

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1486/2dn
EVM:bjk:ph

February 16, 2010

ATTN: Sen. Jon Erpenbach

This draft makes the requested change to Item 21 of LRBa1486/1, i.e., requiring certain county boards to “have” a land information council, rather than “create and maintain” a land information council. Though the language may have the same effect, I believe the construction from the initial draft is preferable for two reasons. First, the construction requiring a county board to “have” an advisory body is not the usual statutory construction. This construction seems to imply that a land information council will somehow appear in the county without the county board being required to take any action. As such, the interpretation of the construction may not be entirely predictable. Second, the term “have” in this context may be a little imprecise in two senses. It may have a connotation of possession or ownership that may not be intended. It also does not clearly specify what actions the county board is taking in regards to the council. It is unclear to me whether the legal effect of stating that the county board “shall have a land information council” clearly allows the board to create the body or take action to continue its operation. It also may not be clear whether the county board is responsible and, if so, to what extent, for this entity it seemingly has not created. Please let me know if you want any further changes.

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