

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

LRBa0219/1dn  
JTK:eev:jm

March 5, 2013

Representative Hulsey:

The language of this amendment to the effect that no bill may contain a finding of emergency unless the bill is passed by a vote of at least two-thirds of the members voting on the bill, and further requiring a delayed effective date unless a bill contains an emergency finding, creates a rule of procedure under article IV, section 8, of the 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, 363–69 (1983). In other words, while this type of provision may be effective to govern internal legislative proceedings, 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.

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