

2013 DRAFTING REQUEST

Bill

Received: **5/17/2013** Received By: **emueller**
Wanted: **As time permits** Same as LRB:
For: **Mary Lazich (608) 266-5400** By/Representing: **Mary Lazich**
May Contact: Drafter: **emueller**
Subject: **Local Gov't - misc** Addl. Drafters:
Extra Copies: **MES**

Submit via email: **YES**
Requester's email: **Sen.Lazich@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require town board approval of incorporation involving portions of two towns

Instructions:

See attached

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>
/?	emueller 5/20/2013			_____			
/P1	emueller 5/21/2013	kfollett 5/20/2013	jfrantze 5/20/2013	_____	srose 5/20/2013		
/P2	emueller 5/29/2013	kfollett 5/21/2013	jmurphy 5/21/2013	_____	sbasford 5/21/2013		
/1		kfollett	phenry	_____	sbasford	srose	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		5/30/2013	5/30/2013	_____	5/30/2013	5/31/2013	

FE Sent For:

*none
needed*

<END>

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/P2		kfollett 5/21/2013	jmurphy 5/21/2013	_____	sbasford 5/21/2013		
/1	EVMA 5/29/13	11/5/13 5/30	9/30 pm ✓				

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/?	emueller 5/20/2013			_____			
/P1		kfollett 5/20/2013	jfrantze 5/20/2013	_____	srose 5/20/2013		

/P2 *EM*
5/21/13
FE Sent For:

1P2kf
5/21 *dm* *5/21* *self*

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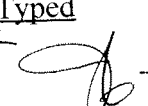
Topic:

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See attached

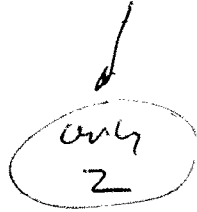
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1/2	emueller	1/1/13		5/20			
1/1	EJM 5/20/13						

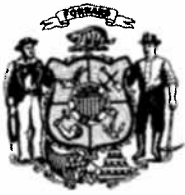
FE Sent For:

<END>

- ct MUST find that four bd. passed
 resolution approving incorporation
 - only when incorp. incl. part of (2) towns



5/17 Sen. Lammie



DNote
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2402/P1

EVM: *ktf*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

In 5/20/13

Today

gen

1 **AN ACT ...; relating to:** incorporations including territory of two towns.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

2
3
4
5

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

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

6
7
8
9

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

66.0203 (8) (b) On the basis of the hearing the circuit court shall find if the standards under s. 66.0205 are met and, if sub. (4m) applies, if the town boards have

1 adopted the resolutions required under sub. (4m). If the court finds that the
2 standards are not met or, if sub. (4m) applies, the court does not find that the
3 resolutions required under sub. (4m) have been adopted, the court shall dismiss the
4 petition. Subject to par. (c), if the court finds that the standards are met and, if sub.
5 (4m) applies, that the resolutions required under sub. (4m) have been adopted, the
6 court shall refer the petition to the board. Upon payment of any fee imposed under
7 s. 16.53 (14), the board shall determine whether the standards under s. 66.0207 are
8 met.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to incorporation petitions pending before a circuit court
11 on the effective date of this subsection.

12 (END)

S. Noto

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2402/P1dn

EVM: *ef*

Date

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.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

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?
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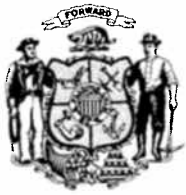
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Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

3/21

Tom @ Sen. Lazich

- Does it ~~apply~~ if DOA approved, but referendum not yet held



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2402/P1
EVM:kjf:jf

182

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 5/21/13

RMR

Paul
5/21
JRM

Regen

Today

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

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 SECTION 1. 66.0203 (4m) of the statutes is created to read:
4 66.0203 (4m) INCORPORATIONS INVOLVING PORTIONS OF 2 TOWNS. If the territory
5 designated in the petition is comprised of portions of only 2 towns, the territory may
6 not be incorporated unless the town board of each town adopts a resolution approving
7 the incorporation.

8 SECTION 2. 66.0203 (8) (b) of the statutes is amended to read:
9 66.0203 (8) (b) On the basis of the hearing the circuit court shall find if the
10 standards under s. 66.0205 are met and, if sub. (4m) applies, if the town boards have

1 adopted the resolutions required under sub. (4m). If the court finds that the
 2 standards are not met or, if sub. (4m) applies, the court does not find that the
 3 resolutions required under sub. (4m) have been adopted, the court shall dismiss the
 4 petition. Subject to par. (c), if the court finds that the standards are met and, if sub.
 5 (4m) applies, that the resolutions required under sub. (4m) have been adopted, the
 6 court shall refer the petition to the board. Upon payment of any fee imposed under
 7 s. 16.53 (14), the board shall determine whether the standards under s. 66.0207 are
 8 met.

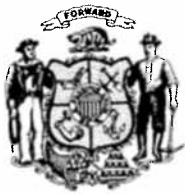
SECTION 3. Initial applicability.

9
 10 (1) This act first applies to ^{an} incorporation petitions pending before a circuit court
 11 on the effective date of this subsection.

(END)

petition filed with

*but that has not been referred to the
incorporation review board*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2402/P2

EVM:kjf:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

INSERT

10/5/29/13

Today

Soon

Reger

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

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

INS-
Analysis

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6 court shall refer the petition to the board. Upon payment of any fee imposed under
7 s. 16.53 (14), the board shall determine whether the standards under s. 66.0207 are
8 met.

9 **SECTION 3. Initial applicability.**

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

13 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2402/lins
EVM:kjf:jm

INS-Analysis

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

Barman, Mike

From: Sen.Lazich
Sent: Thursday, May 30, 2013 5:59 PM
To: LRB.Legal
Subject: Draft Review: LRB -2402/1 Topic: Require town board approval of incorporation involving portions of two towns

Please Jacket LRB -2402/1 for the SENATE.