

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

LRB-3837/1dn  
RLR:cjs:rs

October 12, 2005

Nadine Gratz:

As we discussed, this bill is not enforceable. The Wisconsin Constitution vests the legislative authority in the legislature. A statute or nonstatutory provision does not trump that constitutional grant of legislative power. Further, one legislature cannot bind a future legislature. Therefore, a statute or nonstatutory provision cannot require a legislator or legislators to introduce a bill, nor require a legislator or legislators to vote for a bill.

As we discussed, requiring "the legislature" to introduce a bill does not identify a person or committee who is responsible for acting. I have included the requirement that "the legislature" introduce a bill at your direction rather than remaining silent on who must introduce the bill or directing a specific legislator or committee to introduce the bill.

Also, it is possible that the legislature could comply with this bill by enacting legislation that satisfies the terms of this bill, but does not satisfy your intent. For example, the legislature could establish a very high deductible public assistance insurance program that covers a minimal set of health care services, thereby providing coverage, at least in name, to 98 percent of the population. Or, the legislature could reduce costs by eliminating small group coverage requirements.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us