

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1063/1dn
RAC&JTK:nwn&jld:rs

December 17, 2008

Representative Kaufert:

Please note that provisions in this draft that seek to regulate the internal operations of the legislature are not legally enforceable. Instead, even though the provisions are contained in the statutes, they are rules of proceeding under article IV, section 8, of the Wisconsin Constitution. As such, the legislature is free to follow the rules or not follow the rules. The Wisconsin Supreme Court has held that the remedy for noncompliance with these types of provisions 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 these types of provisions may be effective to govern internal legislative procedure, the courts will not enforce the provisions if the legislature does not follow them.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

In some other versions of this proposal that have been introduced in recent sessions, we have dealt with one additional contingency — we have provided that, if there is more than one biennial budget bill (which is possible under s. 16.45, stats., but which last occurred in 1981), the closed period for contributions ends upon enactment of the last of those bills. If you would like to cover that contingency, please let me know.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778