

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2121/1dn
DAK:cjs&jld:ch

February 15, 2005

To Bob Lang:

This bill includes a nonstatutory provision, which states that s. 20.003 (4m), stats., does not apply to the action of the legislature in enacting the bill. Please note that s. 20.003 (4m) 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 govern these nonstatutory provisions and find that s. 20.003 (4m), stats., does in fact govern its actions in enacting the bill.

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