



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0166/P2
SWB:amn

DOA:.....Rice, BB0016 - Municipal filing statutory language clean-up
FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT

Municipal records filings and filing requirements for certain annexations

This bill transfers the duty of filing certain municipal records from the secretary of state to the secretary of administration and transfers certain records held by the secretary of state to instead be held by DOA. [2015 Wisconsin Act 55](#) transferred some, but not all, municipal records filing duties from the secretary of state to DOA. This bill completes the transfer of these duties from the secretary of state to DOA for all municipal filing categories.

The bill also replaces the term "plat" with the term "scale map" in certain filing statutes to conform with existing statutory requirements for certain filings, including petitions for incorporation and for annexation. The bill reduces the number of copies that must be provided to DOA in certain circumstances from multiple copies to just one copy. Finally, the bill removes the population requirement for annexations initiated by electors and property owners to make uniform the filing requirements for all annexations, regardless of county population size.

For further information see the 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. 1.031 of the statutes is amended to read:

1.031 Retrocession of jurisdiction. The governor may accept on behalf of the state, retrocession of full or partial jurisdiction over any roads, highways or other lands in federal enclaves within the state where such retrocession has been offered by appropriate federal authority. Documents concerning such action shall be filed in the office of the secretary of state administration and recorded in the office of the register of deeds of the county wherein such lands are located.

SECTION 2. 59.10 (intro.) of the statutes is amended to read:

59.10 Boards: composition; election; terms; compensation; compatibility. (intro.) The boards of the several counties shall be composed of representatives from within the county who are elected and compensated as provided in this section. Each board shall act under sub. (2), (3) or (5), unless the board enacts an ordinance, by a majority vote of the entire membership, to act under sub. (1). If a board enacts such ordinance, a certified copy shall be filed with the secretary of state administration.

SECTION 3. 59.10 (2) (d) 1. of the statutes is amended to read:

59.10 (2) (d) 1. 'Number of supervisors; redistricting.' The board may, not more than once prior to November 15, 2010, decrease the number of supervisors after the enactment of a supervisory district plan under par. (a). In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous municipalities or contiguous whole wards in existence at the time at which the amended redistricting plan is adopted, except as authorized in sub. (3) (b) 2. In the

amended plan, the board shall adhere to the requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In the amended plan, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. The chairperson of the board shall file a certified copy of any amended plan adopted under this subdivision with the secretary of state administration.

SECTION 4. 59.10 (3) (b) 4. of the statutes is amended to read:

59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state administration. Unless otherwise ordered under sub. (6), a plan enacted and filed under this paragraph, together with any authorized amendment that is enacted and filed under this section, remains in effect until the plan is superseded by a subsequent plan enacted under this subsection and a certified copy of that plan is filed with the secretary of state administration.

SECTION 5. 59.10 (3) (c) 4. of the statutes is amended to read:

59.10 (3) (c) 4. The chairperson of the board shall file a certified copy of any amended plan under this paragraph with the secretary of state administration.

SECTION 6. 59.10 (3) (cm) 1. of the statutes is amended to read:

59.10 (3) (cm) 1. 'Number of supervisors; redistricting.' Except as provided in subd. 3., following the enactment of a decennial supervisory district plan under par. (b), the board may decrease the number of supervisors. In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous

municipalities or contiguous whole wards in existence at the time at which the redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting plan, the board shall adhere to the requirements under par. (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. No plan may be enacted under this subdivision during review of the sufficiency of a petition filed under subd. 2. nor after a referendum is scheduled on such a petition. However, if the electors of the county reject a change in the number of supervisory districts under subd. 2., the board may then take action under this subdivision except as provided in subd. 3. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of ~~state~~ administration.

SECTION 7. 59.10 (3) (cm) 2. of the statutes is amended to read:

59.10 **(3)** (cm) 2. 'Petition and referendum.' Except as provided in subd. 3., the electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan under par. (b). A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, a petitioner shall register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60-day period following such registration. The petition shall specify the proposed number of supervisors to be elected. Within 14 days after the last day for filing an original petition, any other

petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected, and, if the petition is valid, the alternative proposed in the petition shall be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition. Each petition shall be in the form specified in s. 8.40 and shall contain a number of signatures of electors of the county equal to at least 25 percent of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk shall promptly determine the sufficiency of a petition filed under this subdivision. Upon determination that a petition is sufficient, or if one or more valid alternative petitions are filed, upon determination that the petitions are sufficient, the county clerk shall call a referendum concurrently with the next spring or general election in the county that is held not earlier than 70 days after the determination is made. The question proposed at the referendum shall be: "Shall the board of supervisors of County be decreased from members to members?". If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be: "Shall the size of the county board of supervisors of County be decreased from its current membership of members?". Any subsequent question shall be: "If so, shall the size of the board be decreased to members?". Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining questions. If the first question is not approved by a majority of the electors voting on the question, any subsequent question is of no effect. If the question is approved by a majority of the electors voting on the question, or, if more than one question is submitted, if the

first question is approved by a majority of the electors voting on the question, the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted in accordance with the approved question or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. 1. If the board has determined under sub. (1) (b) to adopt staggered terms for the office of supervisor, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state administration.

