

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3475/1dn
MES:sac:rs

December 3, 2013

Senator Grothman:

This drafter's note is meant to alert you that, should this bill become law, it could be challenged as possibly violating the Equal Protection and Establishment Clauses of the U.S. Constitution and the related provisions of the Wisconsin Constitution. A potential equal protection problem is that the deduction in this amendment is available only to parents of children who attend private schools, but not to parents of children who attend public schools.

The other legal issues on the question of whether the bill may or may not be constitutional are contained in a recent drafter's note I sent you on a similar bill of yours, 2013 SB 170. Please let me know if you have any questions about the bill or the issues raised in the drafter's notes.

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