

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

LRB-4161/1dn  
ARG:jld:rs

January 30, 2004

ATTN: Daniel Lindstedt

There is a "Catch-22" here with regard to the existing requirement for a DOT report on this vehicle weight exception. Under current law, DOT must prepare the report within six weeks of introduction of the bill and before the legislature takes action on the bill. See s. 13.096. On its face, it is a legal impossibility that the nonstatutory provision in the bill could be passed and have legal effect prior to DOT, under existing law, being required to prepare the report. However, if the enactment of the bill without a DOT report were challenged in court, a strong argument could be made that s. 13.096, stats., is in reality an internal rule of proceeding, governing the process for enacting legislation, and that, under art. IV, sec. 8, of the Wisconsin Constitution, the legislature may choose not to comply with s. 13.096. For this reason, I have included the nonstatutory provision, as requested, and omitted the customary report requirement in the analysis.

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