



**ASSEMBLY AMENDMENT 2,  
TO 1995 ASSEMBLY BILL 823**

March 12, 1996 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “plats” insert “, certain municipal boundary review  
3 functions”.

4 **2.** Page 2, line 15: after that line insert:

5 “**SECTION 3b.** 66.013 (2) (a) of the statutes, as affected by 1995 Wisconsin Act  
6 27, is amended to read:

7 66.013 (2) (a) “Department” means the department of ~~commerce~~ revenue.

8 **SECTION 3f.** 66.02 of the statutes, as affected by 1995 Wisconsin Act 27, is  
9 amended to read:

10 **66.02 Consolidation.** Subject to s. 66.023 (7), any town, village or city may  
11 be consolidated with a contiguous town, village or city, by ordinance, passed by a  
12 two-thirds vote of all the members of each board or council, fixing the terms of the  
13 consolidation and ratified by the electors at a referendum held in each municipality.  
14 The ballots shall bear the words, “for consolidation”, and “against consolidation”, and  
15 if a majority of the votes cast thereon in each municipality are for consolidation, the  
16 ordinances shall then be in effect and have the force of a contract. The ordinance and

1 the result of the referendum shall be certified as provided in s. 66.018 (5); if a town  
2 the certification shall be preserved as provided in ss. 60.03 and 66.018 (5),  
3 respectively. Consolidation shall not affect the preexisting rights or liabilities of any  
4 municipality and actions thereon may be commenced or completed as though no  
5 consolidation had been effected. Any consolidation ordinance proposing the  
6 consolidation of a town and another municipality shall, within 10 days after its  
7 adoption and prior to its submission to the voters for ratification at a referendum, be  
8 submitted to the circuit court and the department of ~~commerce~~ revenue for a  
9 determination whether such proposed consolidation is in the public interest. The  
10 circuit court shall determine whether the proposed ordinance meets the formal  
11 requirements of this section and shall then refer the matter to the department of  
12 ~~commerce~~ revenue, which shall find as prescribed in s. 66.014 whether the proposed  
13 consolidation is in the public interest in accordance with the standards in s. 66.016.  
14 The department's findings shall have the same status as incorporation findings  
15 under ss. 66.014 to 66.019.

16 **SECTION 3k.** 66.021 (7) (a) of the statutes, as affected by 1995 Wisconsin Act  
17 27, is amended to read:

18 66.021 (7) (a) An ordinance for the annexation of the territory described in the  
19 annexation petition may be enacted by a two-thirds vote of the elected members of  
20 the governing body not less than 20 days after the publication of the notice of  
21 intention to circulate the petition and not later than 120 days after the date of filing  
22 with the city or village clerk of the petition for annexation or of the referendum  
23 election if favorable to the annexation. If the annexation is subject to sub. (11) the  
24 governing body shall first review the reasons given by the department of ~~commerce~~  
25 revenue that the proposed annexation is against the public interest. Subject to s.

1 59.971 (7), such an ordinance may temporarily designate the classification of the  
2 annexed area for zoning purposes until the zoning ordinance is amended as  
3 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing such  
4 temporary classification, the proposed classification shall be referred to and  
5 recommended by the plan commission. The authority to make such temporary  
6 classification shall not be effective when the county ordinance prevails during  
7 litigation as provided in s. 59.97 (7).

8 **SECTION 3p.** 66.021 (11) (a) of the statutes, as affected by 1995 Wisconsin Act  
9 27, is amended to read:

10 66.021 (11) (a) *Annexations within populous counties.* No annexation  
11 proceeding within a county having a population of 50,000 or more shall be valid  
12 unless the person causing a notice of annexation to be published under sub. (3) shall  
13 within 5 days of the publication mail a copy of the notice, legal description and a scale  
14 map of the proposed annexation to the clerk of each municipality affected and the  
15 department of ~~commerce~~ revenue. The department may within 20 days after receipt  
16 of the notice mail to the clerk of the town within which the territory lies and to the  
17 clerk of the proposed annexing village or city a notice that in its opinion the  
18 annexation is against the public interest. No later than 10 days after mailing the  
19 notice, the department shall advise the clerk of the town in which the territory is  
20 located and the clerk of the village or city to which the annexation is proposed of the  
21 reasons the annexation is against the public interest as defined in par. (c). The  
22 annexing municipality shall review the advice before final action is taken.

