

**2001 DRAFTING REQUEST**

**Bill**

Received: 02/14/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Rep. Schneider

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact: Mr. Walter Seeger  
(715) 325-2675  
Don Dyke

Alt. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Petition requirements for the creation of a town sanitary district

**Instructions:**

See Attached. Amend petition requirements in s. 60.71 (2) so that notarized signatures on a petition are acceptable in meeting the 51% of land owners or owners of 51% of the land requirements.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 03/06/2001	gilfokm 03/06/2001	jfrantze 03/07/2001	_____	lrb_docadmin 03/07/2001	lrb_docadminLocal 03/08/2001	

FE Sent For:

<END>

→ At  
Intro.

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11 MES	shoveme 3/6/01	1-3 Kmcg 6-01	9/16/97	Self 3/7			

FE Sent For:

<END>

TO: Steve Miller  
FROM: Marlin Schneider  
RE: Additional 2001-2003 bill drafts  
DATE: February 5, 2001

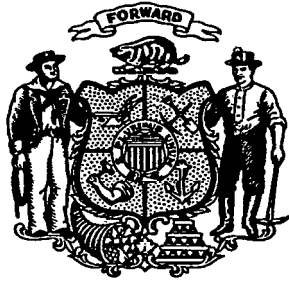
6-0215 Walter Seeger  
715 325-2675  
Call constituent

1. Create a statute that would allow for a non-profit sanitary water district. Based upon the enclosed letter to Walter Seeger by Don Dyke 51% of the owners of the land within the proposed sanitary water district must sign a petition. As the letter so states, most of this particular township's residents live outside the state. Anyway, to simplify things a non-profit district without the petition requirements is what Marlin wants.
2. Ban competition contracts, i.e., if someone works for a company, that company cannot require a contract that states the person, if leaving the firm, cannot work for another company who is considered a competitor.
3. Expand and redefine education standards to include as basic skills: math, science, technology, english arts, foreign language, physical education, and "the arts".
4. No company may fire, terminate, discriminate against, or deny promotion to any employe who voluntarily discloses his or her salary.
5. A bill to completely exempt from paying taxes, residents serving in the uniformed services outside of the state.

*State of Wisconsin*  
**JOINT LEGISLATIVE COUNCIL**

*Senate Cochairperson*  
**FRED A. RISSER**  
President, State Senate

*Assembly Cochairperson*  
**CAROL KELSO**  
Representative, State Assembly



**LEGISLATIVE COUNCIL STAFF**  
*Terry C. Anderson, Director*

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P.O. Box 2536  
Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

September 1, 2000

Mr. Walter Seeger  
827 Richmond Way  
Nekoosa, WI 54458

Dear Mr. Seeger:

Section 60.71 (2) (b), Stats., requires that one or more petitioners verify that a petition for the establishment of a town sanitary district was signed personally by the persons whose signatures appear on the petition. The petition must be signed by at least 51% of the persons owning land or the owners of at least 51% of the land within the proposed district.

You note that most of the owners of property within a town sanitary district currently being considered for creation reside outside the state. You ask whether the signatures of the out-of-state property owners may be obtained by mailing them a petition, having them sign the petition before a notary public and having the petition returned with the signature notarized.

There appear to be no reported cases or Attorney General opinions regarding the meaning of the requirement that a petitioner verify that the petition was signed personally by the persons whose signatures appear on the petition. However, arguments may be made supporting the position that the verification requirement permits the utilization of notarized signatures of persons who reside outside the state. Briefly, these arguments include:

1. The statutory language in question does not require that the petitioner indicate that he or she personally circulated the petition and personally obtained each of the signatures on the petition. [cf. ss. 8.15 (4) (a) and 8.40 (2), Stats., which contain these and other requirements for nomination papers and election petitions, respectively.]
2. Section 60.71 (2) (b) provides that the petition is presumed to have been signed by the persons whose signatures appear on the petition. The presumption is arguably unnecessary if a petitioner is required to personally obtain the signature of each signer of the petition.
3. The legislative history of the provision in question sheds little light on its specific requirements. The provision's predecessor statute merely required that the petition "be verified by one of the petitioners." [See s. 60.302 (4), 1981-82, Stats.] The

verification requirement was enacted in its current form as part of a complete recodification of ch. 60 of the statutes. Legislative notes to the provision do not indicate that the change in verification requirement was viewed as a substantial substantive change. [See Legislative Council notes to s. 60.71, Stats., set forth in 1983 Wisconsin Act 532.] Arguably, this is indication that the Legislature did not contemplate any requirement that a petitioner personally witness each signature on the petition.

4. As you have indicated, a notarized signature may be more reliable than one purportedly personally witnessed by a petitioner.

Please note that this letter is not intended to be and should not be construed as a legal opinion on the question you raise as applied to a particular fact situation. Only a privately retained lawyer is in a position to render an opinion for you.

I hope this information is useful.

Sincerely,

A handwritten signature in cursive script that reads "Don Dyke".

Don Dyke  
Senior Staff Attorney

cc: Representative Marlin Schneider

Jim O'Reilly

allow ~~A~~ ~~Amended by DRT~~

~~A~~  
2/14/01 conversation w/ Mr. Seeger  
they have a private water

utility - must have petition

signed by 51% of prop owners

allow a petition signed by a <sup>landowner & witness</sup> notary  
public to be OK



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2531/1

MES...*King*...

*RMK*

2001 BILL

1 AN ACT *gln*; relating to: petition requirements for the creation of a town sanitary  
2 district.

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*Analysis by the Legislative Reference Bureau*

Under current law, the owners of land within a town may petition the town board to establish a town sanitary district. The petition must be signed by at least 51% of the persons owning land or the owners of at least 51% of the land within the limits of the territory proposed to be organized into a town sanitary district. The petition must contain certain information, such as a legal description of the boundaries of the proposed sanitary district, a statement of the necessity for the proposed work, and a statement that the public health, safety, convenience or welfare will be promoted by the establishment of the proposed sanitary district and that the property to be included will be benefited by the proposed district. *t*

Also under current law, one or more of the petitioners is required to verify that the petition was signed personally by the persons whose signatures appear on the petition, and current law states that the petition is presumed to have been signed by the persons whose signatures appear on the petition. Under this bill, as an alternative to the requirement that one or more of the petitioners verify that the petition was signed personally by a signatory, a person who signs a petition may have his or her signature notarized.



**BILL**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 60.71 (2) (b) of the statutes is amended to read:

2           60.71 (2) (b) One or more of the petitioners shall verify that the petition was  
3 signed personally by the persons whose signatures appear on the petition<sup>2</sup> or a person  
4 who signs a petition may have his or her signature notarized. The petition is  
5 presumed to have been signed by the persons whose signatures appear on the  
6 petition. No petition with the requisite number of valid signatures may be declared  
7 void because of alleged defects in the information required to be included in the  
8 petition. The town board at any time may permit a petition to be amended to conform  
9 to the facts.

10           History: 1983 a. 532; 1985 a. 281; 1987 a. 77; 1993 a. 301; 1995 a. 27 ss. 3302, 3303, 9116 (5).

(END)



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 7, 2001

### MEMORANDUM

To: Representative Schneider

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-2531 Petition requirements for the creation of a town sanitary district

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.