

Date: Sun, 08 Jun 2014 13:08:16 -0500
From: Kevin Shea

Subject: Wisconsin Statutes which limits Towns' rights Wis Stat 66.0406

Dear Members of the Board of Wisconsin Towns Association:

I am writing to you concerning what I believe is an unconstitutional statute which limits Towns and other units of local government in deciding issues which are best dealt with at the local level.

I grew up in rural Wisconsin (Osceola Township/Fond du Lac County). I currently live in the Town of Rutland, Dane County. I am writing to you as a concerned citizen and Town resident.

A couple of years ago a commercial radio broadcaster petitioned to have land rezoned and the grant of a CUP to allow the erection of a 500' FM broadcast tower in our profoundly rural township. This is not a new station, the Owner wants to relocate from North of the Baraboo Range to South so he can gain more revenue by reaching Madison. There has been no unit of local government which has indicated that a tower for government or emergency communication is needed in this area. The fact that the FCC has allowed the broadcaster the option of relocating does not in and of itself over rule local decisions of placement of an FM broadcaster's antenna and tower.

After dozens of hours of public testimony, scores of pages of written documents, numerous hearings at both our Town and County level the petition was rejected. The owner of this FM station then sued the Township and County government in Dane County Court. The judge ruled that the Town and County were within their rights to deny this petition.

The station owner, thru one of his law firms, directed the drafting of an amendment to the state's budget. It was an Assembly Amendment. I find no record of a public hearing. Nor was there a separate bill incorporated into the budget.

The Wisconsin Constitution has a prohibition for certain types of private laws.
(<http://legis.wisconsin.gov/lrb/pubs/consthi/01consthi01.html>) I believe this amendment to the budget bill and resulting new statute violates the provisions of the State Constitution. Regardless, it is bad public policy and serves no community or state interests; only the financial interests of one firm.

Our Town has information on its website concerning the new petition that has been filed by Magnus Communication: <http://www.town.rutland.wi.us/>. In addition there was an excellent article about this matter which you can read here: <http://www.thedailytwp.com/daily/article.php?article=42196>, this article also has links showing the drafting record at the Legislative Reference Bureau.

This law has the single purpose of thwarting local government powers. I urge your association to seek repeal of this statute.

Respectfully submitted,

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