

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4640/2dn
RJM&JTK:cmh&jlg:jf

March 21, 2000

Representative Pocan:

1. Under the bill, every regent that is not a full-time state officer or employe is annually paid \$10,000.

2. As indicated in a previous drafter's note, the treatment of ss. 15.91 and 36.115, stats., contained in this draft, which empowers students of the UW system to elect some of the members of the board, may be an unconstitutional violation of the equal protection clause of the 14th Amendment. We are in the process of researching the laws of other states to determine whether pertinent legal precedent exists in support of this bill. We will let you know the results of our research.

The courts have made clear that the one-person, one vote rule does not impinge the state's ability to prescribe qualifications (short of invidiously discriminatory qualifications) for appointive positions. To avoid any potential challenge to this bill on 14th Amendment grounds, you may want to consider accomplishing your goals by increasing the number of students who are appointed to the board and requiring each appointed student to be enrolled at a campus within a certain geographic region.

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