



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

do not pass

*IN
1/21/15*

*Due 1/23 or
1/26*

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

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

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, 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:

3 60.05 (4) COURT ORDER. If, after the hearing under sub. (3), the court finds that
4 the area of the proposed town meets the requirements of sub. (1), the court shall enter

1 an order establishing a new town under the name proposed in the petition and shall
2 designate the location of the first town meeting of the new town. The clerk of court
3 shall immediately file certified copies of the order with the secretary of state
4 administration and the county clerk.

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

6 **60.065 Change of town name.** The name of a town shall be changed if a
7 petition designating the new name is signed and filed with the town clerk under the
8 procedures in s. 9.20 (1), certified by the town clerk under the procedure in s. 9.20
9 (3), approved by the electors in an election held under the procedures in s. 9.20 (4)
10 and the result of the election is published in the town's official paper, or posted in the
11 town, and the new name is filed ^{with} ~~in the office of~~ the secretary of state administration.

***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.

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

13 61.187 (2) (d) If, in accordance with par. (a), the results of the election under
14 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the
15 election, record the petition and determination of the village board of canvassers in
16 the office of the register of deeds of the county or counties in which the village is
17 located and file with the secretary of state administration certified copies of the
18 petition and the determination of inspectors of election. The village clerk shall also
19 record in the office of the register of deeds a certificate by the village clerk showing
20 the date on which the dissolution takes effect and file with the secretary of state
21 administration 4 copies of the certificate. These documents shall be recorded and
22 indexed by the register of deeds. The index shall include the volume or reel number
23 and the page or image number of the original documents. The secretary of state

1 administration shall forward 2 copies of the certificate to the department of
2 transportation and one to the department of revenue.

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

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

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

19 **62.02 Repeal of special charters.** All special charters for cities of the 2nd,
20 3rd and 4th classes are hereby repealed and such cities are hereby incorporated
21 under this subchapter. The city clerk shall forthwith certify the boundaries of such
22 city to the secretary of state administration, who shall file the same and issue to such
23 city a certificate of incorporation as of the date when this subchapter became
24 effective, and record the same.

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

1 62.075 (5) NOTICE OF ENTRY OF JUDGMENT; UPON WHOM SERVED. A certified copy
2 of every such order shall be filed with the town and city clerk and with the county
3 clerk and 4 copies with the secretary of state administration. The secretary of state
4 administration shall forward 2 copies to the department of transportation and one
5 copy to the department of revenue.

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

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

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

14 66.0203 (7) (a) No action to contest the validity of an incorporation on any
15 grounds, whether procedural or jurisdictional, may be commenced after 60 days from
16 the date of issuance of the certificate of incorporation by the secretary of state
17 administration.

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

19 66.0211 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an
20 incorporation referendum are cast in favor of a village or city, the clerk of the circuit
21 court shall certify the fact to the secretary of state administration and supply the
22 secretary of state administration with a copy of a description of the legal boundaries
23 of the village or city and the associated population and a copy of a plat of the village

1 or city. Within 10 days of receipt of the description and plat, the secretary of state
2 administration shall forward 2 copies to the department of transportation and one
3 copy each to the department of administration and the department of revenue. The
4 secretary of state administration shall issue a certificate of incorporation and record
5 the certificate.

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

7 66.0213 (4) (a) Within 10 days after incorporation of the village or city, the
8 county clerk of the county in which the petition was filed shall fix a time for the first
9 election, and where appropriate designate the polling place or places, and name 3
10 inspectors of election for each place. The time for the election shall be fixed no less
11 than 40 nor more than 50 days after the date of the certificate of incorporation issued
12 by the secretary of state administration, irrespective of any other provision in the
13 statutes. Nomination papers shall conform to ch. 8 to the extent applicable.
14 Nomination papers shall be signed by not less than 5% nor more than 10% of the total
15 votes cast at the referendum election, and be filed no later than 15 days before the
16 time fixed for the election. Ten days' previous notice of the election shall be given by
17 the county clerk by publication in the newspapers selected under s. 66.0211 (2) and
18 by posting notices in 3 public places in the village or city, but failure to give notice
19 does not invalidate the election.

