

2005 DRAFTING REQUEST

Bill

Received: **10/12/2005**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB: **3926/1**

For: **Judith Robson (608) 266-2253**

By/Representing: **Nadine Gratz**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **DAK**

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require legislature to pass health care bill

Instructions:

Same as 2005 LRB-^{8/}3926/1

SB 416

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>
/?	rryan 10/12/2005	csicilia 10/12/2005		_____			
/1			rschluet 10/12/2005	_____	sbasford 10/12/2005	Inorthro 10/18/2005	

FE Sent For:

none

<END>

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/?	rryan	1 cjs 3926/1					
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10/12
05

10/25

FE Sent For:

<END>

Ryan, Robin

From: Gratz, Nadine
Sent: Wednesday, October 12, 2005 9:58 AM
To: Ryan, Robin
Subject: FW: Draft review: LRB 05-3826/1 Topic: Require legislature to pass health care bill

Please do an Assembly companion. Thanks.

From: Basford, Sarah
Sent: Wednesday, October 12, 2005 9:32 AM
To: Gratz, Nadine
Cc: Ryan, Robin
Subject: RE: Draft review: LRB 05-3826/1 Topic: Require legislature to pass health care bill

I believe this was jacketed for the senate yesterday. In order for it to be jacketed for the Assembly, a companion bill needs to be drafted. Please contact the drafter, Robin Ryan, 1-6927, to have this done. If you have any questions, feel free to call me. Thanks.

Sarah Basford

Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

From: Gratz, Nadine
Sent: Wednesday, October 12, 2005 9:25 AM
To: LRB.Legal
Subject: Draft review: LRB 05-3826/1 Topic: Require legislature to pass health care bill

It has been requested by <Gratz, Nadine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3826/1 Topic: Require legislature to pass health care bill



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3837/2

RLR./:....

Wanted Today by 3

95

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMNR

D-Note

1 AN ACT ..., relating to: ???

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3826/1
RLR:cjs:rs

2005 BILL

1 AN ACT relating to: health care coverage.

Analysis by the Legislative Reference Bureau

This bill states that "In the 2007-08 legislative session, the legislature shall introduce, and by January 1, 2008, shall pass, a bill that does the following:" 1) assures that at least 98 percent of Wisconsin residents have health care coverage within two years after enactment of the bill into law, and 2) reduces the costs associated with providing health care to residents of Wisconsin, excluding the costs of public assistance programs, by 15 percent within two years after enactment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. Nonstatutory provisions.

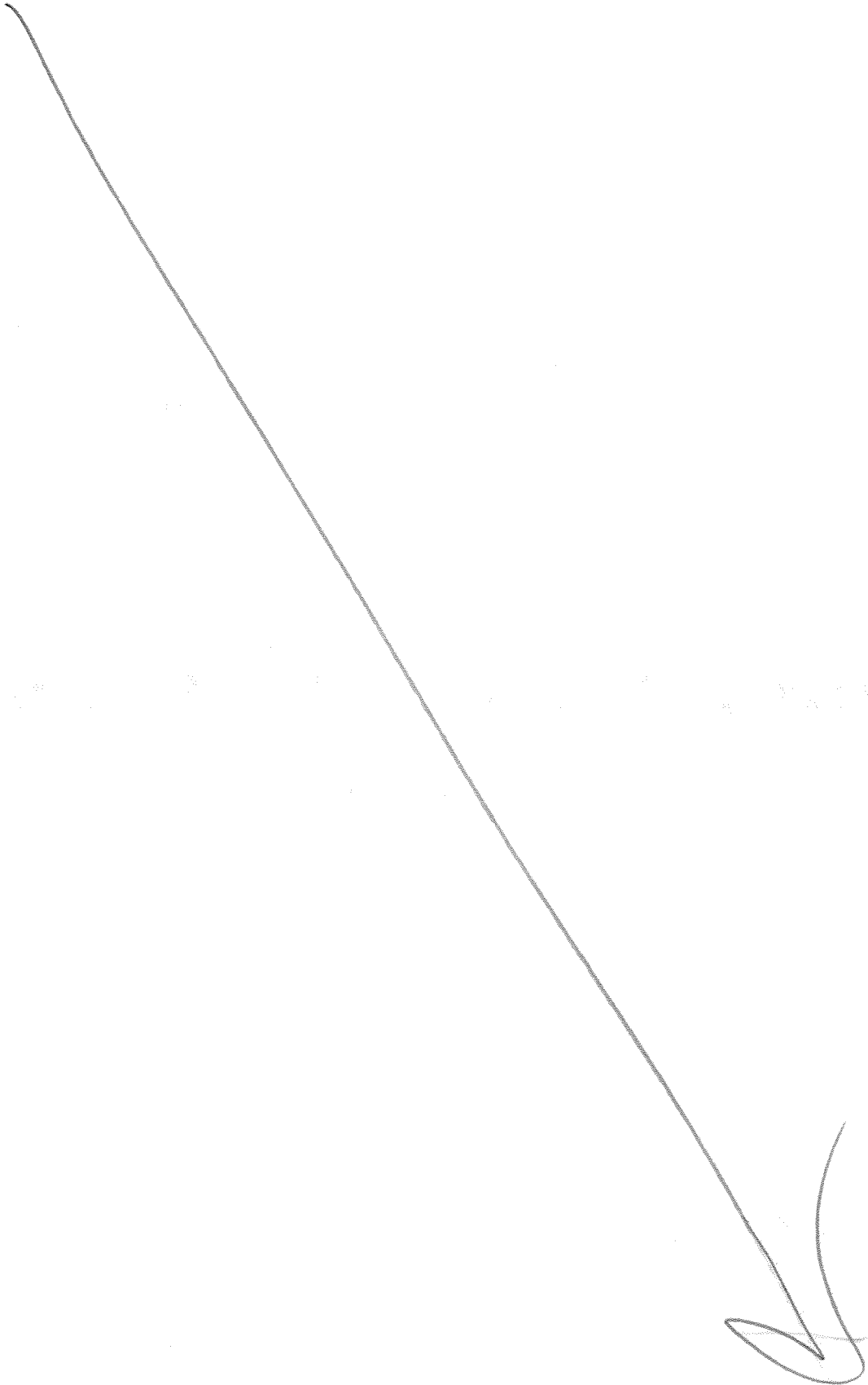
3 (1) HEALTH COVERAGE LEGISLATION.

4 (a) In the 2007-08 legislative session, the legislature shall introduce, and by
5 January 1, 2008, shall pass, a bill that does the following:

6 1. Assures that 98 percent of Wisconsin residents have either public or private
7 health care coverage within 24 months after the bill is enacted into law.

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

LRB-3837/1dn
RLR:.....



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

3837/1dn
LRB-3826/1dn
RLR:cjs:rs

12
October 11, 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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3837/1dn
RLR:cjs:rs

October 12, 2005

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

Northrop, Lori

From: Gratz, Nadine
Sent: Tuesday, October 18, 2005 10:20 AM
To: LRB.Legal
Subject: Draft review: LRB 05-3837/1 Topic: Require legislature to pass health care bill

It has been requested by <Gratz, Nadine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3837/1 Topic: Require legislature to pass health care bill