

2013 DRAFTING REQUEST

Assembly Amendment (AA-SB2)

Received: 3/5/2013 Received By: jkuesel
Wanted: As time permits Same as LRB:
For: Brett Hulsey (608) 266-7521 By/Representing: Matt Veldran
May Contact: Drafter: jkuesel
Subject: Legislature - miscellaneous Addl. Drafters:
State Govt - miscellaneous Extra Copies:

Submit via email: YES
Requester's email: Rep.Hulsey@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Effective dates of acts

Instructions:

Provide that unless bill carries an emergency statement, effective date is the next January 1 or July 1 following publication. If bill contains an emergency statement, the effective date is the day after publication. An emergency statement requires approval by 2/3 majority in each house,

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>
/?	jkuesel 3/5/2013	evinz 3/5/2013		_____			
/1				_____			

FE Sent For:

<END>

DNB

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Received:	3/5/2013	Received By:	jkuesel
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May Contact:		Drafter:	jkuesel
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12/1	jkuesel 3/5/13	1 eev 3/5/13	1 eev 3/5/13	<i>JKuesel</i> 3/5			

FE Sent For:

<END>



1
JTK
eev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO SENATE BILL 2

d-note

Tues 3/5, 2:30 p.m.

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

2 1. Page 3, line 17: delete the material beginning with "which" and ending with
3 "(b)" on line 19 and substitute ^f"which does not expressly prescribe the time when it
4 takes effect shall take effect on the next January 1 or July 1 following the date ^{of}
5 publication as prescribed in s. 35.095 (1) (b), unless the bill contains a finding there
6 exists an emergency that requires an earlier effective date, in which case the act or
7 portion of an act shall take effect on the day after its date of publication as designated
8 under in s. 35.095 (3) (b). No bill may contain a finding of emergency unless the bill
9 is passed by a vote of at least two-thirds of the members voting on the bill in each
10 house.

11

delete
strike,
then
underscore
period

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1732/1dn

JTK:js:ph

9/21/11
eev

October 25, 2011

(date)

Representative ~~Smick~~ ^{Mulsey}

this amendment

The language of ~~proposed s. 18.0901 (2)~~ to the effect that no bill ~~or amendment~~ there ~~to proposing to modify the unemployment insurance law may be acted upon by either~~ ~~house of the legislature until the council on unemployment insurance has submitted~~ ~~a report recommending enactment of the proposal~~ creates a rule of procedure under article IV, section 8, of the constitution. The Supreme Court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative proceedings, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

may contain a finding of emergency unless the bill is passed by a vote of at least two-thirds of the members voting on the bill, and further requiring a delayed effective date unless a bill contains an emergency findings

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0219/1dn

JTK:eev:jm

March 5, 2013

Representative Hulseby:

The language of this amendment to the effect that no bill may contain a finding of emergency unless the bill is passed by a vote of at least two-thirds of the members voting on the bill, and further requiring a delayed effective date unless a bill contains an emergency finding, creates a rule of procedure under article IV, section 8, of the constitution. The Supreme Court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-69 (1983). In other words, while this type of provision may be effective to govern internal legislative proceedings, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

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