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

21 66.0213 (6) **REORGANIZATION OF CITY AS VILLAGE.** If the population of any city falls
22 below 1,000 as determined by the United States census, the council may upon filing
23 of a petition conforming to the requirements of s. 8.40 containing the signatures of
24 at least 15% of the electors submit at any general or city election the question
25 whether the city shall reorganize as a village. If three-fifths of the votes cast on the

1 question are for reorganization the mayor and council shall record the return in the
2 office of the register of deeds, file a certified copy with the clerk of the circuit court,
3 and immediately call an election, to be conducted as are village elections, for the
4 election of village officers. Upon the qualification of the officers, the board of trustees
5 shall declare the city reorganized as a village, and the reorganization is effective.
6 The clerk shall certify a copy of the declaration to the secretary of state
7 administration who shall file the declaration and endorse a memorandum of the
8 declaration on the record of the certificate of incorporation of the city. Rights and
9 liabilities of the city continue in favor of or against the village. Ordinances, so far
10 as within the power of the village, remain in force until changed.

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

12 66.0215 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast
13 in favor of a city the clerk shall certify the fact to the secretary of state
14 administration, together with the result of the census, if any, and 4 copies of a
15 description of the legal boundaries of the town and 4 copies of a plat of the town. The
16 secretary of state administration shall then issue a certificate of incorporation, and
17 record the certificate in a book kept for that purpose. Two copies of the description
18 and plat shall be forwarded by the secretary of state administration to the
19 department of transportation and one copy to the department of revenue.

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

21 66.0216 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast
22 in favor of a city or village, the town clerk shall certify that fact to the secretary of
23 state administration together with 4 copies of a description of the legal boundaries
24 of the town, and 4 copies of a plat of the town. The town clerk shall also send the
25 secretary of state administration an incorporation fee of \$1,000. Upon receipt of the

1 town clerk's certification, the incorporation fee, and other required documents, the
2 secretary of state administration shall issue a certificate of incorporation and record
3 the certificate in a book kept for that purpose. The secretary of state administration
4 shall provide 2 copies of the description and plat to the department of transportation
5 and one copy to the department of revenue. The town clerk shall also transmit a copy
6 of the certification and the resolution under sub. (1) to the county clerk.

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

8 66.0216 (6) ACTION. No action to contest the validity of an incorporation under
9 this section on any grounds, whether procedural or jurisdictional, may be
10 commenced after 60 days from the date of issuance of the certificate of incorporation
11 by the secretary of state administration. In any such action, the burden of proof as
12 to all issues is upon the person bringing the action to show that the incorporation is
13 not valid. An action contesting an incorporation shall be given preference in the
14 circuit court.

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

16 66.0217 (9) (a) The clerk of a city or village which has annexed territory shall
17 file immediately with the secretary of state administration a certified copy of the
18 ordinance, certificate and plat, and shall send one copy to each company that
19 provides any utility service in the area that is annexed. The clerk shall record the
20 ordinance with the register of deeds and file a signed copy of the ordinance with the
21 clerk of any affected school district. Failure to file, record or send does not invalidate
22 the annexation and the duty to file, record or send is a continuing one. The ordinance
23 that is filed, recorded or sent shall describe the annexed territory and the associated
24 population. The information filed with the secretary of state administration shall
25 be utilized in making recommendations for adjustments to entitlements under the

1 federal revenue sharing program and distribution of funds under ch. 79. The clerk
2 shall certify annually to the secretary of state administration and record with the
3 register of deeds a legal description of the total boundaries of the municipality as
4 those boundaries existed on December 1, unless there has been no change in the 12
5 months preceding.

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

7 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
8 the secretary of state administration shall forward 2 copies of the ordinance,
9 certificate and plat to the department of transportation, one copy to the department
10 of administration, one copy to the department of revenue, one copy to the department
11 of public instruction, one copy to the department, one copy to the department of
12 natural resources, one copy to the department of agriculture, trade and consumer
13 protection and 2 copies to the clerk of the municipality from which the territory was
14 annexed.

