

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2425/P1dn
TKK:cjs:jf

May 1, 2009

Representative Pasch:

Please carefully review this draft and the questions and detailed drafting notes embedded in the draft. Note that I have modified a number of the definitions proposed in your drafting instructions dated April 2, 2009, and have substantially reorganized the draft. For example, I moved the material governing IEPs, functional behavioral assessments, and behavioral intervention plans to Chapter 115, subch. V. Please contact me with any questions or concerns. I look forward to working with you on the next iteration of the draft.

The drafting instructions included a purpose statement. As a general policy and with some exceptions, LRB drafters are discouraged from including purpose statements in proposed legislation. This policy is followed for a number of reasons, including that the purpose of the bill should be evident in the language of the bill itself. In addition, however, purpose statements are disfavored because findings or policies included in the purpose statement are often redundant to and may conflict with substantive provisions intended to have legal effect. This is especially true where the purpose statement is broad, but restrictions imposed elsewhere in the bill or in existing law are more tailored. Further, a statement of purpose initially drafted in harmony with substantive provisions of the bill may become irrelevant, inaccurate, or cause confusion if the substantive provisions, but not the purpose statements, are later modified.

The purpose statement proposed in the drafting instructions seemed to be both promotional and redundant rather than substantive. Please let me know if you have any questions about this policy or the explanation provided in this note.

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