

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4505/1dn
RAC:lmk:jf

January 27, 2006

To Representative Pettis:

This bill includes a nonstatutory provision stating that s. 20.003 (4), stats., does not apply to the action of the legislature in enacting the bill. Please note that such a provision is not legally enforceable, but rather constitutes 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 procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette 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 such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore such a nonstatutory provision and find that s. 20.003 (4), stats., does in fact govern its actions in enacting the bill.

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