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

16 66.0219 (7) APPEAL. An appeal from the order of the circuit court is limited to
17 contested issues determined by the circuit court. An appeal shall not stay the
18 conduct of the referendum election, if one is ordered, but the statement of the election
19 results and the copies of the certificate and plat may not be filed with the secretary
20 of state administration until the appeal has been determined.

21 **SECTION 18.** 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
24 its governing body, may enact an ordinance annexing territory which comprises a
25 portion of a town or towns and which was completely surrounded by territory of the

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

19 **SECTION 19.** 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

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~~ ^{with} the secretary of
4 state administration, together with 7 copies of a plat showing the boundaries of the
5 territory attached. Two copies of the ordinance and plat shall be forwarded by the
6 secretary of state administration to the department of transportation, one copy to the
7 department of administration, one copy to the department of natural resources, one
8 copy to the department of revenue and one copy to the department of public
9 instruction. Within 10 days of filing the certified copies, a copy of the ordinance and
10 plat shall be mailed or delivered to the clerk of the county in which the annexed
11 territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations
12 under this section.

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

14 66.0227 (5) The ordinance, certificate and plat shall be filed and recorded in
15 the same manner as annexations under s. 66.0217 (9) (a). The requirements for the
16 secretary of state administration are the same as in s. 66.0217 (9) (b).

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

18 **66.0231 Notice of certain litigation affecting municipal status or**
19 **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to
20 66.0213, 66.0215, 66.0216, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301 (6), or
21 66.0307 or other sections relating to an incorporation, annexation, consolidation,
22 dissolution or detachment of territory of a city or village is contested by instigation
23 of legal proceedings, the clerk of the city or village involved in the proceedings shall
24 file with the secretary of state administration 4 copies of a notice of the
25 commencement of the action. The clerk shall file with the secretary of state

1 administration 4 copies of any judgments rendered or appeals taken in such cases.
2 The notices or copies of judgments that are required under this section may also be
3 filed by an officer or attorney of any party of interest. The secretary of state
4 administration shall forward to the department of transportation 2 copies and to the
5 department of revenue and the department of administration one copy each of any
6 notice of action or judgment filed with the secretary of state administration under
7 this section.

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

9 66.0301 (6) (e) A boundary change included in an agreement under this
10 subsection shall be accomplished by the enactment of an ordinance by the governing
11 body designated to do so in the agreement. The filing and recording requirements
12 under s. 66.0217 (9) (a), as they apply to cities and villages under s. 66.0217 (9) (a),
13 apply to municipalities under this subsection. The requirements for the secretary
14 of state administration under s. 66.0217 (9) (b), as they apply under that section,
15 apply to the secretary of state administration when he or she receives an ordinance
16 that is filed under this subsection.

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

18 66.0307 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING
19 REQUIREMENTS. A boundary change under a cooperative plan shall be accomplished
20 by the enactment of an ordinance by the governing body designated to do so in the
21 plan. The filing and recording requirements under s. 66.0217 (9) (a), as they apply
22 to cities and villages under s. 66.0217 (9) (a), apply to municipalities under this
23 subsection. The requirements for the secretary of state administration are the same
24 as those required in s. 66.0217 (9) (b).

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



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1025/2
MES:kjf:rs

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D-note

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LOCAL GOVERNMENT

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, the secretary of DOA.

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

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3 60.05 (4) COURT ORDER. If, after the hearing under sub. (3), the court finds that
4 the area of the proposed town meets the requirements of sub. (1), the court shall enter

1 an order establishing a new town under the name proposed in the petition and shall
2 designate the location of the first town meeting of the new town. The clerk of court
3 shall immediately file certified copies of the order with the secretary of state
4 administration and the county clerk.