23 **SECTION 3s.** 66.021 (11) (c) (intro.) of the statutes, as affected by 1995 Wisconsin  
24 Act 27, is amended to read:

1           66.021 (11) (c) *Definition of public interest.* (intro.) For purposes of this  
2 subsection public interest is determined by the department of ~~commerce~~ revenue  
3 after consideration of the following:

4           **SECTION 3w.** 66.021 (12) of the statutes, as affected by 1995 Wisconsin Act 27,  
5 is amended to read:

6           66.021 (12) UNANIMOUS APPROVAL. If a petition for direct annexation signed by  
7 all of the electors residing in the territory and the owners of all of the real property  
8 in the territory is filed with the city or village clerk, and with the town clerk of the  
9 town or towns in which the territory is located, together with a scale map and a legal  
10 description of the property to be annexed, an annexation ordinance for the  
11 annexation of the territory may be enacted by a two-thirds vote of the elected  
12 members of the governing body of the city or village without compliance with the  
13 notice requirements of sub. (3). In such annexations, subject to sub. (11), the person  
14 filing the petition with the city or village clerk and the town clerk shall, within 5 days  
15 of the filing, mail a copy of the scale map and a legal description of the territory to  
16 be annexed to the department of ~~commerce~~ revenue and the governing body shall  
17 review the advice of the department, if any, before enacting the annexation  
18 ordinance.

19           **SECTION 3y.** 66.021 (15) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 is amended to read:

21           66.021 (15) ANNEXATION OF TOWN ISLANDS. Upon its own motion, a city or village  
22 by a two-thirds vote of the entire membership of its governing body may enact an  
23 ordinance annexing territory which comprises a portion of a town or towns and which  
24 was completely surrounded by territory of the city or village on December 2, 1973.  
25 The ordinance shall include all surrounded town areas except those exempt by

1 mutual agreement of all of the governing bodies involved. The annexation ordinance  
2 shall contain a legal description of the territory and the name of the town or towns  
3 from which the territory is detached. Upon enactment of the ordinance, the city or  
4 village clerk immediately shall file 6 certified copies of the ordinance in the office of  
5 the secretary of state, together with 6 copies of a scale map. The secretary of state  
6 shall forward 2 copies of the ordinance and scale map to the department of  
7 transportation, one copy to the department of natural resources, and one copy to the  
8 department of revenue ~~and one copy to the department of commerce~~. This subsection  
9 does not apply if the town island was created only by the annexation of a railroad  
10 right-of-way or drainage ditch. This subsection does not apply to land owned by a  
11 town government which has existing town government buildings located thereon.  
12 No town island may be annexed under this subsection if the island consists of over  
13 65 acres or contains over 100 residents. After December 2, 1973, no city or village  
14 may, by annexation, create a town area which is completely surrounded by the city  
15 or village.

16 **SECTION 3z.** 66.023 (1) (a) of the statutes is amended to read:

17 66.023 (1) (a) "Department" means the department of ~~administration~~  
18 revenue."

19 **3.** Page 6, line 14: after that line insert:

20 "SECTION 11m. 1995 Wisconsin Act 27, section 9159 (7x) is amended to read:

21 [1995 Wisconsin Act 27] Section 9159 (7x) TRANSFER OF MUNICIPAL BOUNDARY  
22 REVIEW.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets  
24 and liabilities of the department of administration primarily related to the functions

1 of municipal boundary review, as determined by the secretary of administration,  
2 shall become the assets and liabilities of the department of development revenue.

3 (b) *Employe transfers.* All incumbent employes holding positions in the  
4 department of administration having duties primarily related to the functions of  
5 municipal boundary review, as determined by the secretary of administration, are  
6 transferred on the effective date of this paragraph to the department of ~~development~~  
7 revenue.

8 (c) *Employe status.* Employes transferred under paragraph (b) have all the  
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
10 statutes in the department of ~~development~~ revenue that they enjoyed in the  
11 department of administration immediately before the transfer. Notwithstanding  
12 section 230.28 (4) of the statutes, no employe so transferred who has attained  
13 permanent status in class is required to serve a probationary period.

14 (d) *Tangible personal property, records.* On the effective date of this paragraph,  
15 all tangible personal property, including records, of the department of  
16 administration primarily related to the functions of municipal boundary review, as  
17 determined by the secretary of administration, is transferred to the department of  
18 ~~development~~ revenue.

19 (e) *Contracts.* All contracts entered into by the department of administration  
20 primarily related to the functions of municipal boundary review, as determined by  
21 the secretary of administration, in effect on the effective date of this paragraph  
22 remain in effect and are transferred to the department of ~~development~~ revenue. The  
23 department of ~~development~~ revenue shall carry out any such contractual obligations  
24 until modified or rescinded by the department of ~~development~~ revenue to the extent  
25 allowed under the contract.

1           (f) *Rules and orders.* All rules promulgated by the department of  
2 administration primarily related to the functions of municipal boundary review, as  
3 determined by the secretary of administration, that are in effect on the effective date  
4 of this paragraph remain in effect until their specified expiration date or until  
5 amended or repealed by the department of ~~development~~ revenue. All orders issued  
6 by the department of administration primarily related to the functions of municipal  
7 boundary review, as determined by the secretary of administration, that are in effect  
8 on the effective date of this paragraph remain in effect until their specified expiration  
9 date or until modified or rescinded by the department of ~~development~~ revenue.

