



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.

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

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

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.**

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.

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(END)