

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

LRB-0882/1dn  
MDK:jld:jm

January 10, 2013

Rep. Krug:

This bill is a redraft of 2011 AB-654. Upon reviewing the 2011 bill, I discovered that it lacked an initial applicability to provision to clarify that it did not apply to contracts entered into before the bill's effective date. In this bill, I did include such a provision.

Without such a provision, the bill could be challenged on the basis that it unconstitutionally impairs rights under contracts entered into before the bill's effective date. However, please note that courts do not automatically find that any impairment of a contract is unconstitutional. Instead, courts balance the state interest against the rights that are impaired. Because I assume that you want to avoid the impairment issue altogether, I added the initial applicability provision. If you want to remove the initial applicability provision, let me know and I will revise this bill.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)