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

6 **60.065 Change of town name.** The name of a town shall be changed if a
7 petition designating the new name is signed and filed with the town clerk under the
8 procedures in s. 9.20 (1), certified by the town clerk under the procedure in s. 9.20
9 (3), approved by the electors in an election held under the procedures in s. 9.20 (4)
10 and the result of the election is published in the town's official paper, or posted in the
11 town, and the new name is filed ~~in the office of~~ with the secretary of state
12 administration.

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15 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the
16 election, record the petition and determination of the village board of canvassers in
17 the office of the register of deeds of the county or counties in which the village is
18 located and file with the secretary of state administration certified copies of the
19 petition and the determination of inspectors of election. The village clerk shall also
20 record in the office of the register of deeds a certificate by the village clerk showing
21 the date on which the dissolution takes effect and file with the secretary of state
22 administration 4 copies of the certificate. These documents shall be recorded and
23 indexed by the register of deeds. The index shall include the volume or reel number
24 and the page or image number of the original documents. The secretary of state

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7 certifying the fact of holding such election and the result thereof and a description
8 of the legal boundaries of such village or proposed city and 4 certified copies of a plat
9 thereof; and thereupon a certificate of incorporation shall be issued to such city by
10 the secretary of state administration. Two copies of the certification and plat shall
11 be forwarded by the secretary of state administration to the department of
12 transportation and one copy to the department of revenue. Thereafter such city shall
13 in all things be governed by the general city charter law. All debts, obligations and
14 liabilities existing against such village at the time of such change shall continue and
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16 carry out and complete all proceedings then pending for the issue of bonds for
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24 effective, and record the same.

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13 votes cast at the referendum election, and be filed no later than 15 days before the
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8 commenced after 60 days from the date of issuance of the certificate of incorporation
9 by the secretary of state administration. In any such action, the burden of proof as
10 to all issues is upon the person bringing the action to show that the incorporation is
11 not valid. An action contesting an incorporation shall be given preference in the
12 circuit court.

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

14 ~~66.0217 (9) (a) The clerk of a city or village which has annexed territory shall~~
15 ~~file immediately with the secretary of state administration a certified copy of the~~
16 ~~ordinance, certificate and plat, and shall send one copy to each company that~~
17 ~~provides any utility service in the area that is annexed. The clerk shall record the~~
18 ~~ordinance with the register of deeds and file a signed copy of the ordinance with the~~
19 ~~clerk of any affected school district. Failure to file, record or send does not invalidate~~
20 ~~the annexation and the duty to file, record or send is a continuing one. The ordinance~~
21 ~~that is filed, recorded or sent shall describe the annexed territory and the associated~~
22 ~~population. The information filed with the secretary of state administration shall~~
23 ~~be utilized in making recommendations for adjustments to entitlements under the~~
24 ~~federal revenue sharing program and distribution of funds under ch. 79. The clerk~~
25 ~~shall certify annually to the secretary of state administration and record with the~~

1 register of deeds a legal description of the total boundaries of the municipality as
2 those boundaries existed on December 1, unless there has been no change in the 12
3 months preceding.

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

5 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
6 the secretary of state administration shall forward 2 copies of the ordinance,
7 certificate and plat to the department of transportation, one copy to the department
8 of administration, one copy to the department of revenue, one copy to the department
9 of public instruction, one copy to the department, one copy to the department of
10 natural resources, one copy to the department of agriculture, trade and consumer
11 protection and 2 copies to the clerk of the municipality from which the territory was
12 annexed.

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

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

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

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

bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file 6 certified copies of the ordinance ~~in the office of~~ with the secretary of state administration, together with 6 copies of a scale map. The secretary of state administration shall forward 2 copies of the ordinance and scale map to the department of transportation, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of administration. This subsection does not apply if the town island was created only by the annexation of a railroad right-of-way or drainage ditch. This subsection does not apply to land owned by a town government which has existing town government buildings located on the land. No town island may be annexed under this subsection if the island consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies to annexations under this subsection. Except as provided in sub. (2), after December 2, 1973, no city or village may, by annexation, create a town area which is completely surrounded by the city or village.

