

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0001/1dn
RAC:jld:rs

January 17, 2001

This substitute amendment is virtually identical to 1999 Assembly Bill 190 that passed the assembly. 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.

As drafted, this substitute amendment applies to appropriations for the 2001–03 biennium. Please note that if, this substitute amendment is not enacted into law prior to passage of the biennial budget bill for the 2001–03 biennium, then the substitute amendment will have to be amended to first apply to appropriations for the 2003–05 fiscal biennium.

Please note that this substitute amendment 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.

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

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