and one to the department of  
 5 revenue.

6 **History:** 1977 c. 29 s. 1654 (8) (c); 1977 c. 273; 1989 a. 192; 1993 a. 301; 1999 a. 182; 2001 a. 107; 2005 a. 391.

**SECTION 4.** 61.189 (2) of the statutes is amended to read:

7 61.189 (2) The election shall be noticed and conducted and the result canvassed  
 8 and certified as in the case of regular village elections and the village clerk shall  
 9 immediately file with the secretary of state XXX 4 copies of a certification certifying  
 10 the fact of holding such election and the result thereof and a description of the legal  
 11 boundaries of such village or proposed city and 4 certified copies of a plat thereof; and  
 12 thereupon a certificate of incorporation shall be issued to such city by the secretary  
 13 of state XXX. Two copies of the certification and plat shall be forwarded by the  
 14 secretary of state XXX to the department of transportation and one copy to the  
 15 department of revenue. Thereafter such city shall in all things be governed by the  
 16 general city charter law. All debts, obligations and liabilities existing against such  
 17 village at the time of such change shall continue and become like debts, obligations  
 18 and liabilities against such city, and such city may carry out and complete all  
 19 proceedings then pending for the issue of bonds for improvements therein.

20 **History:** 1971 c. 304, 336; 1977 c. 29 s. 1654 (8) (c); 1981 c. 4 s. 19; 1981 c. 390; 1983 a. 484; 1985 a. 304 s. 156; 1991 a. 316; 1999 a. 150 s. 672.

**SECTION 5.** 62.02 of the statutes is amended to read:

21 **62.02 Repeal of special charters.** All special charters for cities of the 2nd,  
 22 3rd and 4th classes are hereby repealed and such cities are hereby incorporated  
 23 under this subchapter. The city clerk shall forthwith certify the boundaries of such  
 24 city to the secretary of state XXX, who shall file the same and issue to such city a

Administration

Plat

Administration

Plat

1 certificate of incorporation as of the date when this subchapter became effective, and  
2 record the same.

History: 1977 c. 151.

3 SECTION 6. 62.075 (5) of the statutes is amended to read:

4 62.075 (5) NOTICE OF ENTRY OF JUDGMENT; UPON WHOM SERVED. A certified copy  
5 of every such order shall be filed with the town and city clerk and with the county  
6 clerk and 4 copies with the secretary of state. ~~The secretary of state XXX. The XXX~~  
7 shall forward 2 copies to the department of transportation and one copy to the  
8 department of revenue.

History: Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1977 c. 29 s. 1654 (8) (c); 1977 c. 187; 1979 c. 110 s. 60 (11); 1983 a. 219; 1985 a. 225; 1991 a. 316; 1993 a. 490; 1997 a. 250; 1999 a. 150 s. 672.

9 SECTION 7. 62.26 (7) of the statutes is amended to read:

10 62.26 (7) CHANGE OF CITY NAME. The name of any city of the fourth class shall  
11 be changed if a majority of the electors shall address a written petition therefor to  
12 the council designating the new name, and the council shall by a two-thirds vote of  
13 all the members adopt an ordinance changing to such new name. The change shall  
14 be in effect upon publication of the ordinance in the official paper, and the filing of  
15 a copy thereof in the office of the secretary of state ~~XXX.~~ *administration*

\*\*\*\*NOTE: Is the amendment of this subsection consistent with your intent? If you  
don't want a name change filing removed from the secretary of state's purview, please let  
me know.

History: 1977 c. 151; 1993 a. 184.

16 SECTION 8. 66.0203 (7) (a) of the statutes is amended to read:

17 66.0203 (7) (a) No action to contest the validity of an incorporation on any  
18 grounds, whether procedural or jurisdictional, may be commenced after 60 days from  
19 the date of issuance of the certificate of incorporation by the secretary of state ~~XXX.~~ *plain*

History: 1973 c. 37; 1977 c. 29; 1977 c. 187 s. 134; 1983 a. 219; 1991 a. 316; 1993 a. 329; 1995 a. 201; 1999 a. 150 s. 36; Stats. 1999 s. 66.0203; 1999 a. 186; 2001 a. 16; 2003 a. 171; 2005 a. 254; 2007 a. 20; 2013 a. 38, 80.