SECTION 8. 59.23 (2) (m) 2. of the statutes is amended to read:

59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths and bonds of all county officers and upon request shall certify under the clerk's signature and seal the official capacity and authority of any county officer so filing and charge the statutory fee. Upon the commencement of each term every clerk shall file the clerk's signature and the impression of the clerk's official seal in the office of the secretary of state administration.

SECTION 9. 59.23 (2) (s) of the statutes is amended to read:

59.23 (2) (s) *List of local officials.* Annually, on the first Tuesday of June, transmit to the secretary of state administration a list showing the name, phone number, electronic mail address, and post-office address of local officials, including the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and of the elective or appointive officials of any other

local governmental unit, as defined in s. 66.0135 (1) (c), that is located wholly or partly within the county. Such lists shall be placed on file for the information of the public. The clerk, secretary, or other administrative officer of a local governmental unit, as defined in s. 66.0137 (1) (as), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.

SECTION 10. 59.43 (1c) (t) of the statutes is amended to read:

59.43 **(1c)** (t) Upon commencement of each term, file his or her signature and the impression of his or her official seal or rubber stamp in the office of the secretary of state administration.

SECTION 11. 59.52 (4) (a) 1. of the statutes is amended to read:

59.52 **(4)** (a) 1. Notices of tax apportionment that are received from the secretary of state administration, after 3 years.

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

61.187 **(2)** (d) If, in accordance with par. (a), the results of the election under sub. (1) provide for dissolution, the village clerk shall, within 10 days after the election, record the petition and determination of the village board of canvassers in the office of the register of deeds of the county or counties in which the village is located and file with the secretary of administration certified copies of the petition and the determination of inspectors of election. The village clerk shall also record in the office of the register of deeds a certificate by the village clerk showing the date on which the dissolution takes effect and file with the secretary of administration ~~4 copies~~ one copy of the certificate. These documents shall be recorded and indexed by the register of deeds. The index shall include the document number of the original documents and, if given on the original documents, the volume or reel and the page or image number where the original documents are filed or recorded. The secretary

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

SECTION 13. 61.189 (2) of the statutes is amended to read:

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

SECTION 14. 66.0101 (3) of the statutes is amended to read:

66.0101 (3) A charter ordinance shall be published as a class 1 notice, under ch. 985, and shall be recorded by the clerk in a permanent book kept for that purpose, with a statement of the manner of its adoption. A certified copy of the charter ordinance shall be filed by the clerk with the secretary of state administration. The secretary of state administration shall keep a separate index of all charter ordinances, arranged alphabetically by city and village and summarizing each

ordinance, and annually shall issue the index of charter ordinances filed during the 12 months prior to July 1.

SECTION 15. 66.0211 (5) of the statutes is amended to read:

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

SECTION 16. 66.0215 (5) of the statutes is amended to read:

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

SECTION 17. 66.02162 (5) of the statutes is amended to read:

66.02162 (5) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast in favor of a village, the town clerk shall certify that fact to the secretary, together

with ~~4 copies~~ one copy of a description of the legal boundaries of the town, and ~~4 copies~~ one copy of a ~~plat~~ scale map of the town. The town clerk shall also send the secretary an incorporation fee of \$1,000. Upon receipt of the town clerk's certification, the incorporation fee, and other required documents, the secretary shall issue a certificate of incorporation and record the certificate in a book kept for that purpose. The secretary shall provide ~~2 copies~~ one copy of the description and ~~plat~~ scale map to the department of transportation and one copy to the department of revenue. The town clerk shall also transmit a copy of the certification and the resolution under sub. (1) to the county clerk.

SECTION 18. 66.0217 (1) (b) of the statutes is amended to read:

66.0217 (1) (b) "Department" means the secretary of administration in the department of administration.

SECTION 19. 66.0217 (1) (c) 1. a. of the statutes is amended to read:

66.0217 (1) (c) 1. a. By government lot, section, township, and range.

SECTION 20. 66.0217 (1) (c) 1. b. of the statutes is amended to read:

66.0217 (1) (c) 1. b. By recorded private claim, section, township, and range.

SECTION 21. 66.0217 (6) (a) of the statutes is amended to read:

66.0217 (6) (a) *Annexations within populous counties.* No annexation proceeding ~~within a county having a population of 50,000 or more~~ is valid unless the person publishing a notice of annexation under sub. (4) mails a copy of the notice to the clerk of each municipality affected and the department, together with any fee imposed under s. 16.53 (14), within 5 days of the publication. The department shall within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that states whether in its opinion the annexation is in the public interest or is against the

public interest and that advises the clerks of the reasons the annexation is in or against the public interest as defined in par. (c). The annexing municipality shall review the advice before final action is taken.

