



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 38
[2013 Senate Bill 207]

**Incorporations Including
Territory of Two Towns**

State law creates a four-step process for the incorporation of town territory into a new village or city: (1) a petition by residents; (2) review by a circuit court; (3) review by the Incorporation Review Board; and (4) a referendum.

2013 Wisconsin Act 38 (“Act 38”) creates an additional requirement that must be met before territory in two towns may incorporate into a new village or city. The Act provides that if territory designated in an incorporation petition is comprised of portions of only two towns, then the territory may not be incorporated unless the town board of each town adopts a resolution approving the incorporation.

Act 38 further provides that a court must dismiss the incorporation petition if the court does not find that the required town board resolutions were adopted. The Act first applies to an incorporation petition filed with the circuit court, but not yet granted by the Incorporation Review Board as of July 7, 2013, the date the Act became effective.

Effective date: July 7, 2013.

Prepared by: Katie Bender-Olson, Staff Attorney

July 10, 2013

KBO;jb;ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.