



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5098/1  
TKK:wlj

## 2017 ASSEMBLY BILL 840

January 16, 2018 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT to amend** 5.15 (4) (b), 5.15 (4) (bg), 13.96 (1) (b), 66.0217 (9) (a), 66.0221  
2           (1), 66.0223 (1) and 66.0231 of the statutes; **relating to:** municipal boundary  
3           information (suggested as remedial legislation by the Legislative Technology  
4           Services Bureau).

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### *Analysis by the Legislative Reference Bureau*

This bill clarifies that the Legislative Technology Services Bureau is to reconcile and compile municipal boundary information for purposes of a statewide database twice a year instead of once every ten years. The bill also places in the correct statutory location a current-law duty for municipal clerks to notify counties of municipal boundary changes.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Legislative Technology Services Bureau and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

**ASSEMBLY BILL 840****SECTION 1**

1           **SECTION 1.** 5.15 (4) (b) of the statutes is amended to read:

2           5.15 (4) (b) Within 5 days after adoption or enactment of an ordinance or  
3 resolution under this section or any amendment thereto, the municipal clerk shall  
4 transmit one copy of the ordinance or resolution or the amendment to the county  
5 clerk of each county in which the municipality is contained, accompanied by the list  
6 and map specified in par. (a). ~~Each, together with a report confirming the boundaries~~  
7 ~~of the municipality and of all wards in the municipality. Within 5 days after notice~~  
8 ~~to the municipal clerk of a judgment that has the effect of changing the municipal~~  
9 ~~boundaries, the clerk shall file the same report. The municipal clerk shall ensure~~  
10 ~~that each copy shall identify of the ordinance or resolution or amendment and each~~  
11 ~~accompanying report identify~~ the name of the municipality and the county or  
12 counties in which it is located.

NOTE: Sections 1 and 2 clarify the requirement for municipal clerks to transfer a report to the county clerk confirming the boundaries of a municipality and all wards in the municipality within 5 days after any boundary changes. Language that exists in current law is moved from Section 2 into Section 1.

13           **SECTION 2.** 5.15 (4) (bg) of the statutes is amended to read:

14           5.15 (4) (bg) No later than October 15 of each year following the year of a federal  
15 decennial census, each municipal clerk shall file a report with the county clerk of  
16 each county in which the municipality is contained confirming the boundaries of the  
17 municipality and of all wards in the municipality. The report shall be accompanied  
18 by a map of the municipality and a list of the block numbers of which the municipality  
19 and each ward within the municipality are comprised. ~~Within 5 days after notice to~~  
20 ~~the municipal clerk of a judgment that has the effect of changing the municipal~~  
21 ~~boundaries, the clerk shall file the same report. Each report filed under this~~  
22 paragraph shall identify the name of the municipality and the county or counties in  
23 which it is located.

**ASSEMBLY BILL 840**

1           **SECTION 3.** 13.96 (1) (b) of the statutes is amended to read:

2           13.96 (1) (b) Upon receipt of municipal boundary information at each reporting  
3 interval under s. 5.15 (4) (~~bg~~) (br), reconcile and compile the information received to  
4 produce a statewide data base consisting of municipal boundary information for the  
5 entire state.

NOTE: Section 3 requires the Legislative Technology Services Bureau to update the statewide municipal boundary information database twice a year, rather than after the federal census once every 10 years.

6           **SECTION 4.** 66.0217 (9) (a) of the statutes is amended to read:

7           66.0217 (9) (a) The clerk of a city or village which has annexed territory shall  
8 file immediately with the secretary of administration a certified copy of the  
9 ordinance, certificate and plat, and shall send one copy to each company that  
10 provides any utility service in the area that is annexed. The city or village shall also  
11 file with the county clerk or board of election commissioners the report required by  
12 s. 5.15 (4) (~~bg~~) (b). The clerk shall record the ordinance with the register of deeds and  
13 file a signed copy of the ordinance with the clerk of any affected school district.  
14 Failure to file, record or send does not invalidate the annexation and the duty to file,  
15 record or send is a continuing one. The ordinance that is filed, recorded or sent shall  
16 describe the annexed territory and the associated population. The information filed  
17 with the secretary of administration shall be utilized in making recommendations  
18 for adjustments to entitlements under the federal revenue sharing program and  
19 distribution of funds under ch. 79. The clerk shall certify annually to the secretary  
20 of administration and record with the register of deeds a legal description of the total  
21 boundaries of the municipality as those boundaries existed on December 1, unless  
22 there has been no change in the 12 months preceding.

NOTE: Sections 4 to 7 correct statutory cross-references.