SECTION 22. 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 administration a certified copy of the ordinance, certificate and ~~plat~~ scale map, 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) (b). 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 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, no later than December 31, to the secretary of 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.

SECTION 23. 66.0217 (9) (b) of the statutes is amended to read:

66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate, and ~~plat~~ scale map, the secretary of administration shall forward ~~2 copies~~ one copy of the ordinance, certificate, and ~~plat~~ scale map to the department of transportation, ~~one copy to the department of administration~~, one copy to the department of revenue, one

copy to the department of public instruction, ~~one copy to the department~~, one copy to the department of natural resources, one copy to the department of agriculture, trade and consumer protection and 2 copies to the clerk of the municipality from which the territory was annexed.

SECTION 24. 66.0217 (9) (c) of the statutes is amended to read:

66.0217 (9) (c) Any city or village may direct a survey of its present boundaries to be made, and when properly attested the survey and ~~plat~~ scale map may be filed in the office of the register of deeds in the county in which the city or village is located. Upon filing, the survey and ~~plat~~ scale map are prima facie evidence of the facts set forth in the survey and ~~plat~~ scale map.

SECTION 25. 66.0217 (12) of the statutes is amended to read:

66.0217 (12) VALIDITY OF PLATS SCALE MAPS. If an annexation is declared invalid but before the declaration and subsequent to the annexation a ~~plat~~ scale map is submitted and is approved as required in s. 236.10 (1) (a), the ~~plat~~ scale map is validly approved despite the invalidity of the annexation.

SECTION 26. 66.0219 (7) of the statutes is amended to read:

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

SECTION 27. 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~~ one certified ~~copies~~ copy of the ordinance with the secretary of administration, together with ~~6 copies~~ one copy 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) (b). The secretary of administration shall forward ~~2 copies~~ one copy of the ordinance and scale map to the department of transportation, one copy to the department of natural resources, and 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 28. 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~~ one certified copies copy of the ordinance with the secretary of administration, together with ~~7~~ copies one copy of a plat scale map 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) (b). ~~Two~~ copies One copy of the ordinance and plat scale map shall be forwarded by the secretary of 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 copy, a copy of the ordinance and plat scale map 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.

SECTION 29. 66.0227 (5) of the statutes is amended to read:

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

SECTION 30. 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, 66.02162, 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 administration ~~4 copies~~ one copy of a notice of the commencement of the action. The clerk shall file with the secretary of administration ~~4 copies~~ one copy 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) (b). The secretary of 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 administration under this section.

SECTION 31. 66.0823 (3) (b) of the statutes is amended to read:

66.0823 (3) (b) *Filing requirements.* The parties entering into a contract under this subsection shall file a copy of the contract with the secretary of state administration. Upon receipt, the secretary of state administration shall record the contract and issue a certificate of incorporation stating the name of the authority and the date and fact of incorporation. The corporate existence of the authority begins upon issuance of the certificate.

SECTION 32. 66.0825 (4) (b) of the statutes is amended to read:

66.0825 (4) (b) Any contract entered into under this section shall be filed with the secretary of state administration. Upon receipt, the secretary shall record the contract and issue a certificate of incorporation stating the name of the company and

the date and fact of incorporation. Upon issuance of the certificate, the existence of the company shall begin.

SECTION 33. 66.1305 (1) (h) of the statutes is amended to read:

66.1305 (1) (h) Dissolve without obtaining the approval of the local governing body, which may be given upon conditions deemed necessary or appropriate to the protection of the interest of the city in the proceeds of the sale of the real property as to any property or work turned into the development by the city. The approval shall be endorsed on the certificate of dissolution and the certificate may not be filed in the office of the secretary of state administration in the absence of the endorsement.

SECTION 34. 84.11 (4) of the statutes is amended to read:

84.11 (4) FINDING, DETERMINATION, AND ORDER. After such hearing the department shall make such investigation as it considers necessary in order to make a decision in the matter. If the department finds that the construction is necessary it shall determine the location of the project and whether the project is eligible for construction under this section. The department shall also determine the character and kind of bridge most suitable for such location and estimate separately the cost of the bridge portion and the entire project. The department shall make its finding, determination, and order, in writing, and file a certified copy thereof with the clerk of each county, city, village, and town in which any portion of the bridge project will be located and also with the ~~secretary of state~~ and the secretary of administration. The determination of the location of the project made by the department and set forth in its finding, determination, and order shall be conclusive as to such location and shall constitute full authority for laying out new streets or highways or for any relocations of highways made necessary for the construction of the project and for

acquisition of any lands necessary for such streets or highways, relocation or construction. The estimate of cost made by the department shall be conclusive insofar as cost may determine eligibility of construction under this section.

