



State of Wisconsin
2015 - 2016 LEGISLATURE

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

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

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

its governing body, may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the city or village on December 2, 1973. The ordinance shall include all surrounded town 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 city or village shall also file with the county clerk or board of election commissioners the report required by s. 5.15 (4) (bg). 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.

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

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

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

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

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

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

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

SECTION 9329. Initial applicability; Local Government.

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

(END)