**ASSEMBLY BILL 840****SECTION 5**

1           **SECTION 5.** 66.0221 (1) of the statutes is amended to read:

2           66.0221 (1) Upon its own motion and subject to sub. (3) and ss. 66.0301 (6) (d)  
3 and 66.0307 (7), a city or village, by a two-thirds vote of the entire membership of  
4 its governing body, may enact an ordinance annexing territory which comprises a  
5 portion of a town or towns and which was completely surrounded by territory of the  
6 city or village on December 2, 1973. The ordinance shall include all surrounded town  
7 areas except those that are exempt by mutual agreement of all of the governing  
8 bodies involved. The annexation ordinance shall contain a legal description of the  
9 territory and the name of the town or towns from which the territory is detached.  
10 Upon enactment of the ordinance, the city or village clerk immediately shall file 6  
11 certified copies of the ordinance with the secretary of administration, together with  
12 6 copies of a scale map. The city or village shall also file with the county clerk or board  
13 of election commissioners the report required by s. 5.15 (4) ~~(bg)~~ (b). The secretary of  
14 administration shall forward 2 copies of the ordinance and scale map to the  
15 department of transportation, one copy to the department of natural resources, one  
16 copy to the department of revenue and one copy to the department of administration.  
17 This subsection does not apply if the town island was created only by the annexation  
18 of a railroad right-of-way or drainage ditch. This subsection does not apply to land  
19 owned by a town government which has existing town government buildings located  
20 on the land. No town island may be annexed under this subsection if the island  
21 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
22 to annexations under this subsection. Except as provided in sub. (2), after  
23 December 2, 1973, no city or village may, by annexation, create a town area which  
24 is completely surrounded by the city or village.

25           **SECTION 6.** 66.0223 (1) of the statutes is amended to read:

**ASSEMBLY BILL 840****SECTION 6**

1           66.0223 (1) In addition to other methods provided by law and subject to sub.  
2           (2) and ss. 66.0301 (6) (d) and 66.0307 (7), territory owned by and lying near but not  
3           necessarily contiguous to a village or city may be annexed to a village or city by  
4           ordinance enacted by the board of trustees of the village or the common council of the  
5           city, provided that in the case of noncontiguous territory the use of the territory by  
6           the city or village is not contrary to any town or county zoning regulation. The  
7           ordinance shall contain the exact description of the territory annexed and the names  
8           of the towns from which detached, and attaches the territory to the village or city  
9           upon the filing of 7 certified copies of the ordinance with the secretary of  
10          administration, together with 7 copies of a plat showing the boundaries of the  
11          territory attached. The city or village shall also file with the county clerk or board  
12          of election commissioners the report required by s. 5.15 (4) (~~bg~~) (b). Two copies of the  
13          ordinance and plat shall be forwarded by the secretary of administration to the  
14          department of transportation, one copy to the department of administration, one  
15          copy to the department of natural resources, one copy to the department of revenue  
16          and one copy to the department of public instruction. Within 10 days of filing the  
17          certified copies, a copy of the ordinance and plat shall be mailed or delivered to the  
18          clerk of the county in which the annexed territory is located. Sections 66.0203 (8) (c)  
19          and 66.0217 (11) apply to annexations under this section.

20           **SECTION 7.** 66.0231 of the statutes is amended to read:

21           **66.0231 Notice of certain litigation affecting municipal status or**  
22           **boundaries.** If a proceeding under ss. 61.187, 61.189, 61.74, 62.075, 66.0201 to  
23           66.0213, 66.0215, 66.02162, 66.0217, 66.0221, 66.0223, 66.0227, 66.0301 (6), or  
24           66.0307 or other sections relating to an incorporation, annexation, consolidation,  
25           dissolution or detachment of territory of a city or village is contested by instigation

**ASSEMBLY BILL 840****SECTION 7**

1 of legal proceedings, the clerk of the city or village involved in the proceedings shall  
2 file with the secretary of administration 4 copies of a notice of the commencement of  
3 the action. The clerk shall file with the secretary of administration 4 copies of any  
4 judgments rendered or appeals taken in such cases. The notices or copies of  
5 judgments that are required under this section may also be filed by an officer or  
6 attorney of any party of interest. If any judgment has the effect of changing the  
7 municipal boundaries, the city or village clerk shall also file with the county clerk or  
8 board of election commissioners the report required by s. 5.15 (4) ~~(b)~~ (b). The  
9 secretary of administration shall forward to the department of transportation 2  
10 copies and to the department of revenue and the department of administration one  
11 copy each of any notice of action or judgment filed with the secretary of  
12 administration under this section.

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**(END)**