SECTION 35. 84.12 (4) of the statutes is amended to read:

84.12 (4) FINDING, DETERMINATION, AND ORDER. If the department finds that the construction is necessary, and that provision has been made or will be made by the adjoining state or its subdivisions to bear its or their portions of the cost of the project, the department, in cooperation with the state highway department of the adjoining state, shall determine the location thereof, the character and kind of bridge and other construction most suitable at such location, estimate the cost of the project, and determine the respective portions of the estimated cost to be paid by each state and its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the department shall further determine the respective portions of the cost to be paid by this state and by its subdivisions which are required to pay portions of the cost. The department, after such hearing, investigation, and negotiations, shall make its finding, determination, and order in writing and file a certified copy thereof with the clerk of each county, city, village, or town in this state in which any part of the bridge project will be located, with the ~~secretary of state,~~ and the secretary of administration and with the state highway department of the adjoining state. The determination of the location set forth in the finding, determination, and order of the department shall be conclusive as to such location and shall constitute full authority for laying out new streets or highways or for any relocations of the highways made necessary for the construction of the project and for acquiring lands necessary for such streets or highways, relocation or construction.

SECTION 36. 198.06 (5) (a) of the statutes is amended to read:

198.06 (5) (a) The board of canvassers shall cause a certified copy of the order declaring the result of the election to be filed in the office of the secretary of state administration. A certified copy of the order shall also be filed with the clerk of each municipality included in the district, with the county clerk, and with the commission.

SECTION 37. 198.06 (5) (b) of the statutes is amended to read:

198.06 (5) (b) If the district as finally constituted comprises a smaller area than originally proposed because of the failure of one or more municipalities to approve the district at the election, the commission shall, within 10 days following the filing of the order under par. (a) with the commission, file its approval or disapproval of the district as created by the election with the secretary of state administration, the clerk of each municipality included in the district and the county clerk. If the commission approves, upon the filing of the approval the creation and incorporation of the district shall be considered complete. If the commission disapproves, the district shall be considered dissolved. Except as provided in par. (c), the approval or disapproval of the commission shall be final.

SECTION 38. 198.06 (5) (d) of the statutes is amended to read:

198.06 (5) (d) If a district has been approved by all of the municipalities within the district as proposed, the creation and incorporation of the district shall be considered complete upon the filing of the result of the election with the secretary of state administration by the board of canvassers.

SECTION 39. 198.06 (7) of the statutes is amended to read:

198.06 (7) **INFORMALITIES DISREGARDED, LIMITATION OF ACTION TO TEST VALIDITY OF DISTRICT.** No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the creation of any district, and any proceedings wherein the validity of

the creation is denied shall be commenced within 3 months from the date of filing the order of the board of canvassers with the secretary of state administration, otherwise the creation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

SECTION 40. 198.08 (3) of the statutes is amended to read:

198.08 (3) APPOINTMENT, VOTE BY MUNICIPAL EXECUTIVE OFFICERS. In the selection of a director for a subdistrict each chief executive shall have one vote for each 1,000 voters within that chief executive's municipality, or the part of the municipality that is located in the subdistrict. A three-fourths vote shall be necessary for the selection of a director. The result of the selection of the director shall be certified to by the chairperson and clerk of the meeting and immediately filed with the secretary of state administration and the clerk of each municipality in the district.

SECTION 41. 198.20 (2) of the statutes is amended to read:

198.20 (2) The election, and all matters pertaining to the election not otherwise provided for in this section, shall be held and conducted and the result ascertained and declared in accordance with s. 198.06 (3) and (4). The ordinance and the result of the referendum shall be certified to the secretary of state administration. After certification, the consolidation shall be considered complete. Consolidation shall not affect the preexisting rights or liabilities of any power districts and actions on those rights and liabilities may be commenced or completed as though no consolidation had been effected.

SECTION 42. 198.22 (7) of the statutes is amended to read:

198.22 (7) BOUNDARIES. Immediately upon the organization of the board of directors the clerk shall cause to be recorded in the office of the register of deeds of each county in which any part of said district is located, and shall file with the

secretary of state administration, the department of natural resources, the governor and the clerk of each town, city or village, wholly or partly within the district, a certified copy of the boundaries of the district as set forth in the notice of election pursuant to sub. (3) or as thereafter amended. Thereafter, in any proceeding wherein the boundaries of the district are concerned, it shall be sufficient in describing said boundaries to refer to such record of such description.

SECTION 43. 200.25 (5) of the statutes is amended to read:

200.25 (5) OATH OF OFFICE. Before assuming the duties of the office, each commissioner shall take and subscribe the oath of office required under s. 19.01 and file the oath with the secretary of state administration, duly certified by the official administering the oath.

(END)