



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 202**

March 28, 1995 - Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

1 **AN ACT** *to renumber and amend* 66.023 (7); *to amend* 66.023 (2) (a), 66.023 (2)  
2 (b), 66.023 (3) (f), 66.023 (4) (a) 1., 66.023 (4) (c) and 66.026; and *to create*  
3 66.023 (3) (g), 66.023 (7) (title), 66.023 (7) (a) and 66.023 (7m) of the statutes;  
4 **relating to:** municipal boundary changes.

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

5 **SECTION 1.** 66.023 (2) (a) of the statutes is amended to read:  
6 66.023 (2) (a) That specified boundary line changes shall occur during the  
7 planning period and the approximate dates by which the changes shall occur.

8 **SECTION 2.** 66.023 (2) (b) of the statutes is amended to read:  
9 66.023 (2) (b) That specified boundary line changes may occur during the  
10 planning period and the approximate dates by which the changes may occur.

11 **SECTION 3.** 66.023 (3) (f) of the statutes is amended to read:  
12 66.023 (3) (f) *Content of plan; planning period.* The cooperative plan shall  
13 specify the duration of the proposed planning period, which shall be for a period of  
14 10 years, except that the duration of the proposed planning period may be for a period

1 greater than 10 years, but not for a period greater than 20 years, if a duration greater  
2 than 10 years is approved by the department.

3 **SECTION 4.** 66.023 (3) (g) of the statutes is created to read:

4 66.023 (3) (g) *Content of plan; zoning agreement.* The cooperative plan shall  
5 include all agreements under sub. (7m).

6 **SECTION 5.** 66.023 (4) (a) 1. of the statutes is amended to read:

7 66.023 (4) (a) 1. The department, the department of natural resources, the  
8 department of agriculture, trade and consumer protection and the department of  
9 transportation.

10 **SECTION 6.** 66.023 (4) (c) of the statutes is amended to read:

11 66.023 (4) (c) *Comment on plan.* Any person may comment on the plan during  
12 the hearing and may submit written comments ~~at any time before, at or within 20~~  
13 days following the hearing. All comments shall be considered by each participating  
14 municipality. Any county zoning agency under s. 59.97 (2) or regional planning  
15 commission whose jurisdiction includes any participating municipality shall  
16 comment in writing on the plan's effect on the master plan adopted by the regional  
17 planning commission under s. 66.945 (9), or development plan adopted by the county  
18 board or county planning agency under s. 59.97 (3), and on the delivery of municipal  
19 services, and may comment on any other aspect of the plan. Any county in the  
20 regional planning commission's jurisdiction may submit comments on the effect of  
21 the cooperative plan on the master plan adopted under s. 66.945 (9) and on the  
22 delivery of county services or on any other matter related to the plan.

23 **SECTION 7.** 66.023 (7) (title) of the statutes is created to read:

24 66.023 (7) (title) OTHER BOUNDARY PROCEDURES.

1           **SECTION 8.** 66.023 (7) of the statutes is renumbered 66.023 (7) (b) and amended  
2 to read:

3           66.023 (7) (b) (title) *Applicability of other Other boundary procedures during*  
4 *the planning period.* During the planning period specified under sub. (3) (f), no other  
5 procedure for altering a municipality's boundaries may be used to alter ~~the a~~  
6 ~~boundary of a municipality that is a party to~~ included in the cooperative plan under  
7 sub. (3) (d) 1., except if an annexation is conducted under s. 144.07 (1m), regardless  
8 of whether the boundary is proposed to be maintained or changed or is allowed to be  
9 changed under the plan. After the planning period has expired, the boundary may  
10 be altered.

11           **SECTION 9.** 66.023 (7) (a) of the statutes is created to read:

12           66.023 (7) (a) *Other procedures after hearing.* After the joint hearing under  
13 sub. (4) (b) is held, no other procedure, except the procedure under s. 144.07 (1m), for  
14 altering a municipality's boundaries may be used to alter a boundary included in the  
15 proposed cooperative plan under sub. (3) (d) 1. until the boundary is no longer  
16 included in the proposed cooperative plan, the municipality withdraws from the  
17 proposed cooperative plan or the proposed cooperative plan fails to receive approval  
18 from the department, whichever occurs first.

19           **SECTION 10.** 66.023 (7m) of the statutes is created to read:

20           66.023 (7m) **ZONING IN TOWN TERRITORY.** If a town is a party to a cooperative plan  
21 with a city or village, the town and city or village may agree, as part of the cooperative  
22 plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61,  
23 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The  
24 exercise of zoning authority by a town under this subsection is not subject to s. 60.61  
25 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered

1 by the plan, that ordinance and amendments to it continue until a zoning ordinance  
2 is adopted under this subsection. If a zoning ordinance is adopted under this  
3 subsection, that zoning ordinance continues in effect after the planning period ceases  
4 until a different zoning ordinance for the territory is adopted under other applicable  
5 law. This subsection does not affect zoning ordinances adopted under ss. 59.971,  
6 87.30 or 91.71 to 91.78.

7 **SECTION 11.** 66.026 of the statutes is amended to read:

8 **66.026 Notice of litigation.** Whenever any proceedings under ss. 61.187,  
9 61.189, 61.74, 62.075, 66.012, 66.013 to 66.019, 66.021, 66.022, 66.023, 66.025 or  
10 other sections relating to an incorporation, annexation, consolidation, dissolution or  
11 detachment of territory of a city or village are contested by instigation of legal  
12 proceedings, the clerk of the city or village involved in such the proceedings shall  
13 ~~forthwith~~ file with the secretary of state 4 copies of a notice of the commencement of  
14 such the action. The clerk shall also file with the secretary of state 4 copies of any  
15 judgments rendered or appeals taken in such cases. The notices or copies of  
16 judgments as ~~herein~~ that are required under this section may also be filed by an  
17 officer or attorney of any party of interest. The secretary of state shall forward to the  
18 department of transportation 2 copies and to the department of revenue and the  
19 department of administration one copy each of any notice of action or judgment filed  
20 with the secretary of state ~~pursuant to~~ under this section.

21 (END)