20 SECTION 9. 66.0211 (5) of the statutes is amended to read:

*administration*

1           66.0211 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an  
 2 incorporation referendum are cast in favor of a village or city, the clerk of the circuit  
 3 court shall certify the fact to the secretary of state XXX and supply the secretary of  
 4 state XXX with a copy of a description of the legal boundaries of the village or city  
 5 and the associated population and a copy of a plat of the village or city. Within 10  
 6 days of receipt of the description and plat, the secretary of state XXX shall forward  
 7 2 copies to the department of transportation and one copy each to the department of  
 8 administration and the department of revenue. The secretary of state XXX shall  
 9 issue a certificate of incorporation and record the certificate.

*administration*

**History:** 1971 c. 304; 1973 c. 37, 90; 1977 c. 29 s. 1654 (8) (c); 1977 c. 273; 1979 c. 361 s. 112; 1981 c. 4 s. 19; 1981 c. 377; 1993 a. 184; 1995 a. 27, s. 9116 (5); 1999 a. 150 s. 40; Stats. 1999 s. 66.0211; 2011 a. 32.

**SECTION 10.** 66.0213 (4) (a) of the statutes is amended to read:

11           66.0213 (4) (a) Within 10 days after incorporation of the village or city, the  
 12 county clerk of the county in which the petition was filed shall fix a time for the first  
 13 election, and where appropriate designate the polling place or places, and name 3  
 14 inspectors of election for each place. The time for the election shall be fixed no less  
 15 than 40 nor more than 50 days after the date of the certificate of incorporation issued  
 16 by the secretary of state XXX, irrespective of any other provision in the statutes.  
 17 Nomination papers shall conform to ch. 8 to the extent applicable. Nomination  
 18 papers shall be signed by not less than 5% nor more than 10% of the total votes cast  
 19 at the referendum election, and be filed no later than 15 days before the time fixed  
 20 for the election. Ten days' previous notice of the election shall be given by the county  
 21 clerk by publication in the newspapers selected under s. 66.0211 (2) and by posting  
 22 notices in 3 public places in the village or city, but failure to give notice does not  
 23 invalidate the election.

**History:** 1977 c. 203 s. 106, 1989 a. 192; 1991 a. 32, 316; 1993 a. 301, 329; 1995 a. 16 s. 2; 1995 a. 201, 216; 1999 a. 150 s. 41; Stats. 1999 s. 66.0213; 2011 a. 115, 130; 2013 a. 80, 165.



1 SECTION 11. 66.0213 (6) of the statutes is amended to read:

2 66.0213 (6) REORGANIZATION OF CITY AS VILLAGE. If the population of any city falls  
3 below 1,000 as determined by the United States census, the council may upon filing  
4 of a petition conforming to the requirements of s. 8.40 containing the signatures of  
5 at least 15% of the electors submit at any general or city election the question  
6 whether the city shall reorganize as a village. If three-fifths of the votes cast on the  
7 question are for reorganization the mayor and council shall record the return in the  
8 office of the register of deeds, file a certified copy with the clerk of the circuit court,  
9 and immediately call an election, to be conducted as are village elections, for the  
10 election of village officers. Upon the qualification of the officers, the board of trustees  
11 shall declare the city reorganized as a village, and the reorganization is effective.

12 The clerk shall certify a copy of the declaration to the <sup>plaid</sup> secretary of state ~~XXX~~ who shall <sup>Administration</sup>  
13 file the declaration and endorse a memorandum of the declaration on the record of  
14 the certificate of incorporation of the city. Rights and liabilities of the city continue  
15 in favor of or against the village. Ordinances, so far as within the power of the village,  
16 remain in force until changed.

History: 1977 c. 203 s. 106, 1989 a. 192; 1991 a. 32, 316; 1993 a. 301, 329; 1995 a. 16 s. 2; 1995 a. 201, 216; 1999 a. 150 s. 41; Stats. 1999 s. 66.0213; 2011 a. 115, 130; 2013 a. 80, 165.

17 SECTION 12. 66.0215 (5) of the statutes is amended to read:

18 66.0215 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast  
19 in favor of a city the clerk shall certify the fact to the <sup>plaid</sup> secretary of state ~~XXX~~, together  
20 with the result of the census, if any, and 4 copies of a description of the legal  
21 boundaries of the town and 4 copies of a plat of the town. The <sup>plaid</sup> secretary of state ~~XXX~~  
22 shall then issue a certificate of incorporation, and record the certificate in a book kept  
23 for that purpose. Two copies of the description and plat shall be forwarded by the

Administration

1 ~~secretary of state XXX~~ to the department of transportation and one copy to the  
2 department of revenue.

