

2017 DRAFTING REQUEST

Bill

For: **Legislative Council -law rev com** Drafter: **tkuczens**
 By: **Katie** Secondary Drafters:
 Date: **12/1/2017** May Contact:
 Same as LRB: **-5098**

Submit via email: **YES**
 Requester's email: **katie.bender-olson@legis.wisconsin.gov**
 Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**
rick.champagne@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Improvement of Census Data Reporting

Instructions:

Redraft 2015 LRB 4630/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 12/2/2017	wjackson 12/4/2017			
/P1			lparisi 12/4/2017		
/1			lparisi 12/15/2017	dwalker 1/16/2018	

FE Sent For:

Not Needed

<END>

Kuczenski, Tracy

From: Bender-Olson, Katie
Sent: Friday, December 01, 2017 2:19 PM
To: Kuczenski, Tracy
Subject: Notes for Law Revision Drafts - LRB 2912/P1, 4913/P1, 1553/2

Tracy,

I am sending you the notes to be inserted into the Law Revision drafts for DPI and LTSB. They are included below. Please read them over and make sure you agree my descriptions.

Thanks!
Katie

Legislative Technology Services Bureau

****LRB 1553/2 – needs to be formatted for Law Revision Committee**

Insert after Section 1

NOTE: Sections 1 and 2 clarify the requirement for municipal clerks to transfer a report to the county clerk confirming the boundaries of a municipality and all wards in the municipality within 5 days after any boundary changes. Language that exists in current law is moved from Section 2 into Section 1.

Insert after Section 3

NOTE: Requires the Legislative Technology Services Bureau to update the statewide municipal boundary information database twice a year, rather than after the federal census once every 10 years.

Insert after Section 4

NOTE: Sections 4 to 7 correct statutory cross-references.

Katie Bender-Olson
Wisconsin Legislative Council
(608) 266-2988
katie.bender-olson@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

4975/P1
LRB-1553/2
TKK:wlj

Amir
insert

2017 BILL

in 12/2
wanted 12/4

1 AN ACT to amend 5.15 (4) (b), 5.15 (4) (bg), 13.96 (1) (b), 66.0217 (9) (a), 66.0221
2 (1), 66.0223 (1) and 66.0231 of the statutes; relating to: municipal boundary
3 information. {suggested as remedial legislation by the legislative
technology services bureau}

Analysis by the Legislative Reference Bureau

This bill clarifies that the Legislative Technology Services Bureau is to reconcile and compile municipal boundary information for purposes of a statewide database twice a year instead of once every ten years. The bill also places in the correct statutory location a current-law duty for municipal clerks to notify counties of municipal boundary changes.

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

4 SECTION 1. 5.15 (4) (b) of the statutes is amended to read:
5 5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or
6 resolution under this section or any amendment thereto, the municipal clerk shall
7 transmit one copy of the ordinance or resolution or the amendment to the county
8 clerk of each county in which the municipality is contained, accompanied by the list

Insert Analysis

Insert 1-4

BILL

1 and map specified in par. (a). ~~Each, together with a report confirming the boundaries~~
2 ~~of the municipality and of all wards in the municipality. Within 5 days after notice~~
3 ~~to the municipal clerk of a judgment that has the effect of changing the municipal~~
4 ~~boundaries, the clerk shall file the same report. The municipal clerk shall ensure~~
5 ~~that each copy shall identify of the ordinance or resolution or amendment and each~~
6 ~~accompanying report identify~~ the name of the municipality and the county or
7 counties in which it is located.

8 **SECTION 2.** 5.15 (4) (bg) of the statutes is amended to read:

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

19 **SECTION 3.** 13.96 (1) (b) of the statutes is amended to read:

20 13.96 (1) (b) Upon receipt of municipal boundary information at each reporting
21 interval under s. 5.15 (4) (bg) (br), 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 4.** 66.0217 (9) (a) of the statutes is amended to read:

Insert 2-8

Insert 2-24

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

17 **SECTION 5.** 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.

Insert 3-17

BILL**SECTION 5**

1 Upon enactment of the ordinance, the city or village clerk immediately shall file 6
2 certified copies of the ordinance with the secretary of administration, 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) (bg) (b). The secretary of
5 administration shall forward 2 copies of the ordinance and scale map to the
6 department of transportation, one copy to the department of natural resources, one
7 copy to the department of revenue and one copy to the department of administration.
8 This subsection does not apply if the town island was created only by the annexation
9 of 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 6.** 66.0223 (1) of the statutes is amended to read:

17 66.0223 (1) In addition to other methods provided by law and subject to sub.
18 (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not
19 necessarily contiguous to a village or city may be annexed to a village or city by
20 ordinance enacted by the board of trustees of the village or the common council of the
21 city, provided that in the case of noncontiguous territory the use of the territory by
22 the city or village is not contrary to any town or county zoning regulation. The
23 ordinance shall contain the exact description of the territory annexed and the names
24 of the towns from which detached, and attaches the territory to the village or city
25 upon the filing of 7 certified copies of the ordinance with the secretary of

BILL

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

11 **SECTION 7.** 66.0231 of the statutes is amended to read:

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

BILL

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

4 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4975/?ins
TKK:...

INSERT ANALYSIS

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

INSERT 1-4

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Public Instruction and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Legislative Technology Services Bureau

INSERT 2-8

NOTE: Sections 1 and 2 clarify the requirement for municipal clerks to transfer a report to the county clerk confirming the boundaries of a municipality and all wards in the municipality within 5 days after any boundary changes. Language that exists in current law is moved from Section 2 into Section 1.

INSERT 2-24

NOTE: This section requires the Legislative Technology Services Bureau to update the statewide municipal boundary information database twice a year, rather than after the federal census once every 10 years.

Section 3

INSERT 2-24

NOTE: Sections 4 to 7 correct statutory cross-references.

create ARs for Section #s.

Kuczenski, Tracy

From: Bender-Olson, Katie
Sent: Friday, December 15, 2017 12:39 PM
To: Kuczenski, Tracy
Cc: Bender-Olson, Katie
Subject: Law Revision Drafts for Introduction

Tracy,

The Law Revision Committee voted to introduce the 2 DPI bill drafts and the LTSB bill draft.

Could you please combine the 2 DPI bill drafts (LRB-4912 and 4913) into a single /1?

Could you also turn the LTSB draft (LRB-4975/P1) into a /1?

If it matters, we are going to introduce these as companion bills. Let me know if you have questions.

Thanks!

Katie

Katie Bender-Olson

Wisconsin Legislative Council

(608) 266-2988

katie.bender-olson@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

1
LRB-4975/PT
TKK:wlj

fmf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*in 12/15
No changes*

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2 (1), 66.0223 (1) and 66.0231 of the statutes; **relating to:** municipal boundary
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3 the action. The clerk shall file with the secretary of administration 4 copies of any
4 judgments rendered or appeals taken in such cases. The notices or copies of
5 judgments that are required under this section may also be filed by an officer or
6 attorney of any party of interest. If any judgment has the effect of changing the
7 municipal boundaries, the city or village clerk shall also file with the county clerk or
8 board of election commissioners the report required by s. 5.15 (4) ~~(b)~~ (b). The
9 secretary of administration shall forward to the department of transportation 2
10 copies and to the department of revenue and the department of administration one
11 copy each of any notice of action or judgment filed with the secretary of
12 administration under this section.

13 (END)

Walker, Dan

From: Bender-Olson, Katie
Sent: Tuesday, January 16, 2018 9:49 AM
To: LRB.Legal
Subject: Draft Review: LRB -4975/1

Please Jacket LRB -4975/1 for the SENATE.