

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3070/P5dn
JTK:cjs:jf

Dan LaRocque:

1. Concerning the interplay of s. 108.04 (5) and (5g), stats., relating to misconduct, my notes reflect that you will check with the council to ensure that this draft accords with the council's intent. It is understood that while some of the department's staff believes that this draft creates a more sophisticated and logical way to treat the interplay between the two provisions, the draft does go beyond a mere clarification of the current law.

2. Since we did not review the initial applicability provisions, I have deferred most of these items. I should note that some statutory provisions have bifurcated initial applicabilities ("...as they pertain to..."). That is why they appear more than once. If we remove a statutory treatment from an initial applicability provision but retain it in the draft, I want to address what the initial applicability for that treatment should be. As I mentioned, I would like to defer potential consolidation of initial applicability subsections until the council affirms that all of the consolidated subsections will remain in the draft.

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