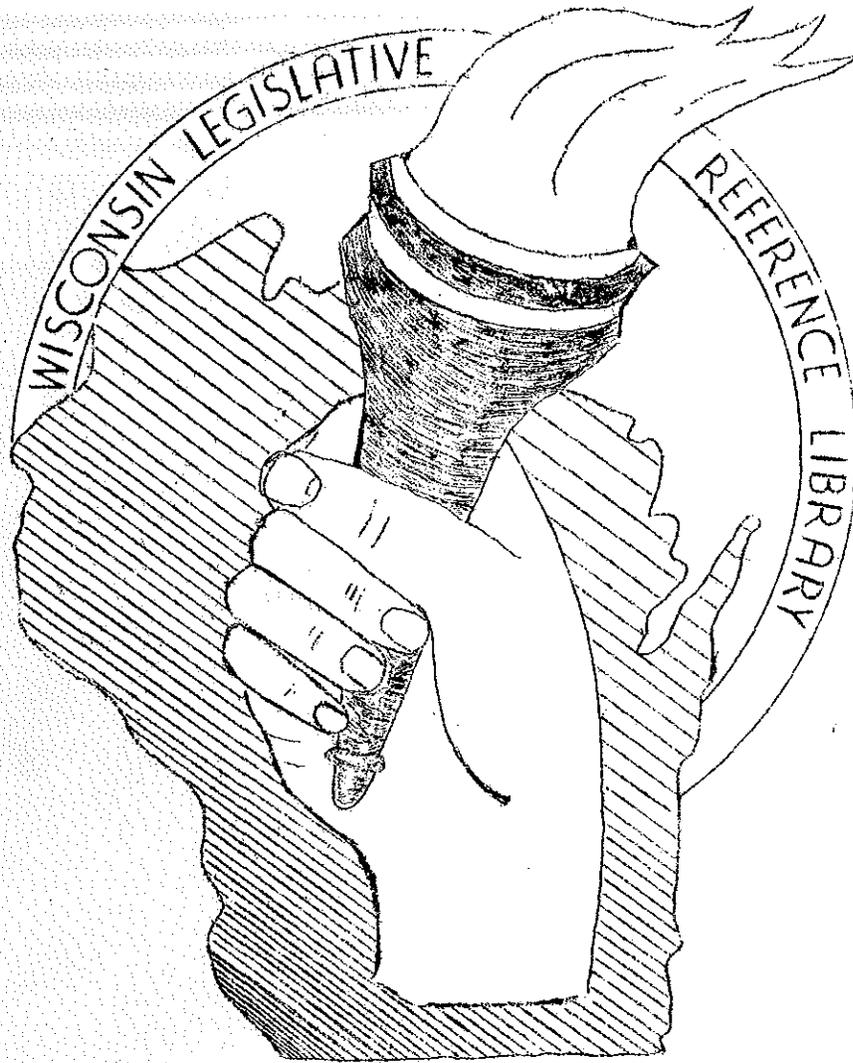


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RESEARCH BULLETIN
NO. 124
DECEMBER 1958
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LEGISLATIVE DRAFTING MANUAL

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RESEARCH BULLETIN NO. 124
December 1958

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(Revised-- 1958)

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RULES FOR DRAFTSMEN

(Revised 1953)

1. GENERAL DRAFTING RULES AND PROCEDURES.

1.01 Policy. The Legislative Reference Library's policy is to serve all parties, factions and members alike regardless of party affiliations, seniority or other factors.

(1) Who is served. Bills and other legislative proposals may be drafted for legislators, legislative committees, the legislative council, state departments and certain representatives of state-wide public organizations and governmental bodies. Others including private citizens must first obtain signature of member who will sponsor proposal before giving instructions to draftsmen.

(2) Nonpartisan attitude. Draftsmen as well as other staff members must always maintain a nonpartisan attitude in dealing with members or the public generally. Guard against letting personal convictions or opinions influence your work and avoid making statements that might be construed as being partisan.

(3) Confidential nature of work. All contacts with members of the legislature must be kept strictly confidential. This cannot be overemphasized. Use extreme caution in handling all drafting files, requests for bills and completed bills. Newsmen and others are constantly on the lookout for advance information and will make every effort to obtain "inside information" on proposed legislation. Do not discuss such matters with or in the presence of outsiders.

(a) Drafting files. The entire drafting file is considered "confidential" until after the proposal has been introduced on the floor or the legislature has adjourned sine die.

(b) Bills introduced. Draftsmen receiving a request to see a drafting file should check with the record clerk to verify the fact that the bill in question has been introduced, before showing the proposal to anyone other than the original requestor.

Hist. note: At least since 1925 the drafting file has been held confidential until after the proposal has been introduced on the floor of the house. Beginning with the 1953 session number cards were attached to the proposal when jacketed. These cards are stamped with our request number, and when introduced are stamped with bill, resolution or amendment number and returned to the library daily, to enable us to identify the measure by the correct number and to verify the fact that the proposal has been introduced.

(c) Obtain member's permission. Members or others frequently question the draftsmen about another member's bill. Either they know or suspect such a request has been initiated. Such information is confidential and cannot be divulged. Possibly the best reply to such an inquiry is to tell the inquirer to obtain the member's permission (in writing or in person) to see or introduce the measure, if he has had such a measure drafted.

