

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0185/2dn
RAC:wlj:pg

October 4, 2001

At your request, this substitute amendment includes a nonstatutory provision which states that s. 20.003 (4), stats., and 2001 Wisconsin Act 16, section 9101 (25j), do not apply to the action of the legislature in enacting the bill. Please note that s. 20.003 (4), stats., and 2001 Wisconsin Act 16, section 9101 (25j), are not legally enforceable, but rather constitute a rule of procedure under article IV, section 8, of the Wisconsin constitution. The Wisconsin supreme court has held that the remedy for failing to comply with rules of procedures 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 rules of procedure may govern internal legislative procedure, courts will not enforce procedural rules, and the rules do not affect the validity of any enactment resulting from a procedure that may be viewed as contravening them. Therefore, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill.

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