

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4414/1dn
RAC:jld:jf

March 9, 2004

Senator Lassa:

Please note that proposed s. 13.39 is not legally enforceable, but rather constitutes a rule of proceedings 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 its own proceedings 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 proceedings 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.

Also, please note that in the event the governor chooses not to prepare the executive budget bill or bills as required under s. 16.47 (1) the only remedy available to the legislature is not to introduce the bill or bills.

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