



## 2005 ASSEMBLY BILL 1000

February 7, 2006 - Introduced by Representatives F. LASEE, HINES, HAHN, WOOD, MUSSER and GUNDRUM, cosponsored by Senators A. LASEE, DARLING, LAZICH and REYNOLDS. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to amend** 9.20 (1), 9.20 (3), 9.20 (4), 9.20 (8) and 10.06 (2) (d); and **to**  
2           **create** 10.06 (2) (c) of the statutes; **relating to:** authorizing direct legislation  
3           in counties and limiting the way in which voter-approved direct legislation may  
4           be repealed.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a number of electors equal to at least 15 percent of the votes cast for governor at the last general election in their city or village may sign and file a petition with the city or village clerk requesting that a proposed ordinance or resolution, without alteration, either be adopted by the common council or village board (governing body), or referred to a vote of the electors. Currently, however, there are four exceptions to the general requirement that a proposed ordinance or resolution be adopted by the governing body or submitted to the voters. The exceptions are the following:

1. A matter which is executive or administrative in nature, rather than legislative.
2. A proposal that compels the repeal of an existing ordinance or compels the passage of an ordinance in clear conflict with an existing ordinance.
3. A proposal that seeks to exercise legislative powers not conferred on the city or village.
4. A proposal that would conflict with state law.

Following submittal of the petition and proposed ordinance or resolution to the clerk, he or she must determine, and issue certified findings, as to whether the

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petition is sufficient and the proposed ordinance or resolution is in proper form. The petition may be amended if it is insufficient or if the amendment is not in proper form.

If the petition and ordinance or resolution meet the statutory requirements the governing body must, without alteration, either pass the ordinance or resolution within 30 days following the date of the clerk's final certificate, or submit it to the electors, in general, at the next spring or general election. The governing body may, by a three-quarters vote, also order a special election to vote on the ordinance or resolution.

If a majority of the votes are in favor of adoption, the proposed ordinance or resolution takes effect upon publication, which must be within 10 days after the election. Currently, no ordinances or resolutions adopted either by a governing body vote, or by vote of the electors, may be repealed or amended within two years of adoption except by a vote of the electors, and the governing body may submit a proposition to repeal or amend the ordinance or resolution at any election. Direct legislation that results in a city ordinance or resolution, currently, is not to subject to a mayoral veto.

This bill applies the current law direct legislation statute to counties. Also under the bill, no ordinance or resolution that is approved by a vote of the electors may be repealed or amended within two years of adoption except by a vote of the electors or by at least a two-thirds majority vote of the members-elect of the common council, village board, or county board. Also under the bill, a county direct legislation ordinance or resolution may not be vetoed by the county executive.

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:***

1           **SECTION 1.** 9.20 (1) of the statutes is amended to read:

2           9.20 (1) A number of electors equal to at least 15% of the votes cast for governor  
3           at the last general election in their city ~~or~~, village, or county may sign and file a  
4           petition with the city-~~or~~, village, or county clerk requesting that an attached proposed  
5           ordinance or resolution, without alteration, either be adopted by the common council  
6           ~~or~~, village board, or county board or be referred to a vote of the electors. The  
7           individual filing the petition on behalf of the electors shall designate in writing an  
8           individual to be notified of any insufficiency or improper form under sub. (3).

9           **SECTION 2.** 9.20 (3) of the statutes is amended to read:

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1           9.20 (3) Within 15 days after the petition is filed, the clerk shall determine by  
2 careful examination whether the petition is sufficient and whether the proposed  
3 ordinance or resolution is in proper form. The clerk shall state his or her findings  
4 in a signed and dated certificate attached to the petition. If the petition is found to  
5 be insufficient or the proposed ordinance or resolution is not in proper form, the  
6 certificate shall give the particulars, stating the insufficiency or improper form. The  
7 petition may be amended to correct any insufficiency or the proposed ordinance or  
8 resolution may be put in proper form within 10 days following the affixing of the  
9 original certificate and notification of the individual designated under sub. (1).  
10 When the original or amended petition is found to be sufficient and the original or  
11 amended ordinance or resolution is in proper form, the clerk shall so state on the  
12 attached certificate and forward it to the common council ~~or~~, village board, or county  
13 board immediately.

14           **SECTION 3.** 9.20 (4) of the statutes is amended to read:

15           9.20 (4) The common council ~~or~~, village board, or county board shall, without  
16 alteration, either pass the ordinance or resolution within 30 days following the date  
17 of the clerk's final certificate, or submit it to the electors at the next spring or general  
18 election, if the election is more than 6 weeks after the date of the council's or board's  
19 action on the petition or the expiration of the 30-day period, whichever first occurs.  
20 If there are 6 weeks or less before the election, the ordinance or resolution shall be  
21 voted on at the next election thereafter. The council or board by a three-fourths vote  
22 of the members-elect may order a special election for the purpose of voting on the  
23 ordinance or resolution at any time prior to the next election, but not more than one  
24 special election for direct legislation may be ordered in any 6-month period.

25           **SECTION 4.** 9.20 (8) of the statutes is amended to read:

