

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Please review this bill very carefully to ensure that it is consistent with your intent. In addition there is one issue, indicated by "****Note", in the bill that must be resolved before the bill may become a "/1". This bill is based loosely on the 1994 "sample draft" submitted by the Wisconsin Towns Association and a summary document submitted in 1995 by WTA's Urban Towns committee.

It seems to me that the broad language in s. 60.225 (3) (a) (intro.) may have some unintended results. For example, do you want "charter towns" to be subject to direct legislation under s. 9.20, through s. 61.342, as this bill provides? As drafted, it seems to me that once a town becomes a "charter town" it could adopt the village form of governance under ss. 61.197 to 61.34. Is this your intent? Authorizing charter towns to adopt a village form of governance could result in a constitutional challenge to the bill. It could be argued that authorizing such a form of governance violates article IV, section 23, of the Wisconsin Constitution, which requires the legislature to establish "...but one system of town government, which shall be as nearly uniform as practicable...". It could also be argued that the mere existence of "charter towns" and "regular towns" creates more than "one system of town government" and violates article IV, section 23 of the Wisconsin Constitution.

If "charter towns" have the powers of villages, including zoning powers under s. 62.23, it seems to me that ss. 60.225 (3) (b), 60.61 and 60.62 are somewhat inconsistent with an entity that may act under s. 62.23. Would you like any changes in these sections? Would you like ss. 60.61 and 60.62 to apply only to "regular" towns and require charter towns to act under ss. 61.35 and 62.23, subject to the limitations in s. 60.225 (3) (a)? Are the changes that I've made in s. 60.62 (2) and (3) consistent with your intent?

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