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

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

1 upon the filing of 7 certified copies of the ordinance ~~in the office of~~ with the secretary
2 of state administration, together with 7 copies of a plat showing the boundaries of
3 the territory attached. Two copies of the ordinance and plat shall be forwarded by
4 the secretary of state administration to the department of transportation, one copy
5 to the department of administration, one copy to the department of natural
6 resources, one copy to the department of revenue and one copy to the department of
7 public instruction. Within 10 days of filing the certified copies, a copy of the
8 ordinance and plat shall be mailed or delivered to the clerk of the county in which
9 the annexed territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to
10 annexations under this section.

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

12 66.0227 (5) The ordinance, certificate and plat shall be filed and recorded in
13 the same manner as annexations under s. 66.0217 (9) (a). The requirements for the
14 secretary of state administration are the same as in s. 66.0217 (9) (b).

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

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

1 filed by an officer or attorney of any party of interest. The secretary of state
2 administration shall forward to the department of transportation 2 copies and to the
3 department of revenue and the department of administration one copy each of any
4 notice of action or judgment filed with the secretary of state administration under
5 this section.

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

7 66.0301 (6) (e) A boundary change included in an agreement under this
8 subsection shall be accomplished by the enactment of an ordinance by the governing
9 body designated to do so in the agreement. The filing and recording requirements
10 under s. 66.0217 (9) (a), as they apply to cities and villages under s. 66.0217 (9) (a),
11 apply to municipalities under this subsection. The requirements for the secretary
12 of state administration under s. 66.0217 (9) (b), as they apply under that section,
13 apply to the secretary of state administration when he or she receives an ordinance
14 that is filed under this subsection.

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

16 66.0307 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING
17 REQUIREMENTS. A boundary change under a cooperative plan shall be accomplished
18 by the enactment of an ordinance by the governing body designated to do so in the
19 plan. The filing and recording requirements under s. 66.0217 (9) (a), as they apply
20 to cities and villages under s. 66.0217 (9) (a), apply to municipalities under this
21 subsection. The requirements for the secretary of state administration are the same
22 as those required in s. 66.0217 (9) (b).

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

24 (1) BOUNDARY, STATUS, NAME CHANGES. The treatment of sections 60.05 (4),
25 60.065, 61.187 (2) (d), 61.189 (2), 62.02, 62.075 (5), 62.26 (7), 66.0203 (7) (a), 66.0211

- 12 -
make
no changes

1 (5), 66.0213 (4) (a) and (6), 66.0215 (5), 66.0216 (5) and (6), 66.0217 (9) (a) and (b),
2 66.0219 (7), 66.0221 (1), 66.0223 (1), 66.0227 (5), 66.0231, 66.0301 (6) (e), and
3 66.0307 (10) of the statutes first applies to a document that is filed, recorded,
4 supplied, provided, forwarded, or issued, or to a fact that is certified, on the effective
5 date of this subsection.

6 (END)

D-Note →

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

LRB-1025/3dn
MES:kjf:rs

Date

Cory Stinebrink:

✓ ✓

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

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

LRB-1025/3dn
MES:kjf:rs

January 28, 2015

Cory Stinebrink:

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

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1025/3
MES:kjfrs

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

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

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

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, 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:

3 60.05 (4) COURT ORDER. If, after the hearing under sub. (3), the court finds that
4 the area of the proposed town meets the requirements of sub. (1), the court shall enter

1 an order establishing a new town under the name proposed in the petition and shall
2 designate the location of the first town meeting of the new town. The clerk of court
3 shall immediately file certified copies of the order with the secretary of state
4 administration and the county clerk.

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

6 **60.065 Change of town name.** The name of a town shall be changed if a
7 petition designating the new name is signed and filed with the town clerk under the
8 procedures in s. 9.20 (1), certified by the town clerk under the procedure in s. 9.20
9 (3), approved by the electors in an election held under the procedures in s. 9.20 (4)
10 and the result of the election is published in the town's official paper, or posted in the
11 town, and the new name is filed ~~in the office of~~ with the secretary of state
12 administration.

