

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/28/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Rob**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact: **Rick Stadelman**  
**715-526-3157**

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **NO**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Authorize town board to adopt village powers

---

**Instructions:**

See Attached. Remove town meeting authority to authorize town board to exercise village powers and authorize town board to enact an ordinance to exercise village powers

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 10/01/2001	gilfokm 10/19/2001	haugeca 10/19/2001	_____	lrb_docadmin 10/19/2001		S&L
/2	shoveme 11/06/2001	gilfokm 11/06/2001	jfrantze 11/08/2001	_____	lrb_docadmin 11/08/2001	lrb_docadminS&L 11/14/2001 lrb_docadmin 11/14/2001	

FE Sent For: *At intro.*

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/28/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Rob**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact: **Rick Stadelman**  
**715-526-3157**

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Authorize town board to adopt village powers

**Instructions:**

See Attached. Remove town meeting authority to authorize town board to exercise village powers and authorize town board to enact an ordinance to exercise village powers

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 10/01/2001	gilfokm 10/19/2001	haugeca 10/19/2001	_____	lrb_docadmin 10/19/2001		S&L
/2	shoveme 11/06/2001	gilfokm 11/06/2001	jfrantze 11/08/2001	_____	lrb_docadmin 11/08/2001		S&L

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 09/28/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Stephen Freese (608) 266-7502

By/Representing: Rob

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact: Rick Stadelman  
715-526-3157

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

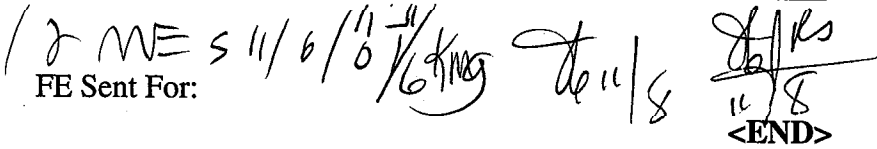
Authorize town board to adopt village powers

Instructions:

See Attached. Remove town meeting authority to authorize town board to exercise village powers and authorize town board to enact an ordinance to exercise village powers

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 10/01/2001	gilfokm 10/19/2001	haugeca 10/19/2001	_____	lrb_docadmin 10/19/2001		S&L

FE Sent For: *ME S 11/6/01* *11/6 King* *11/8* *11/8*  
  
 <END>

2001 DRAFTING REQUEST

Bill

Received: 09/28/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Stephen Freese (608) 266-7502

By/Representing: Rob

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact: Rick Stadelman  
715-526-3157

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Authorize town board to adopt village powers

Instructions:

See Attached. Remove town meeting authority to authorize town board to exercise village powers and authorize town board to enact an ordinance to exercise village powers

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	shoveme	1-10/19 KMG	CH 10-20	CH 3/10/19			
/1 MES 10/1/01							

FE Sent For:

<END>

## Shovers, Marc

---

**From:** Richard, Rob  
**Sent:** Monday, September 10, 2001 7:58 AM  
**To:** Shovers, Marc  
**Subject:** FW: FW: Draft request

Marc:

Please read below the response I received from Rick Stadelman, Executive Director of the WI Towns Assc. He said he will call you today to follow up. Please work with Rick in the drafting of this bill.

Thank you!

Rob Richard  
Freese Office

-----Original Message-----

**From:** Wisconsin Towns Association [<mailto:wistowns@ezwebtech.com>] <<mailto:wistowns@ezwebtech.com>>

**Sent:** Sunday, September 09, 2001 7:19 PM

**To:** Richard, Rob

**Subject:** Re: FW: Draft request

Dear Rob:

What we would want is to give all towns "village powers" which

would be the same authority that the town electors at a town meeting would give the town boards under Sec. 60.10(2)©. We are not asking to incorporate all towns as villages. This bill should in effect give all towns "statutory village powers" without the need to have the town electors grant the authority to town boards by a town meeting vote. This is important because we have some towns where the electors at a town meeting have voted against giving the town board village powers, because they believe the town board will have too great of authority. WTA believes in view of the "smart growth" law all town board should have the authority to have "village powers" by a statutory grant of authority rather than have the requirement to have the electors grant the authority at a town meeting.

I would ask you to forward this email on to Marc Shovers. I will call him on Monday and verify what WTA is looking for if that is OK?

Thanks,

Rick Stadelman Executive Director Wis. Towns Association

Richard, Rob wrote:

Rick:

Jolene Plautz asked us to put together a bill that would give towns the same powers as villages. When I made the request of Marc Shovers to draft it, he gave me the following response. Can you please give me some guidance on this and what you want to accomplish?

Thank you!

Rob Richard, Legislative Aide  
Office of Rep. Steve Freese  
888-534-0051

-----Original Message-----

**From:** Shovers, Marc

**Sent:** Thursday, September 06, 2001 11:03 AM

**To:** Richard, Rob

Subject: RE: Draft request

Hi Bob:

You are correct that I am the attorney who would draft a bill in this area. Actually, however, it's not that straightforward and I'm not sure exactly what Rep. Freese wants.

