

1987 Senate Bill 272

Date of enactment: **April 7, 1988**
Date of publication: **April 14, 1988**

1987 Wisconsin Act 204

AN ACT to amend 15.105 (12) (e) and (f), 144.445 (9) (a) and 230.08 (2) (x) of the statutes, relating to negotiations regarding siting of a solid or hazardous waste facility and the title of the administrator of the waste facility siting board (suggested as remedial legislation by the waste facility siting board).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the waste facility

siting board, and introduced by the law revision committee under s. 13.83 (1) (c) 4 of the statutes. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substan-

tive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 15.105 (12) (e) and (f) of the statutes are amended to read:

15.105 (12) (e) (title) *Executive director*. The board shall appoint an executive ~~secretary~~ director outside the classified service to serve at its pleasure.

(f) *Assistance*. The executive ~~secretary~~ director may request any state agency to provide assistance necessary for the board to fulfill its duties.

NOTE: In the current statute, the title of executive secretary suggests a clerical position with clerical responsibilities and duties. For this reason, the elections board, the ethics board and the judicial commission have all recently changed the titles of their respective administrators from executive secretary to executive director.

The amendment will correctly identify and recognize the duties and responsibilities of the administrator of the waste facility siting board and provide consistency among titles of administrators of small state agencies.

SECTION 2. 144.445 (9) (a) of the statutes is amended to read:

144.445 (9) (a) *Commencement of negotiation*. Negotiation between the applicant and the local committee may commence at any time after ~~the appoint-~~

~~ment of all members of the local committee receipt of notification of participation from the board under sub. (6) (b)~~. The time and place of negotiating sessions shall be established by agreement between the applicant and the local committee. Negotiating sessions shall be open to the public.

NOTE: The current statute is inconsistent with s. 144.445 (6) (b), stats., which states that negotiations regarding the siting of a solid or hazardous waste facility may begin after notification from the waste facility siting board by certified mail. Section 144.445 (9) (a), stats., states that negotiations may begin after appointment of all members to the local committee. Thus, it is unclear whether negotiations may begin before receipt of the board's notice of participation.

The amendment permits negotiations to begin upon notice from the board. The amendment will eliminate the confusion created by conflicting laws. The amendment will also ensure that the board, the applicant and each municipality represented on the local committee are in agreement as to when negotiations may begin and who may participate.

SECTION 3. 230.08 (2) (x) of the statutes is amended to read:

230.08 (2) (x) The executive ~~secretary~~ director of the waste facility siting board.