

1       **AN ACT** *to amend* 66.0307 (2) (intro.); and *to create* 66.0307 (4m) of the statutes;  
2               **relating to:**

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

**COMMENT:** Provisions that have been changed since the previous draft are identified in comments following the revised provisions. Note, also, that SECS. 1 and 2 of the previous draft and the provision on page 6, lines 3 and 4, of the previous draft are not included in this draft.

3       **SECTION 1.** 66.0307 (2) (intro.) of the statutes is amended to read:

4               66.0307 (2) BOUNDARY CHANGE AUTHORITY. (intro.) ~~Any~~ Unless the mediated  
5 agreement procedure under sub. (4m) is used to develop a cooperative plan, any combination  
6 of municipalities may determine the boundary lines between themselves under a cooperative  
7 plan that is approved by the department under this section. A single city or village and a single  
8 town may use the mediated agreement procedure under sub. (4m) to determine a common  
9 boundary line under a cooperative plan that is approved by the department under this section.  
10 No boundary of a municipality may be changed or maintained under this section unless the  
11 municipality is a party to the cooperative agreement. The cooperative plan shall provide one  
12 or more of the following:

13       **SECTION 2.** 66.0307 (4m) of the statutes is created to read:

14               66.0307 (4m) MEDIATED AGREEMENT PROCEDURE. (a) As an alternative to the parties  
15 mutually invoking the procedure under this section, a city, village, or town may petition the  
16 department for mediation of a cooperative plan under this paragraph.

17               1. A city or village may petition for mediation if all of the following apply:

1           a. The city or village adopts an authorizing resolution under sub. (4) (a) (intro.) and  
2 requests in writing an adjacent town to adopt an authorizing resolution under sub. (4) (a)  
3 (intro.) and the town fails to adopt the resolution within 60 days after the request.

4           b. The city or village has adopted a comprehensive plan.

**COMMENT:** Assumes a definition of “comprehensive plan” like that in  
                  SEC. 10 of WLC: 0063/P3.

5           2. A town may petition for mediation if all of the following apply:

6           a. The town adopts an authorizing resolution under sub. (4) (a) (intro.) and requests in  
7 writing an adjacent city or village to adopt an authorizing resolution under sub. (4) (a) (intro.)  
8 and the city or village fails to adopt the resolution within 60 days after the request.

9           b. The town has adopted a comprehensive plan.

**COMMENT:** Assumes a definition of “comprehensive plan” like that in  
                  SEC. 10 of WLC: 0063/P3.

10          (b) Upon receipt of a petition for mediation, the department shall notify the  
11 nonpetitioning adjacent municipality identified in the petition that the petition has been  
12 submitted. Within 45 days after receipt of notice from the department that a petition has been  
13 submitted, the nonpetitioning municipality shall notify the department whether it agrees to  
14 engage in mediation to develop a cooperative plan under this section. Failure of the  
15 nonpetitioning municipality to timely notify the department is considered notice that the  
16 municipality does not agree to engage in mediation. If the nonpetitioning municipality refuses  
17 to engage in mediation, the petitioning municipality may not submit a petition under par. (a)  
18 involving the same nonpetitioning municipality for a period of 3 years after notice of the  
19 refusal.

20          (c) If a town is the nonpetitioning municipality and refuses to engage in mediation, the  
21 town may not contest any annexation of town territory to the petitioning city or village that

1 is commenced within [ ] after notice of the town's refusal to engage in mediation. If a city  
2 or village is the nonpetitioning municipality and refuses to engage in mediation, no proceeding  
3 to annex territory of the petitioning town to the nonpetitioning city or village may be  
4 commenced within [ ] after notice of the city's or village's refusal to engage in mediation.

**COMMENT:** Revised. The bracketed time periods are left blank for purposes of subcommittee discussion.

5 (d) 1. If both the petitioning municipality and nonpetitioning municipality agree to  
6 engage in mediation to develop a cooperative plan under this section, the municipalities shall  
7 select a mediator. The department may assist the municipalities in selecting a mediator. If the  
8 municipalities are unable to agree on the selection of a mediator, the department shall furnish  
9 a list of 5 mediators to the municipalities. The municipalities shall alternatively strike a name  
10 from the list until one name remains, who is the mediator.

11 2. The mediator shall assist the parties through recognized mediation techniques to  
12 develop and reach agreement on a cooperative plan under this section. Unless the participating  
13 municipalities agree to extend the mediation period, the mediation period expires after [ ].  
14 Unless they agree otherwise, the participating municipalities are equally responsible for the  
15 costs of the mediation.

**COMMENT:** Revised (by removing last sentence included in previous draft). The bracketed time period is left blank for purposes of subcommittee discussion.

16 (e) Before the participating municipalities engage in mediation under this subsection,  
17 each shall adopt a resolution under sub. (4) (a) (intro.) and provide the required notice of the  
18 resolution. If the participating municipalities agree on a cooperative plan under this  
19 subsection, a public hearing on the plan shall be held under sub. (4) (b) no sooner than 45 days  
20 after agreement is reached and at least 45 days before submitting the plan to the department

1 for review and approval under sub. (5). Otherwise, the provisions of this section apply to a  
2 cooperative plan agreed to under this subsection.

**COMMENT:** Links the new mediated agreement procedure to other provisions in current s. 66.0307. Thus, subject to the specified differences, a cooperative plan developed under the new procedure is subject to the content, procedure, approval, and other requirements under s. 66.0307.

3 (f) After a municipality has petitioned for mediation under par. (a), if any litigation is  
4 commenced during the 3-year period after the department receives the petition contesting  
5 annexation of territory of the participating town to the participating city or village, the judge  
6 shall, unless the nonpetitioning municipality objects, order the parties to select a settlement  
7 alternative under s. 802.12 (1) and (2) as a means to attempt settlement.

**COMMENT:** Revised. A note will be included to indicate that this provision is not intended to affect the court's discretionary authority under s. 802.12, notwithstanding the objection of the nonpetitioning (or petitioning) municipality. (cf. WLC: 0066/P1.)

8

(END)