

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0008/P1dn
RPN:kjf:jf

September 14, 2006

Tim:

In ss. 227.485 (1) and 814.245 (1) there is legislative intent language that limits our courts. When interpreting the provisions affected by this bill, the courts must be guided by federal case law as of November 20, 1985, that interpreted substantially similar provisions under the federal law. In effect, this provision limits our courts to looking at federal cases that were decided before November 20, 1985, for guidance as to its meaning. This is an unusual provision. I could find nothing similar in the statutes. Usually, our state courts look to other state and federal court decisions when deciding our own cases. They are not bound by those decisions; they only provide guidance. I suggest that you ask experts in this field of law, possibly at the Department of Justice, if removing this unusual provision would cause any problems. If not, I would urge its removal.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us