

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: 09/2/98

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Timothy Carpenter (608) 266-1707**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters: **dykmapj**

Subject: **Constitutional Amendments**

Extra Copies:

Topic:

Limitations on campaign expenditures for state or local office authorized

Instructions:

Per 1997 AJR 109.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 10/15/98	gilfokm 10/15/98		_____			
/P1			lpaasch 10/19/98	_____	lrb_docadmin 10/19/98		
/1	dykmapj 10/20/98	gilfokm 10/20/98	lpaasch 10/20/98	_____	lrb_docadmin 10/20/98	lrb_docadmin 11/5/98	

FE Sent For:

<END>

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/20/98

To: Representative Carpenter

Relating to LRB drafting number: LRB-0366

Topic

Limitations on campaign expenditures for state or local office authorized

Subject(s)

Constitutional Amendments

1. **JACKET** the draft for introduction Carpenter

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Assistant Chief Counsel
Telephone: (608) 266-6778

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NOTE

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17/81	kuesejt 10/5	11-10-15 kg	10-19-98	10-19-98 hm	<u>Submitted</u> yes on 11		
		1-10-20	10-19-98	10-19-98 IS			
FE Sent For:							
<END>							



STATE REPRESENTATIVE

Timothy W. Carpenter

N I N T H A S S E M B L Y D I S T R I C T

MEMO

TO: Legislative Reference Bureau

FROM: Representative Tim Carpenter

RE: Bill Drafting Requests for the 1999 - 2000 Legislative Biennium

DATE: September 1, 1998

I would like to have the following bills from the 1998-1999 legislative session redrafted for the 1999-2000 biennium (*copies enclosed*):

- **AB 148:** Health care benefits no longer provided by employer: notification requirements created. *Amend from 60 day notification to 120 day notification.*
- **AB 76:** Pediatric health care: insurance coverage of preventive services required.
- **AJR 109:** To create section 4 of article III of the constitution; relating to: reasonable limits on state or local campaign expenditures.
- **AB 805:** An Act to amend 943.012 (intro.) of the statutes; relating to: criminal damage to certain property and providing a penalty.

In addition, I would also like a bill drafted that would fund adult day care with Title XIX dollars (*please see attachment*).

Thank you for your assistance with this request. If you have any questions or concerns, please contact Rex Loehe in my office at 6-1707.



1999

1997 ASSEMBLY JOINT RESOLUTION 109 ✓

February 17, 1998 - Introduced by Representatives CARPENTER, PLOUFE, TRAVIS, KAUFERT, GOETSCH, NOTESTEIN, BLACK, TURNER, MEYER, BAUMGART, L. YOUNG and BALDWIN, cosponsored by Senator BURKE. Referred to Committee on Elections and Constitutional Law.

- 1 **To create** section 4 of article III of the constitution; **relating to:** reasonable limits
- 2 on state or local campaign expenditures (first consideration).

Analysis by the Legislative Reference Bureau

Currently, no provision of the state constitution treats the subject of campaign expenditures.

This proposed constitutional amendment, proposed to the ~~1997~~¹⁹⁹⁹ legislature on first consideration, specifically authorizes the legislature, by law, to impose reasonable limits on campaign expenditures for state or local elective offices in this state.

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

3 **Resolved by the assembly, the senate concurring, That:**

4 **SECTION 1.** Section 4 of article III of the constitution is created to read:

5 [Article III] Section 4. The legislature may by law impose reasonable limits on
6 campaign expenditures for state or local elective offices.

7 **Be it further resolved, That** this proposed amendment be referred to the
8 legislature to be chosen at the next general election and that it be published for 3
9 months previous to the time of holding such election.

10

(END)

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

^{-0366/P1}
LRB-1689/Jan

JTK:kmg:arm
↑

~~Tuesday, February 18, 1997~~

This draft permits the legislature to impose reasonable limits on campaign expenditures for state or local elective offices. If the legislature were to impose such a limitation before a corresponding change in the U.S. Constitution is made, the limitation may not be enforceable in view of the position of the U.S. supreme court that a campaign spending limit burdens a candidate's right to freedom of speech. See *Buckley v. Valeo, et al.*, 96 S.Ct. 612, 652-652 (1976) and *F.E.C. v. N.C.P.A.C.*, 105 S.Ct. 1459, 1465-1471 (1985).

I know that this draft is designed to confront these decisions and to encourage rethinking of them. Because a number of personalities have changed on the court since these decisions were issued, it is possible that the court might be persuaded to take a second look at these decisions. I would, however, expect the lower federal courts to continue to apply these decisions until the U.S. supreme court decides to revisit them.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

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

LRB-0366/P1dn
JTK:kmg:lp

October 19, 1998

This draft permits the legislature to impose reasonable limits on campaign expenditures for state or local elective offices. If the legislature were to impose such a limitation before a corresponding change in the U.S. Constitution is made, the limitation may not be enforceable in view of the position of the U.S. supreme court that a campaign spending limit burdens a candidate's right to freedom of speech. See *Buckley v. Valeo, et al.*, 96 S.Ct. 612, 652-652 (1976) and *F. E.C. v. N.C.P.A.C.*, 105 S.Ct. 1459, 1465-1471 (1985).

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LRB-0366/P1dn
JTK:king:lp

October 19, 1998

[Handwritten signature]

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266-6778

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

LRB-0366/ldn
JTK:kmg:lp

October 20, 1998

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Assistant Chief Counsel
266-6778



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1999 ASSEMBLY JOINT RESOLUTION

fix spaces

D-NOTE

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