

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-AB41)**

Received: **04/05/2005**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Rachel Leitzing**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Interstate Compact for Juveniles; rules; conflict with Wisconsin law

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**Instructions:**

Provide that Interstate Commission may not promulgate rules that conflict with Wisconsin law, whether arising from common law, statutes, or rules.

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**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>
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/1			rschluet 04/08/2005	_____	lnorthro 04/08/2005	lnorthro 04/08/2005	

FE Sent For:

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FE Sent For:

  
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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa0409/1

GMM:.....1

Soon  
DRAFT

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ASSEMBLY AMENDMENT,  
TO 2005 ASSEMBLY BILL 41

1 At the locations indicated, amend the bill as follows:

2 1. Page 6, line 25: after "rules" insert ", except for noncompliance with a rule  
3 that conflicts with the common law, statutes, or rules of the state of Wisconsin".

4 2. Page 9, line 9: after "that" insert ", subject to sub. (6) (b)".

5 3. Page 9, line 9: after "that" insert ", subject to sub. (6) (b)".

6 4. Page 11, line 9: after "rules" insert ", except for compliance with a rule that  
7 conflicts with the common law, statutes, or rules of the state of Wisconsin".

8 5. Page 13, line 23: after "compact" insert ", except that those rules shall not  
9 have the effect of statutory law and shall not be binding to the extent that those rules  
10 conflict with the common law, statutes, or rules of the state of Wisconsin".

11 6. Page 14, line 2: after "process" insert ", except that the interstate  
12 commission shall not have the power and duty to enforce compliance with any rule  
13 that conflicts with the common law, statutes, or rules of the state of Wisconsin".

1           **7.** Page 19, line 2: after “amendment” insert “, except that no rule is binding  
2 to the extent that the rule conflicts with the common law, statutes, or rules of the  
3 state of Wisconsin”.

4           **8.** Page 19, line 20: after “aside.” insert “If the court finds that the rule conflicts  
5 with the common law, statutes, or rules of the state of Wisconsin, the court shall hold  
6 the rule unlawful and set the rule aside to the extent that the rule conflicts with the  
7 common law, statutes, or rules of that state.”.

8           **9.** Page 19, line 25: after “state.” insert “If the legislature of the state of  
9 Wisconsin rejects a rule by enactment of a statute or resolution in the same manner  
10 used to adopt the compact, the rule shall have no further effect in that state.”.

11           **10.** Page 20, line 6: after “promulgation” insert “to the extent that the  
12 emergency rule does not conflict with the common law, statutes, or rules of the state  
13 of Wisconsin”.

14           **11.** Page 20, line 20: after “rules” insert “, except that the rules shall not be  
15 received as evidence of the authorized statutes and administrative rules to the  
16 extend that the rules conflict with the common law, statutes, or rules of the state of  
17 Wisconsin”.

18           **12.** Page 21, line 4: after “rules” insert “, except that no compacting state may  
19 report on an issue or activity that pertains to compliance with any rule that conflicts  
20 with the common law, statutes, or rules of the state of Wisconsin”.

21           **13.** Page 21, line 9: after “states.” insert “The interstate commission may not  
22 promulgate a rule under this subdivision that conflicts with the common law,  
23 statutes, or rules of the state of Wisconsin.”.

1           **14.** Page 21, line 12: after “(c)”<sup>✓</sup> insert “, except that the interstate commission  
2 may not enforce any rule that conflicts with the common law, statutes, or rules of the  
3 state of Wisconsin”.

4           **15.** Page 21, line 25: after “assessment” insert “, except that the interstate  
5 commission may not promulgate a rule governing the assessment that conflicts with  
6 the common law, statutes, or rules of the state of Wisconsin”.<sup>✓</sup>

7           **16.** Page 24, line 10: after “rules”<sup>✓</sup> insert “, other than a rule that conflicts with  
8 the common law, statutes, or rules of the state of Wisconsin”.

9           **17.** Page 24, line 19: after “rules” insert “, other than a rule that conflicts with  
10 the common law, statutes, or rules of the state of Wisconsin.”<sup>✓</sup>

11           **18.** Page 25, line 3: after “rules” insert “, other than a rule that conflicts with  
12 the common law, statutes, or rules of the state of Wisconsin.”<sup>✓</sup>

13           **19.** Page 26, line 8: after “rules”<sup>✓</sup> insert “, other than a rule that conflicts with  
14 the common law, statutes, or rules of the state of Wisconsin.”

*common law, statutes,  
and rules*

15           **20.** Page 26, line 22: after “constitutions”<sup>✓</sup> insert “, the ~~laws~~<sup>✓</sup> of the state of  
16 Wisconsin.”

17           **21.** Page 26, line 25: after “rules,” insert “but not including any rule that  
18 conflicts with the common law, statutes, or rules of the state of Wisconsin.”<sup>✓</sup>

19

(END)

*cl-note  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0409/1dn

GMM:...

JLD

Representative Gundrum:

✓ An interstate compact is a contract between the compacting states. In order for a contract to be valid and binding, there must be a meeting of the minds between the contracting parties, that is, all of the parties must agree to the same thing. Accordingly, if this amendment is adopted by this state, a similar amendment will also have to be adopted by all of the other states that are parties to the compact in order for the compact to be valid and binding.

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

LRBa0409/1dn  
GMM:jld:rs

April 8, 2005

Representative Gundrum:

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