

2013 Senate Bill 207 (LRB -2402)

An Act to amend 66.0203 (8) (b); and to create 66.0203 (4m) of the statutes; relating to: incorporations including territory of two towns.

2013

- 06-04. S. Introduced by Senators **Lazich** and **Farrow**; cosponsored by Representatives **Craig** and **Kramer**. ..... 245
- 06-04. S. Read first time and referred to Elections and Urban Affairs ..... 245
- 06-04. S. Representative Murtha added as a cosponsor ..... 245
- 06-06. S. Public hearing held
- 06-07. S. Senate Amendment 1 offered by Senator Lazich (**LRB a0580**)
- 06-10. S. Executive action taken
- 06-10. S. Report adoption of Senate Amendment 1 recommended by Elections and Urban Affairs, Ayes 5, Noes 0
- 06-10. S. Report passage as amended recommended by Elections and Urban Affairs, Ayes 4, Noes 1
- 06-10. S. Available for scheduling
- 06-10. S. Placed on calendar 6-11-2013 pursuant to Senate Rule 18(1)
- 06-11. S. Senate Amendment 2 offered by Senator Lazich (**LRB a0596**)
- 06-11. S. Read a second time
- 06-11. S. Senate Amendment 1 **adopted**
- 06-11. S. Senate Amendment 2 **adopted**
- 06-11. S. Ordered to a third reading
- 06-11. S. Rules suspended
- 06-11. S. Read a third time and **passed**
- 06-11. S. Ordered immediately messaged
- 06-12. A. Received from Senate
- 06-12. A. Read first time and referred to committee on Rules
- 06-12. A. Rules suspended to withdraw from committee on Rules and take up
- 06-12. A. Read a second time
- 06-12. A. Ordered to a third reading
- 06-12. A. Rules suspended
- 06-12. A. Read a third time and **concurred in**
- 06-12. A. Ordered immediately messaged
- 06-13. S. Received from Assembly concurred in

**2013**  
**ENROLLED BILL**

13en SB-207

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

13 - 24021 / 1

Amendments to above (if none, write "NONE"): SA 1 a0580

SA 2 a0596

Corrections - show date (if none, write "NONE"): ~~NONE~~

CCC in enrolling 6/21/13

Topic Rel

6-13-13

Date

SR Miller

Enrolling Drafter



## 2013 SENATE BILL 207

June 4, 2013 – Introduced by Senators LAZICH and FARROW, cosponsored by Representatives CRAIG and KRAMER. Referred to Elections and Urban Affairs.

- 1     **AN ACT** *to amend* 66.0203 (8) (b); and *to create* 66.0203 (4m) of the statutes;  
2     **relating to:** incorporations including territory of two towns.

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### *Analysis by the Legislative Reference Bureau*

Under current law, all or part of a town or more than one town may incorporate as a city or village by a number of methods. Under the most generally applicable method, the procedures include the following:

1. The circulation of an incorporation petition in the territory to be incorporated, and the filing of the petition with the circuit court.

2. A circuit court hearing on the petition at which the court determines whether a number of statutory standards are met, including resident population and population density.

3. If the court finds that the standards are met, a review of the petition by the Incorporation Review Board (board) for a determination on whether a number of statutory standards are met, including the characteristics of the territory, the level of governmental services that are desired or needed by the residents compared to the level of services offered by the proposed city or village, the impact upon the remainder of the town from which the territory is to be incorporated, and the impact of the proposed incorporation on the metropolitan community. If the board dismisses the petition, the circuit court must issue an order dismissing the petition.

4. If the board grants the petition, the circuit court must order an incorporation referendum. If a majority of the votes on the referendum are cast in favor of a village or city, the secretary of state must issue and record a certificate of incorporation.

Under this bill, if the territory to be incorporated includes portions of two towns, as part of the circuit court review of the incorporation petition, the court must find

**SENATE BILL 207**

that the town board of each town has adopted a resolution approving the incorporation or dismiss the petition.

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

1           **SECTION 1.** 66.0203 (4m) of the statutes is created to read:

2           66.0203 (4m) INCORPORATIONS INVOLVING PORTIONS OF 2 TOWNS. If the territory  
3 designated in the petition is comprised of portions of only 2 towns, the territory may  
4 not be incorporated unless the town board of each town adopts a resolution approving  
5 the incorporation.

6           **SECTION 2.** 66.0203 (8) (b) of the statutes is amended to read:

7           66.0203 (8) (b) On the basis of the hearing the circuit court shall find if the  
8 standards under s. 66.0205 are met and, if sub. (4m) applies, if the town boards have  
9 adopted the resolutions required under sub. (4m). If the court finds that the  
10 standards are not met or, if sub. (4m) applies, the court does not find that the  
11 resolutions required under sub. (4m) have been adopted, the court shall dismiss the  
12 petition. Subject to par. (c), if the court finds that the standards are met and, if sub.  
13 (4m) applies, that the resolutions required under sub. (4m) have been adopted, the  
14 court shall refer the petition to the board. Upon payment of any fee imposed under  
15 s. 16.53 (14), the board shall determine whether the standards under s. 66.0207 are  
16 met.

17           **SECTION 3. Initial applicability.**

INS. SA2-1

18           (1) This act first applies to an incorporation petition filed with a circuit court  
19 but that has not been referred to the incorporation review board on the effective date  
20 of this subsection.

21

(END)

INS. SA1-1



State of Wisconsin  
2013 - 2014 LEGISLATURE



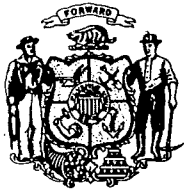
LRBa0580/1  
EVM:wlj:jf

SENATE AMENDMENT 1,  
TO SENATE BILL 207

June 7, 2013 – Offered by Senator LAZICH.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 19: delete "referred to" and substitute "granted by".
- 3 (END)

SAI-1



State of Wisconsin  
2013-2014 LEGISLATURE

**CORRECTIONS IN:**

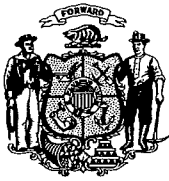
**SENATE AMENDMENT 2,  
TO SENATE BILL 207**

Prepared by the Legislative Reference Bureau  
(June 21, 2013)

In enrolling, the following correction was made:

1. Page 1, line 11: before "(4m)" insert "sub."

(END)



**SENATE AMENDMENT 2,  
TO SENATE BILL 207**

June 11, 2013 – Offered by Senator LAZICH.

SA2-1

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

2 **1.** Page 2, line 6: delete lines 6 to 16 and substitute:

3 “SECTION 2g. 66.0203 (9) (f) of the statutes is renumbered 66.0203 (9) (f) 1. and  
4 amended to read:

5 66.0203 (9) (f) 1. If the board determines that the petition shall be dismissed  
6 under par. (e) 1., the circuit court shall issue an order dismissing the petition. If  
7 Except as provided in subd. 2., if the board grants the petition, the circuit court shall  
8 order an incorporation referendum as provided in s. 66.0211.

9 SECTION 2j. 66.0203 (9) (f) 2. of the statutes is created to read:

10 66.0203 (9) (f) 2. If sub. (4m) applies, the court shall dismiss the petition if the  
11 court does not find that the resolutions required under (4m) have been adopted.  
12 Paragraph (g) does not apply to this subdivision.”

CCC in enrolling

sub.