

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2639/P1dn
PJH:jld:jf

April 29, 2005

Representative Lamb,

Please review this draft carefully to ensure that it is consistent with your intent. I have drafted the bill according to the instructions forwarded from Mary Ann Gerrard, with a few technical or grammatical changes, but I am uncertain as to the overall intent of this bill. I have held off writing an analysis because I want to make sure that the bill is drafted as you wish, and also because I would like to talk with you or someone from your office to ensure that the bill does everything that you intend it to do. Please let me know if we can set up a meeting or, if you wish, if I can speak with Ms. Gerrard about the intent behind this bill.

Also, the initial applicability provision as drafted may pose a problem, as it affects contracts that are in effect at the time the legislation is passed. Article I, section 12, of the Wisconsin Constitution and article I, section 10, of the U.S. Constitution prohibit legislation that impairs the obligation of contracts. Whenever the terms of a contract as agreed upon by the parties is changed by legislation, there is an impairment of the obligation of that contract. To avoid this problem, I would recommend that the legislation be prospective in application. Please let me know your thoughts on this matter.

Thank you; I look forward to hearing from you.

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