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

14 61.187 (2) (d) If, in accordance with par. (a), the results of the election under
15 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the
16 election, record the petition and determination of the village board of canvassers in
17 the office of the register of deeds of the county or counties in which the village is
18 located and file with the secretary of state administration certified copies of the
19 petition and the determination of inspectors of election. The village clerk shall also
20 record in the office of the register of deeds a certificate by the village clerk showing
21 the date on which the dissolution takes effect and file with the secretary of state
22 administration 4 copies of the certificate. These documents shall be recorded and
23 indexed by the register of deeds. The index shall include the volume or reel number
24 and the page or image number of the original documents. The secretary of state

1 administration shall forward 2 copies of the certificate to the department of
2 transportation and one to the department of revenue.

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

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

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

19 **62.02 Repeal of special charters.** All special charters for cities of the 2nd,
20 3rd and 4th classes are hereby repealed and such cities are hereby incorporated
21 under this subchapter. The city clerk shall forthwith certify the boundaries of such
22 city to the secretary of state administration, who shall file the same and issue to such
23 city a certificate of incorporation as of the date when this subchapter became
24 effective, and record the same.

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

1 62.075 (5) NOTICE OF ENTRY OF JUDGMENT; UPON WHOM SERVED. A certified copy
2 of every such order shall be filed with the town and city clerk and with the county
3 clerk and 4 copies with the secretary of state administration. The secretary of state
4 administration shall forward 2 copies to the department of transportation and one
5 copy to the department of revenue.

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

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

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

14 66.0203 (7) (a) No action to contest the validity of an incorporation on any
15 grounds, whether procedural or jurisdictional, may be commenced after 60 days from
16 the date of issuance of the certificate of incorporation by the secretary of state
17 administration.

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

19 66.0211 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an
20 incorporation referendum are cast in favor of a village or city, the clerk of the circuit
21 court shall certify the fact to the secretary of state administration and supply the
22 secretary of state administration with a copy of a description of the legal boundaries
23 of the village or city and the associated population and a copy of a plat of the village
24 or city. Within 10 days of receipt of the description and plat, the secretary of state
25 administration shall forward 2 copies to the department of transportation and one

1 copy each to the department of administration and the department of revenue. The
2 secretary of state administration shall issue a certificate of incorporation and record
3 the certificate.

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

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

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

19 66.0213 (6) REORGANIZATION OF CITY AS VILLAGE. If the population of any city falls
20 below 1,000 as determined by the United States census, the council may upon filing
21 of a petition conforming to the requirements of s. 8.40 containing the signatures of
22 at least 15% of the electors submit at any general or city election the question
23 whether the city shall reorganize as a village. If three-fifths of the votes cast on the
24 question are for reorganization the mayor and council shall record the return in the
25 office of the register of deeds, file a certified copy with the clerk of the circuit court,

1 and immediately call an election, to be conducted as are village elections, for the
2 election of village officers. Upon the qualification of the officers, the board of trustees
3 shall declare the city reorganized as a village, and the reorganization is effective.
4 The clerk shall certify a copy of the declaration to the secretary of state
5 administration who shall file the declaration and endorse a memorandum of the
6 declaration on the record of the certificate of incorporation of the city. Rights and
7 liabilities of the city continue in favor of or against the village. Ordinances, so far
8 as within the power of the village, remain in force until changed.

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

10 66.0215 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast
11 in favor of a city the clerk shall certify the fact to the secretary of state
12 administration, together with the result of the census, if any, and 4 copies of a
13 description of the legal boundaries of the town and 4 copies of a plat of the town. The
14 secretary of state administration shall then issue a certificate of incorporation, and
15 record the certificate in a book kept for that purpose. Two copies of the description
16 and plat shall be forwarded by the secretary of state administration to the
17 department of transportation and one copy to the department of revenue.