Under s. 60.10 (2) © of the statutes, an annual town meeting may authorize the town board to exercise village powers under s. 60.22 (3). If the town board is authorized to exercise village powers and it does so, the board may "exercise powers relating to villages and conferred on village boards under ch. 61, except those powers which conflict with statutes relating towns and town boards." See s. 60.22 (3). In addition, a town may become a city or a village by following the procedures in ss. 66.0201 to 66.0215 of the statutes.

Because towns may currently take actions that enable them to exercise village powers and because towns may follow certain procedures to become cities or villages, I'm not sure what Rep. Freese wants towns to be able to do that they can't do under current law. Please let me know exactly what you would like the bill to accomplish and what powers you would like towns to have that don't have now and I can enter a drafting request. Thanks for your help.

Marc E. Shovers

Senior Legislative Attorney  
Legislative Reference Bureau  
Phone: (608) 266-0129  
Fax: (608) 264-8522  
e-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)  
<<<mailto:marc.shovers@legis.state.wi.us>>>

-----Original Message-----

**From:** Richard, Rob  
**Sent:** Wednesday, September 05, 2001 4:07 PM  
**To:** Shovers, Marc  
**Subject:** Draft request

Marc:

I'm making an assumption that you are the one I need to talk to regarding a legislative draft affecting towns and villages. It's pretty straightforward. Rep. Freese wants to draft a bill that would allow towns to have the same authority or powers that villages currently enjoy.

If you have any questions or concerns, please call me at 6-7502.

Thank you!

Rob Richard, Legislative Aide  
Office of Rep. Steve Freese  
608-266-7502

9/21/01

Rep. Freeze → Feb

Rick Stadelman  
715-526-3157

give all towns village powers

by stat w/out getting approval  
of the town mtg

i.e. keep 60.22(3) -- keep town mtg powers

i.e. keep 60.62

keep up boards auth (to appnt  
a plan comm & adopt a smart  
growth plan

Rep; 60.10(2)(c)

CR a new stat to give all  
towns village powers - simple way  
vote of town board

Don't make towns villages or  
give towns home rule

Rick:  $\approx 2/3$  of towns have village powers  
now



State of Wisconsin  
2001 - 2002 LEGISLATURE

Now

LRB-3909/

MES.....

King  
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gem

1 AN ACT ... relating to: authorizing a town board to exercise village powers.

*Analysis by the Legislative Reference Bureau*

Under current law, if a town meeting authorizes a town board to do so, the town board may exercise powers relating to villages and conferred on village boards by statute, except those powers that conflict with statutes relating to towns and town boards. For example, a town board exercising village powers may not create a tax incremental financing ~~district~~ district, annex territory, exercise extraterritorial zoning jurisdiction over another town, or, in counties that have adopted a county zoning ordinance, enact a town zoning ordinance unless it is approved by the county board. If a town board exercises village powers, the town is still subject to annexation by a city or village and may be subject to extraterritorial zoning powers exercised by a city or village.

Under this bill, the power of a town meeting to authorize a town board to exercise village powers is repealed, and the bill authorizes a town board to enact an ordinance giving the board such powers.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*[Handwritten signature]*

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

→ Insert 1A

2 SECTION 1. 60.10 (2) (c) of the statutes is repealed.



1           **SECTION 2.** 60.22 (3) of the statutes is amended to read:

2           60.22 (3) VILLAGE POWERS. ~~If authorized under s. 60.10 (2) (e), may~~ May enact  
3           an ordinance authorizing the board to exercise powers relating to villages and  
4           conferred on village boards under ch. 61, except those powers which conflict with  
5           statutes relating to towns and town boards.

6           History: 1983 a. 532; 1987 a. 237.

6           **SECTION 3.** 60.23 (19) of the statutes is amended to read:

7           60.23 (19) FENCES IN SUBDIVISIONS. If authorized under s. ~~60.10 (2) (e)~~ 60.22 (3)  
8           to exercise village powers, by ordinance require a subdivider to construct a fence  
9           under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a  
10          condition of plat approval by the town. The fence shall be maintained under s. 90.05  
11          (2) and repaired under ss. 90.10 and 90.11.

12          History: 1983 a. 532; 1985 a. 316 s. 25; 1987 a. 205; 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 105, 246, 456; 1995 a. 27 ss. 3300m, 9116 (5); 1995 a. 77, 201,  
13          289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 8, 9, 672.

12          **SECTION 4.** 60.62 (1) of the statutes is amended to read:

13          60.62 (1) Subject to subs. (2), (3) <sup>✓</sup> and (4), if a town board has been granted itself  
14          the authority to exercise village powers under s. ~~60.10 (2) (e)~~ 60.22 (3) <sup>✓</sup>, the board may  
15          adopt zoning ordinances under s. 61.35.

