

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3076/P1dn
GMM:jlg:kjf

May 27, 1999

Anne and Pam:

In addition to numerous minor changes made for sake of clarity and consistency, this draft makes the following larger changes to WLCS-0044/3:

1. In s. 15.197 (3) (a) (intro.), it is the practice of the LRB not to cross-reference the duties of a body created in ch. 15.

2. In s. 15.197 (3) (a) 6. to 9., the preferred method of appointing legislative members of a council is to say that they are appointed "as are members of . . . standing committees". That way those members are appointed as near to the commencement of the session as possible (see SR 20 and AR 9) and hold their appointment until the 1st Monday in January of the next odd-numbered year (see s. 13.45 (1) (a)).

3. In s. 15.197 (3) (a) 14., although the term "public member" is often found in ch. 15, that term is not defined in the statutes, so its use is discouraged. Instead the attributes of the member should be described, which s. 15.197 (3) (a) 14. does.

4. In s. 15.197 (3) (b), the preferred method of providing for staggered terms is to stagger the expiration of the members' initial appointments in a nonstatutory provision. To provide for staggered terms in the statutes might be construed to imply ongoing authority to stagger terms. Accordingly, this draft staggers the initial terms of the appointed members, other than the legislative members, in a nonstatutory provision. The draft also specifies more precisely which appointed members shall be appointed for 3-year terms. In addition, the draft says that the members "shall be appointed" rather than "shall serve" because "shall serve" can be construed to mean that they cannot die or resign during their term.

5. In s. 46.505 (2) (d) and (3) (a) 5., this draft specified more precisely the federal restrictions that the prevention coordination council and DHFS may seek to have waived. For a statutory example of this type of language, see. s. 106.115 (2) (d).

If you have any questions about this draft, please do not hesitate to contact me directly.

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