

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

LRB-1141/1dn  
PJD:kjf:rs

December 8, 2004

This draft is 2003 Senate Bill 15, as enrolled (SSA-1, as amended by SA-1 thereto). The language of proposed ss. 13.59 (5) and 13.591 (2), stats., to the effect that the legislature or the Joint Committee on State Mandates may not or must take specified action creates a rule of procedure under article IV, section 8, of the Wisconsin 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 procedure, 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.

For this draft, I have included an appropriation but have specified "\$-0-" for expenditure in fiscal years 2005-06 and 2006-07. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate.

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