16          History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182.

(END)

INSERT 1A

~~SECTION 1. 60.10 (2) (intro.) of the statutes is amended to read:~~

60.10 (2) DIRECTIVES OR GRANTS OF AUTHORITY TO TOWN BOARD. (intro.) Except as provided under par. (c) directives <sup>stet</sup> or grants of authority to the town board under this subsection may be general and continuing or may be limited as to purpose, effect, or duration. A resolution adopted under this subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect, or duration. A resolution that is continuing remains in effect until rescinded at a subsequent town meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This subsection does not limit any authority otherwise conferred on the town board by law. By resolution, the town meeting may:

History: 1983 a. 532; 1991 a. 39; 1995 a. 34, 201.

LPS: Leave as typed;  
don't make any  
changes.

**Shovers, Marc**

---

**From:** Richard, Rob  
**Sent:** Tuesday, October 23, 2001 2:48 PM  
**To:** Shovers, Marc

Marc:

Thank you for your work on LRB-3909/1, the town's bill. It is my understanding that the Towns Assc has a minor change to make. Someone from Towns will be calling you either today or tomorrow with that change. Please work with them on this issue.

Thank you!

Rob Richard  
Freese Office

*Harnish says  
just give town boards  
village powers on the effective  
date of the bill*



RMK

2001 BILL

have village powers  
take effect after  
publication - no town  
board action needed

repeal

1 AN ACT to repeal 60.10 (2) (c); and to amend 60.10 (2) (intro.), 60.22 (3), 60.23  
2 (19) and 60.62 (1) of the statutes; relating to: authorizing a town board to  
3 exercise village powers.

**Analysis by the Legislative Reference Bureau**

Under current law, if a town meeting authorizes a town board to do so, the town board may exercise powers relating to villages and conferred on village boards by statute, except those powers that conflict with statutes relating to towns and town boards. For example, a town board exercising village powers may not create a tax incremental financing district, annex territory, exercise extraterritorial zoning jurisdiction over another town, or, in counties that have adopted a county zoning ordinance, enact a town zoning ordinance unless it is approved by the county board. If a town board exercises village powers, the town is still subject to annexation by a city or village and may be subject to extraterritorial zoning powers exercised by a city or village.

Under this bill, the power of a town meeting to authorize a town board to exercise village powers is repealed, and the bill authorizes a town board to enact an ordinance giving the board such powers. → exercise

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

**BILL**

1           **SECTION 1.** 60.10 (2) (intro.) of the statutes is amended to read:

2           60.10 (2) DIRECTIVES OR GRANTS OF AUTHORITY TO TOWN BOARD. (intro.) ~~Except~~  
3 as provided under par. (c), directives Directives or grants of authority to the town  
4 board under this subsection may be general and continuing or may be limited as to  
5 purpose, effect, or duration. A resolution adopted under this subsection shall specify  
6 whether the directive or grant is general and continuing or whether it is limited as  
7 to purpose, effect, or duration. A resolution that is continuing remains in effect until  
8 rescinded at a subsequent town meeting by a number of electors equal to or greater  
9 than the number of electors who voted for the original resolution. This subsection  
10 does not limit any authority otherwise conferred on the town board by law. By  
11 resolution, the town meeting may:

12           **SECTION 2.** 60.10 (2) (c) of the statutes is repealed.

13           **SECTION 3.** 60.22 (3) of the statutes is amended to read:

14           60.22 (3) VILLAGE POWERS. ~~If authorized under s. 60.10 (2) (c), may~~ <sup>✓</sup> ~~May enact~~  
15 ~~(an ordinance authorizing the board to)~~ exercise powers relating to villages and  
16 conferred on village boards under ch. 61, except those powers which conflict with  
17 statutes relating to towns and town boards.

18           **SECTION 4.** 60.23 (19) of the statutes is amended to read:

19           60.23 (19) FENCES IN SUBDIVISIONS. ~~If authorized under s. 60.10 (2) (c) 60.22 (3)~~  
20 ~~to exercise~~ <sup>exercising ✓</sup> village powers, by ordinance require a subdivider to construct a fence  
21 under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a  
22 condition of plat approval by the town. The fence shall be maintained under s. 90.05  
23 (2) and repaired under ss. 90.10 and 90.11.

24           **SECTION 5.** 60.62 (1) of the statutes is amended to read:

**BILL**

1  
2  
3  
4

60.62 (1) Subject to subs. (2), (3), and (4), if a town board ~~has been granted itself~~  
<sup>exercises</sup>  
~~the authority to exercise~~ village powers under s. ~~60.10 (2) (e) 60.22 (3)~~, the board may  
adopt zoning ordinances under s. 61.35.

(END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

November 8, 2001

### MEMORANDUM

To: Representative Freese

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-3909/2 Authorize town board to adopt village powers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.