

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1052/1dn
RAC;jld:jf

November 20, 2000

This draft is virtually identical to 1999 Assembly Bill 190. I have made a couple of minor, technical changes and I have included the moral obligation pledges under ss. 101.143 (9m) (i) and 229.830 (7) under proposed s. 13.40 (3) (b). These two moral obligation pledges were enacted into law during the 1999-2000 legislative session. Per your request, I have also changed the dates in the proposal to first apply to appropriations made for the 2003-05 biennium.

Please note that this bill creates a rule of procedure under article IV, section 8, of the constitution. The Wisconsin supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

As we discussed on the phone, I am also preparing for your office the version of 1999 Assembly Bill 190 that eventually passed the assembly. The LRB number for that proposal is 2001 LRB-1053.

If I can be of any assistance, please do not hesitate to contact me.

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