



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 207

Senate Amendments 1 and 2

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Current law

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. The second step, review by a circuit court, requires the court to review an incorporation petition to determine whether it meets statutory standards, including those relating to area and population density.

If the court determines that the incorporation petition meets the statutory standards, the court refers the petition to the Incorporation Review Board. The Incorporation Review Board is attached to the Wisconsin Department of Administration and investigates and reviews incorporation petitions to determine whether they meet statutory requirements relating to characteristics of the proposed territory, potential tax revenue, level of available services, and impact of incorporation on nearby territory.

2013 Senate Bill 207

Senate Bill 207 creates an additional requirement that must be met before territory in two towns may incorporate into a new village or city. The bill 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. A circuit court reviewing the incorporation petition (step 2 of the process) must dismiss the petition if it finds that the requisite town board resolutions were not adopted.

The bill provides that the requirement for town board approval first applies to an incorporation petition that has been filed with a circuit court, but has not yet been *referred to* the Incorporation Review Board.

Senate Amendment 1

Senate Amendment 1 amends the initial applicability date. The amendment provides that the requirement for town board approval first applies to an incorporation petition that has been filed with a circuit court, but has not yet been *granted* by the Incorporation Review Board. Unlike the original bill, the amendment applies the requirement to petitions that are still under review by the Incorporation Review Board.

Senate Amendment 2

Senate Amendment 2 deletes language in Senate Bill 207 requiring the court to dismiss the incorporation petition during court review (step 2 of the process) if the court does not find that each town board adopted a resolution approving the incorporation. Instead, Senate Amendment 2 creates new language providing that the court must dismiss the incorporation petition after review by the Incorporation Review Board (step 3 of the process) if the court does not find that each town board has adopted a resolution approving the incorporation. The amendment further provides that if a resolution is required from each of the town boards before the proposed territory may be incorporated, then a statutory paragraph requiring the court to base its findings on facts as they existed at the time the petition was filed does not apply.

Bill History

Senate Amendment 1 was offered by Senator Lazich on June 7, 2013. The Senate Committee on Elections and Urban Affairs voted to recommend adoption of the amendment on June 10, 2013, on a vote of Ayes, 5; Noes, 0. The committee then voted to recommend passage of Senate Bill 207, as amended, on a vote of Ayes, 4; Noes, 1. Senate Amendment 2 was offered by Senator Lazich on June 11, 2013. Senate Amendments 1 and 2 were adopted by the Senate on June 11, 2013, and the Senate passed the amended bill on a voice vote on the same date.

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