

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

LRB-1367/1dn  
MES:wlj:jf

January 20, 2000

Your written comments to the /P2 version of the bill ask whether “regulation” should be eliminated from page 3, line 1, of the bill because you’ve questioned whether a political subdivision may enact a “regulation.” While you are correct that political subdivisions almost certainly never enact a regulation, and that they almost always enact an ordinance or adopt a resolution, I have kept “regulation” in the bill. This is because s. 62.23 (7) (a) authorizes a city (and a village and certain towns) to enact or adopt an “ordinance, resolution or regulation” under s. 62.23.

I’ve expanded the scope of which parties may appeal the decision of a mitigation committee, in created s. 66.038 (4) (c) 2., to include “a taxpayer who resides in the political subdivision or the governing body of the political subdivision,” but this expansion seems a little odd to me. If the zoning mitigation committee decides that a landowner is *not* subject to an inordinate burden, I can’t imagine why a political subdivision would ever want to appeal such a decision. To a lesser extent, I’m not sure why a taxpayer, who may have no interest in the matter, would have a statutory right to appeal if the affected landowner chooses not to appeal. Did you mean to give the political subdivision or a taxpayer the right to appeal if the committee decides that the landowner *is* subject to an inordinate burden and that the political subdivision must then mitigate? This would entail amending created s. 66.038 (4) (c) 1.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: Marc.Shovers@legis.state.wi.us