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

19 66.0216 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast
20 in favor of a city or village, the town clerk shall certify that fact to the secretary of
21 state administration together with 4 copies of a description of the legal boundaries
22 of the town, and 4 copies of a plat of the town. The town clerk shall also send the
23 secretary of state administration an incorporation fee of \$1,000. Upon receipt of the
24 town clerk's certification, the incorporation fee, and other required documents, the
25 secretary of state administration shall issue a certificate of incorporation and record

1 the certificate in a book kept for that purpose. The secretary of state administration
2 shall provide 2 copies of the description and plat to the department of transportation
3 and one copy to the department of revenue. The town clerk shall also transmit a copy
4 of the certification and the resolution under sub. (1) to the county clerk.

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

6 66.0216 (6) ACTION. No action to contest the validity of an incorporation under
7 this section on any grounds, whether procedural or jurisdictional, may be
8 commenced after 60 days from the date of issuance of the certificate of incorporation
9 by the secretary of state administration. In any such action, the burden of proof as
10 to all issues is upon the person bringing the action to show that the incorporation is
11 not valid. An action contesting an incorporation shall be given preference in the
12 circuit court.

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

14 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
15 the secretary of state administration shall forward 2 copies of the ordinance,
16 certificate and plat to the department of transportation, one copy to the department
17 of administration, one copy to the department of revenue, one copy to the department
18 of public instruction, one copy to the department, one copy to the department of
19 natural resources, one copy to the department of agriculture, trade and consumer
20 protection and 2 copies to the clerk of the municipality from which the territory was
21 annexed.

22 **SECTION 16.** 66.0219 (7) of the statutes is amended to read:

23 66.0219 (7) APPEAL. An appeal from the order of the circuit court is limited to
24 contested issues determined by the circuit court. An appeal shall not stay the
25 conduct of the referendum election, if one is ordered, but the statement of the election

1 results and the copies of the certificate and plat may not be filed with the secretary
2 of state administration until the appeal has been determined.

3 **SECTION 17.** 66.0227 (5) of the statutes is amended to read:

4 66.0227 (5) The ordinance, certificate and plat shall be filed and recorded in
5 the same manner as annexations under s. 66.0217 (9) (a). The requirements for the
6 secretary of state administration are the same as in s. 66.0217 (9) (b).

7 **SECTION 18.** 66.0301 (6) (e) of the statutes is amended to read:

8 66.0301 (6) (e) A boundary change included in an agreement under this
9 subsection shall be accomplished by the enactment of an ordinance by the governing
10 body designated to do so in the agreement. The filing and recording requirements
11 under s. 66.0217 (9) (a), as they apply to cities and villages under s. 66.0217 (9) (a),
12 apply to municipalities under this subsection. The requirements for the secretary
13 of state administration under s. 66.0217 (9) (b), as they apply under that section,
14 apply to the secretary of state administration when he or she receives an ordinance
15 that is filed under this subsection.

16 **SECTION 19.** 66.0307 (10) of the statutes is amended to read:

17 66.0307 (10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING
18 REQUIREMENTS. A boundary change under a cooperative plan shall be accomplished
19 by the enactment of an ordinance by the governing body designated to do so in the
20 plan. The filing and recording requirements under s. 66.0217 (9) (a), as they apply
21 to cities and villages under s. 66.0217 (9) (a), apply to municipalities under this
22 subsection. The requirements for the secretary of state administration are the same
23 as those required in s. 66.0217 (9) (b).

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

1 (1) BOUNDARY, STATUS, NAME CHANGES. The treatment of sections 60.05 (4),
2 60.065, 61.187 (2) (d), 61.189 (2), 62.02, 62.075 (5), 62.26 (7), 66.0203 (7) (a), 66.0211
3 (5), 66.0213 (4) (a) and (6), 66.0215 (5), 66.0216 (5) and (6), 66.0217 (9) (a) and (b),
4 66.0219 (7), 66.0221 (1), 66.0223 (1), 66.0227 (5), 66.0231, 66.0301 (6) (e), and
5 66.0307 (10) of the statutes first applies to a document that is filed, recorded,
6 supplied, provided, forwarded, or issued, or to a fact that is certified, on the effective
7 date of this subsection.

8

(END)