

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2402/P1dn
EVM:kjf:jf

May 20, 2013

ATTN: Sen. Mary Lazich

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Section 66.0203 (4m), as created in this draft, creates a freestanding prohibition of incorporation of a covered territory unless a resolution approving the incorporation is adopted by the town boards. This draft also makes clear that a circuit court may not send an incorporation proceeding to DOA if the court does not find that the required resolutions have been adopted. It is not clear, however, what would happen if DOA has approved an incorporation that does not comply with new s. 66.0203 (4m), but an incorporation referendum has not yet been ordered. Do you wish to expressly provide for this situation?
2. This draft does not require any particular manner of informing the court that a required resolution has been adopted. The court, however, is required to dismiss a covered petition unless the court finds that the required petitions have been adopted. Proof of the existence of the resolution, therefore, would be required in some form.
3. Do you want to limit the applicability of this provision in any way? Geographically? Towns of certain size or density?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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