

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1598/P1dn
PJK:jlg:hmh

Monday, February 8, 1999

1. This draft addresses only the definition of “tenant” in ch. 704 of the statutes. It is intended to exclude from the definition those persons identified in the memo from Trisha A. Pugal of the Wisconsin Innkeepers Association. I’m not sure what the other suggested changes that were made to the administrative code are intended to do, therefore, I did not address them.

Since agencies draft their own rules, a bill cannot amend the administrative code except by requiring an agency to promulgate specific rules or rules that accomplish a specific result or by prohibiting an agency from promulgating specific rules or rules accomplishing a specific result. Any rules promulgated by an agency must, however, be consistent with the statutes. Therefore, if the statutory requirements related to notices that a landlord must give tenants do not apply to certain persons that might otherwise be considered “tenants”, the rules cannot require a landlord to give the notices to those persons.

Let me know if you want this draft to address any other issues.

2. Is excluding certain persons from the definition of “tenant” too broad a treatment? Are there any provisions in ch. 704 that you *do* want to apply and that would not apply if those persons are excluded from the definition of “tenant” altogether?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us