State of Wisconsin
2015 – 2016 LEGISLATURE

LRB–0951/1
EVM:cjs:cs

2015 BILL

1 AN ACT *to repeal* 66.0203 (11) of the statutes; **relating to:** incorporation of the
2 town of Ledgeview in Brown County.

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.

The 2007 Biennial Budget Act (2007 Wis. Act 20) contained a provision, stating that, notwithstanding the current procedures for the incorporation of a town as a city

or a village, the town of Ledgeview in Brown County may incorporate as a village upon a successful referendum. The Wisconsin Court of Appeals in *State ex rel. Kuehne v. Burdette*, 320 Wis. 2d 784 (2009), held that the statute providing the special procedure for the incorporation of the town of Ledgeview was enacted in contravention of a provision of the Wisconsin Constitution restricting the enactment of a special or private law and permanently enjoined the town from incorporating under the statute.

This bill repeals the special provision regarding the incorporation of the town of Ledgeview.

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

1 **SECTION 1.** 66.0203 (11) of the statutes is repealed.

2 **(END)**