10           (g) *Pending matters.* Any matter pending with the department of  
11 administration primarily related to the functions of municipal boundary review, as  
12 determined by the secretary of administration, on the effective date of this  
13 paragraph is transferred to the department of ~~development~~ revenue and all  
14 materials submitted to or actions taken by the department of administration with  
15 respect to the pending matter are considered as having been submitted to or taken  
16 by the department of ~~development~~ revenue.”.

17           **4.** Page 8, line 9: after that line insert:

18           “(1m) MUNICIPAL BOUNDARY REVIEW TRANSFER.

19           (a) The authorized FTE positions for the department of revenue are increased  
20 by 2.0 GPR positions, to be funded from the appropriation under section 20.566 (3)  
21 (a) of the statutes, for the purpose of performing municipal boundary review.

22           (b) The authorized FTE positions (b) for the department of commerce are  
23 decreased by 2.0 GPR positions, funded from the appropriation under s. 20.143 (1)  
24 (a) of the statutes, for the purpose of performing municipal boundary review.

1           (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the department of commerce primarily related to the functions of  
3 municipal boundary review, as determined by the secretary of administration, shall  
4 become the assets and liabilities of the department of revenue.

5           (d) *Employe transfers.* All incumbent employes holding positions in the  
6 department of commerce having duties primarily related to the functions of  
7 municipal boundary review, as determined by the secretary of administration, are  
8 transferred on the effective date of this paragraph to the department of revenue.

9           (e) *Employe status.* Employes transferred under paragraph (d) have all the  
10 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
11 statutes in the department of revenue that they enjoyed in the department of  
12 commerce immediately before the transfer. Notwithstanding section 230.28 (4) of  
13 the statutes, no employe so transferred who has attained permanent status in class  
14 is required to serve a probationary period.

15           (f) *Tangible personal property, records.* On the effective date of this paragraph,  
16 all tangible personal property, including records, of the department of commerce  
17 primarily related to the functions of municipal boundary review, as determined by  
18 the secretary of administration, is transferred to the department of revenue.

19           (g) *Contracts.* All contracts entered into by the department of commerce  
20 primarily related to the functions of municipal boundary review, as determined by  
21 the secretary of administration, in effect on the effective date of this paragraph  
22 remain in effect and are transferred to the department of revenue. The department  
23 of revenue shall carry out any such contractual obligations until modified or  
24 rescinded by the department of revenue to the extent allowed under the contract.



1           (h) *Rules and orders.* All rules promulgated by the department of commerce  
2 primarily related to the functions of municipal boundary review, as determined by  
3 the secretary of administration, that are in effect on the effective date of this  
4 paragraph remain in effect until their specified expiration date or until amended or  
5 repealed by the department of revenue. All orders issued by the department of  
6 commerce primarily related to the functions of municipal boundary review, as  
7 determined by the secretary of administration, that are in effect on the effective date  
8 of this paragraph remain in effect until their specified expiration date or until  
9 modified or rescinded by the department of revenue.

10           (i) *Pending matters.* Any matter pending with the department of commerce  
11 primarily related to the functions of municipal boundary review, as determined by  
12 the secretary of administration, on the effective date of this paragraph is transferred  
13 to the department of revenue and all materials submitted to or actions taken by the  
14 department of commerce with respect to the pending matter are considered as  
15 having been submitted to or taken by the department of revenue.”.

16           **5.** Page 8, line 12: after “9104 (3)” insert “, 9159 (7x)”.

17           **6.** Page 8, line 13: delete “subsection (1) is” and substitute “subsections (1) and  
18 (1m) are”.

19           **7.** Page 8, line 13: after that line insert:

20           **“SECTION 13m. Appropriation changes.**

21           (1) MUNICIPAL BOUNDARY REVIEW; REVENUE. In the schedule under section 20.005  
22 (3) of the statutes for the appropriation to the department of revenue under section  
23 20.566 (3) (a) of the statutes, as affected by the acts of 1995, the dollar amount is

1 increased by \$97,300 for fiscal year 1996-97 to provide funding for municipal  
2 boundary review.

3 (2) MUNICIPAL BOUNDARY REVIEW; COMMERCE. In the schedule under section  
4 20.005 (3) of the statutes for the appropriation to the department of commerce under  
5 section 20.143 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount  
6 is decreased by \$97,300 for fiscal year 1996-97 to eliminate funding for municipal  
7 boundary review.”.

8 **8.** Page 8, line 16: after “9104 (3)” insert “, 9159 (7x)”.

9 (END)