History: 1971 c. 304; 1977 c. 29 s. 1654 (8) (c); 1979 c. 89; 1981 c. 4 s. 19; 1981 c. 377; 1983 a. 532 s. 11; Stats. 1983 s. 66.012; 1991 a. 316; 1993 a. 329; 1995 a. 16 s. 2; 1995 a. 201; 1999 a. 150 s. 31; Stats. 1999 s. 66.0215; 2011 a. 115; 2013 a. 80.

3 **SECTION 13. 66.0216 (5) of the statutes is amended to read:**

4 **66.0216 (5) CERTIFICATE OF INCORPORATION.** If a majority of the votes are cast

5 in favor of a city or village, the town clerk shall certify that fact to the ~~secretary of~~

6 state ~~XXX~~, together with 4 copies of a description of the legal boundaries of the town,

7 and 4 copies of a plat of the town. The town clerk shall also send the ~~secretary of state~~

8 ~~XXX~~ an incorporation fee of \$1,000. Upon receipt of the town clerk's certification, the

9 incorporation fee, and other required documents, the ~~secretary of state XXX~~ shall

10 issue a certificate of incorporation and record the certificate in a book kept for that

11 purpose. The ~~secretary of state XXX~~ shall provide 2 copies of the description and plat

12 to the department of transportation and one copy to the department of revenue. The

13 town clerk shall also transmit a copy of the certification and the resolution under sub.

14 (1) to the county clerk.

History: 2005 a. 25, 254; 2007 a. 96; 2013 a. 80.

15 **SECTION 14. 66.0216 (6) of the statutes is amended to read:**

16 **66.0216 (6) ACTION.** No action to contest the validity of an incorporation under

17 this section on any grounds, whether procedural or jurisdictional, may be

18 commenced after 60 days from the date of issuance of the certificate of incorporation

19 by the ~~secretary of state XXX~~. In any such action, the burden of proof as to all issues

20 is upon the person bringing the action to show that the incorporation is not valid.

21 An action contesting an incorporation shall be given preference in the circuit court

History: 2005 a. 25, 254; 2007 a. 96; 2013 a. 80.

22 **SECTION 15. 66.0217 (9) (a) of the statutes is amended to read:**

SECTION 15

*administration* ←

1           66.0217 (9) (a) The clerk of a city or village which has annexed territory shall  
2 file immediately with the <sup>(plain)</sup> ~~secretary of state~~ <sup>✓</sup> ~~XXX~~ 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 clerk shall record the ordinance with  
5 the register of deeds and file a signed copy of the ordinance with the clerk of any  
6 affected school district. Failure to file, record or send does not invalidate the  
7 annexation and the duty to file, record or send is a continuing one. The ordinance  
8 that is filed, recorded or sent shall describe the annexed territory and the associated  
9 population. The information filed with the <sup>(plain)</sup> ~~secretary of state~~ <sup>✓</sup> ~~XXX~~ shall be utilized  
10 in making recommendations for adjustments to entitlements under the federal  
11 revenue sharing program and distribution of funds under ch. 79. The clerk shall  
12 certify annually to the <sup>(plain)</sup> ~~secretary of state~~ <sup>✓</sup> ~~XXX~~ and record with the register of deeds  
13 a legal description of the total boundaries of the municipality as those boundaries  
14 existed on December 1, unless there has been no change in the 12 months preceding.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128; 2013 a. 80.

15           **SECTION 16.** 66.0217 (9) (b) of the statutes is amended to read:

16           66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,  
17 the <sup>(plain)</sup> ~~secretary of state~~ <sup>✓</sup> ~~XXX~~ shall forward 2 copies of the ordinance, certificate and plat  
18 to the department of transportation, one copy to the department of administration,  
19 one copy to the department of revenue, one copy to the department of public  
20 instruction, one copy to the department, one copy to the department of natural  
21 resources, one copy to the department of agriculture, trade and consumer protection  
22 and 2 copies to the clerk of the municipality from which the territory was annexed.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128; 2013 a. 80.

23           **SECTION 17.** 66.0219 (7) of the statutes is amended to read:

1           66.0219 (7) APPEAL. An appeal from the order of the circuit court is limited to  
 2           contested issues determined by the circuit court. An appeal shall not stay the  
 3           conduct of the referendum election, if one is ordered, but the statement of the election  
 4           results and the copies of the certificate and plat may not be filed with the secretary  
 5           of state ~~XXX~~ <sup>administration</sup> until the appeal has been determined.

History: 1979 c. 89; 1987 a. 391; 1991 a. 269; 1993 a. 301, 329; 1995 a. 201; 1999 a. 150 s. 68; Stats. 1999 s. 66.0219; 1999 a. 182 s. 200; 2001 a. 30; 2003 a. 171, 317; 2007 a. 43; 2011 a. 75; 2013 a. 80.

**SECTION 18.** 66.0221 (1) of the statutes is amended to read:

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

15          Upon enactment of the ordinance, the city or village clerk immediately shall file 6  
 16          certified copies of the ordinance in the office of the secretary of state XXX, together  
 17          with 6 copies of a scale map. The secretary of state XXX shall forward 2 copies of the  
 18          ordinance and scale map to the department of transportation, one copy to the  
 19          department of natural resources, one copy to the department of revenue and one copy  
 20          to the department of administration. This subsection does not apply if the town  
 21          island was created only by the annexation of a railroad right-of-way or drainage  
 22          ditch. This subsection does not apply to land owned by a town government which has  
 23          existing town government buildings located on the land. No town island may be  
 24          annexed under this subsection if the island consists of over 65 acres or contains over

*Handwritten annotations:*  
 - A large circled '8' on the left margin, spanning lines 4 and 5.  
 - A circled '5' on the left margin, next to line 5.  
 - A circled '17' on the left margin, next to line 17.  
 - A circled 'plain' on the left margin, next to line 5.  
 - A circled 'plain' on the right margin, next to line 5.  
 - A circled 'plain' on the right margin, next to line 17.  
 - A circled 'administration' on the right margin, next to line 17.  
 - Arrows pointing from the circled 'plain' and 'administration' to the circled 'secretary of state XXX' in lines 5 and 17 respectively.

SECTION 18

1 100 residents. Section 66.0217 (11) applies to annexations under this subsection.  
2 Except as provided in sub. (2), after December 2, 1973, no city or village may, by  
3 annexation, create a town area which is completely surrounded by the city or village.

History: 1999 a. 150 s. 62; 2001 a. 16; 2003 a. 317; 2007 a. 43.

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

5 66.0223 (1) In addition to other methods provided by law and subject to sub.  
6 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not  
7 necessarily contiguous to a village or city may be annexed to a village or city by  
8 ordinance enacted by the board of trustees of the village or the common council of the  
9 city, provided that in the case of noncontiguous territory the use of the territory by  
10 the city or village is not contrary to any town or county zoning regulation. The  
11 ordinance shall contain the exact description of the territory annexed and the names  
12 of the towns from which detached, and attaches the territory to the village or city

13 upon the filing of 7 certified copies of the ordinance in the office of the secretary of

14 state ~~XXX~~, together with 7 copies of a plat showing the boundaries of the territory

15 attached. Two copies of the ordinance and plat shall be forwarded by the secretary

16 of state ~~XXX~~ to the department of transportation, one copy to the department of

17 administration, one copy to the department of natural resources, one copy to the

18 department of revenue and one copy to the department of public instruction. Within

19 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed

20 or delivered to the clerk of the county in which the annexed territory is located.

21 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

History: 1973 c. 90; 1977 c. 29 s. 1654 (8) (c); 1991 a. 269; 1993 a. 329; 1995 a. 27 s. 9145 (1); 1995 a. 201; 1997 a. 27; 1999 a. 150 s. 69; Stats. 1999 s. 66.0223; 2003 a. 171, 317, 327; 2007 a. 43; 2013 a. 80.

22 SECTION 20. 66.0227 (5) of the statutes is amended to read:

*administration* (circled) points to 'secretary of state' and 'secretary of state'.  
*plain* (circled) points to 'secretary of state' and 'secretary of state'.  
*plain* (circled) points to 'secretary of state'.

*administration*

1 66.0227 (5) The ordinance, certificate and plat shall be filed and recorded in  
2 the same manner as annexations under s. 66.0217 (9) (a). The requirements for the  
3 ~~secretary of state XXX~~ are the same as in s. 66.0217 (9) (b).

History: 1973 c. 90; 1983 a. 29; 1987 a. 391; 1989 a. 192; 1991 a. 5, 269; 1993 a. 301; 1999 a. 150 s. 66; Stats. 1999 s. 66.0227; 1999 a. 182 s. 198; 2001 a. 30; 2007 a. 43; 2011 a. 75.

4 SECTION 21. 66.0231 of the statutes is amended to read:

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

History: 1977 c. 29 s. 1654 (8) (c); 1977 c. 273; 1979 c. 355; 1983 a. 532 s. 36; 1991 a. 269; 1995 a. 35; 1999 a. 150 s. 70; Stats. 1999 s. 66.0231; 2005 a. 25; 2007 a. 43.

