



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 239**

April 12, 2010 - Offered by Representative JORGENSEN.

- 1 **AN ACT to amend** 66.0217 (2) of the statutes; **relating to:** limiting a city's and  
2 village's use of direct annexation.

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***Analysis by the Legislative Reference Bureau***

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods if, in general, some of the city's or village's territory is in the same county as the territory to be annexed, unless both the town and county boards approve of the proposed annexation, and the city or village agrees to make limited payments to the town based on property taxes that the town levied on the annexed territory.

Three of the methods of annexation include the following: 1) direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; 2) annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk, and a referendum is held and passes in the town; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum.

Another method of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory is

filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two-thirds vote of the body. Such an annexation, however, is subject to Department of Administration advisory review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum.

Generally, cities and villages may also annex territory that is owned by the city or village and that lies near but not necessarily contiguous to the city or village by enacting an ordinance to annex such territory.

This substitute amendment limits the use of direct annexation by unanimous approval to town land that is contiguous to the annexing city or village.

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

1           **SECTION 1.** 66.0217 (2) of the statutes is amended to read:  
2           66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. Except as provided in  
3           this subsection and sub. (14), and subject to ss. 66.0301 (6) (d) and 66.0307 (7), if a  
4           petition for direct annexation signed by all of the electors residing in the territory and  
5           the owners of all of the real property in the territory is filed with the city or village  
6           clerk, and with the town clerk of the town or towns in which the territory is located,  
7           together with a scale map and a legal description of the property to be annexed, an  
8           annexation ordinance for the annexation of the territory may be enacted by a  
9           two-thirds vote of the elected members of the governing body of the city or village  
10          without compliance with the notice requirements of sub. (4). In an annexation under  
11          this subsection, subject to sub. (6), the person filing the petition with the city or  
12          village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the  
13          scale map and a legal description of the territory to be annexed to the department  
14          and the governing body shall review the advice of the department, if any, before  
15          enacting the annexation ordinance. No territory may be annexed by a city or village

1 under this subsection unless the territory to be annexed is contiguous to the  
2 annexing city or village.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to any annexation that commences on the effective date  
5 of this subsection.

6 (END)