19 SECTION 22. 66.0301 (6) (e) of the statutes is amended to read:

20 66.0301 (6) (e) A boundary change included in an agreement under this  
21 subsection shall be accomplished by the enactment of an ordinance by the governing  
22 body designated to do so in the agreement. The filing and recording requirements  
23 under s. 66.0217 (9) (a), as they apply to cities and villages under s. 66.0217 (9) (a),  
24 apply to municipalities under this subsection. The requirements for the ~~secretary~~

*plaint*

1 *plan* of state ~~XXX~~ under s. 66.0217 (9)(b), as they apply under that section, apply to the  
 2 *administration* secretary of state ~~XXX~~ when he or she receives an ordinance that is filed under this  
 3 subsection.

History: 1999 a. 150 ss. 348, 349, 352, 353; 1999 a. 167 s. 38; 2001 a. 16, 30; 2007 a. 20, 43; 2009 a. 28, 112; 2011 a. 32; 2013 a. 14.

4 **SECTION 23.** 66.0307 (10) of the statutes is amended to read:

5 **66.0307 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING**  
 6 **REQUIREMENTS.** A boundary change under a cooperative plan shall be accomplished  
 7 by the enactment of an ordinance by the governing body designated to do so in the  
 8 plan. The filing and recording requirements under s. 66.0217 (9) (a), as they apply  
 9 to cities and villages under s. 66.0217 (9) (a), apply to municipalities under this  
 10 subsection. The requirements for the *plain* secretary of state ~~XXX~~ are the same as those  
 11 required in s. 66.0217 (9) (b).

History: 1991 a. 269; 1993 a. 213, 301, 329, 399; 1995 a. 35, 201, 216, 227; 1997 a. 27, 35; 1999 a. 150 s. 67; Stats. 1999 s. 66.0307; 1999 a. 182 s. 199; 2001 a. 30; 2007 a. 43; 2009 a. 28; 2011 a. 75.

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

13 (1) **BOUNDARY, STATUS, NAME CHANGES.** The treatment of sections 60.05 (4),  
 14 60.065, 61.187 (2) (d), 61.189 (2), 62.02, 62.075 (5), 62.26 (7), 66.0203 (7) (a), 66.0211  
 15 (5), 66.0213 (4) (a) and (6), 66.0215 (5), 66.0216 (6), 66.0217 (9) (a) and (b), 66.0219  
 16 (7), 66.0221 (1), 66.0223 (1), 66.0227 (5), 66.0231, 66.0301 (6) (e), and 66.0307 (10)  
 17 of the statutes first applies to a document that is filed, recorded, supplied, provided,  
 18 forwarded, or issued, or to a fact that is certified, on the effective date of this  
 19 subsection.

20 (END)

## Shovers, Marc

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**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Wednesday, January 21, 2015 4:29 PM  
**To:** Shovers, Marc  
**Subject:** RE: LRB-1025/1 (BB0355)

I think we'd prefer to have the draft changed to just reference the secretary of administration, and remove "the office" wherever that issue crops up.

Thanks,  
Cory

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**From:** Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]  
**Sent:** Wednesday, January 21, 2015 4:12 PM  
**To:** Stinebrink, Cory R - DOA  
**Subject:** RE: LRB-1025/1 (BB0355)

Hi Cory:

I don't think it matters much one way or the other, so whichever reference you'd prefer is fine with me. For the record, current law has 2 examples of each phrase.

"filed in the office of the sec. of admin." appears in ss. 73.03 (6) and 73.10 (6), and "filed with the sec. of admin." appears in ss. 19.01 (4) (bn) and 66.0304 (10) (c).

So just let me know if you're happy with the current draft or if you'd like to change the bill. Thanks!

Marc

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**From:** Stinebrink, Cory R - DOA [mailto:Cory.Stinebrink@wisconsin.gov]  
**Sent:** Monday, January 19, 2015 2:32 PM  
**To:** Shovers, Marc  
**Subject:** LRB-1025/1 (BB0355)

Marc-

In LRB-1025/1 (BB0355), there are a few of the changes from the secretary of state to the secretary of administration that end up leaving the statute saying: "filed in the office of the secretary of administration." I don't know if this is an issue at all or just an awkward reference. Do you think we should have those 2 or 3 references in the draft amended to just say "filed with the secretary of administration"??

Cory Stinebrink  
Executive Policy and Budget Analyst  
State Budget Office  
(608)266-0239