(4) Tailor-made drafts. Each proposal is drafted according to the express wishes of the requestor. There are certain requirements as to form and structure that must be followed but each draft should be prepared to fit the express wishes of the requestor. Where discretion is possible, the wishes of the legislator should

control.

NOTE: See sec. 4, Drafting Manual.

(5) Loan of drafting files and records. Bill drafting files, or any portion thereof, may not be loaned or removed from the library without the express consent of the Chief, either during the session or at any time thereafter. (Exceptions to this rule -- the revisor of statutes, or the attorney general's office, and then only after the bill has been introduced.)

(a) Requests for the extraction of certain papers from a drafting file for committee hearings, etc., should be handled by the record clerk only, so that a complete record is shown on the blue record sheet as to date, by whose request, and what the material consisted of, in order to insure the return of material to the drafting file.

(b) Ordinarily material pertinent to the proposal, to be returned to the requestor, should be copied and attached to the draft. If time does not permit copying material, make notation on blue request sheet, what the material consisted of and when and to whom material was returned.

(c) Draftsmen should plainly indicate, on draft, when material is to be returned to requestor so that material pertinent to the draft can be copied for permanent record in the drafting file.

(6) Rush assignments. When drafting particularly rush assignments and the requestor does not allow adequate time or otherwise creates a condition which makes it impossible to do a thorough job, note that fact on the yellow request sheet or on the draft itself.

Hist. note: Began this practice in the 1955 session to somewhat protect staff members from criticism. Ch. 570 (1955) is an example of such hasty work. A long amendment to the original bill was brought to us in drafted form and no time allowed for redrafting or checking the amendment and as a consequence the date in s. 236.50 (1) was changed by the amendment but not changed in the enabling clause.

1.02 Procedure for taking drafting requests.

(1) Yellow request sheet. Take down instructions for preparing the measure on yellow request sheet (Form D-311) while talking with member or requestor and have the member sign the request sheet. Note date received and date desired, additional copies if desired, who is to sponsor the bill if other than requestor and all pertinent facts needed to draft the proposal. If instructions are received by phone or you are unable to obtain signature for any reason and request is urgent proceed with request and obtain signature later.

(2) Pertinent data. A memorandum should be made of all conferences with members and others, sources used in drafting the proposal, or if already drafted proposal is brought in -- who was involved in the drafting -- either on the yellow request sheet or supplementary sheet, to be incorporated in the file, as this information is very valuable and files are frequently consulted by the attorney general, revisor of statutes and others for data of this type.

NOTE: Also see (7) for subsequent drafts, and (4) for intent.

(3) Check sections affected. When taking requests obtain as much information as possible and check the statute section numbers that will be affected, with the member, so that you both have a clear understanding of exactly what is wanted. NOTE: See sec. 3, Drafting Manual (statute card index file).

(4) Intent of bill. If instructions are received in draft form try to obtain from requestor the source of drafting and purpose of the bill. Rarely does a member volunteer the source of drafting or what the legislative purpose of the bill is, and tact and discretion should be used in attempting to obtain this information. Possibly the best approach is to ask the member if he has any objections to our noting the source of drafting or the real sponsor (confidential -- as part of our records) in order to have our drafting record as complete as possible. This information is often very valuable (particularly if the measure is enacted) in presenting a complete legislative history of the measure.

(5) Contacting department heads. If the request appears to involve a complex problem which a staff member of a department might help to solve, ask the member (or requestor) if he has any objections to our discussing the problem with the administrative department involved. Unless this permission is granted we cannot contact the department involved because of the confidential nature of the work. If the requestor desires or agrees to this procedure, that fact should be noted on the instruction sheet. Before contacting any staff member of an administrative department check first to determine whether the department head prefers that all requests clear through him.

(6) Additional instructions. If during the process of drafting a bill it is found that insufficient instructions were received, contact the member or requestor to obtain additional information, being careful to make a record in the file of such instructions, giving date and complete information, for future reference.

Also prepare explanatory note to requestor (one copy in file) when instructions cannot be complied with or why draft was prepared as it was. This procedure will enable requestor to suggest a redraft if he is not satisfied with the proposal as originally drafted.

(7) Redrafts. Seldom is the first draft of a bill considered the finished product. For many reasons the measure may have to be redrafted a second, third or fourth time until the member or group is satisfied. This is not necessarily any reflection on the draftsman. Take the instructions for the second or third draft as courteously and carefully as for the first draft, and carefully record, on the blue request sheet (Form D-309), by whose instructions the draft was changed, noting the date as well as the actual changes to be made, if instructions are short. Use additional yellow request sheet if instructions are lengthy, taking precaution to use the same file number on request sheet, to insure against the possibility of confusing same with new request. Such information can be most important, especially when the changes are made by persons other than the original requestor or where several people are involved.

(8) Requests for identical bills or additional copies. If a proposal is to be prepared for introduction in both houses prepare 2 separate request sheets and on the first sheet of the draft plainly instruct the typists to prepare adequate copies for introduction in both houses. If additional copies of a proposal are needed, or a double run, always note these instructions in upper right hand corner of draft or request. Such instructions noted in upper left hand corner are likely to be overlooked by typists, since all supporting papers are stapled together in upper left hand corner.

(9) Change in sponsor. If a proposal has been drafted and someone other than original requestor has asked that the proposal be prepared for his introduction (having previously obtained the approval of the original requestor), prepare new request sheet, and attach copy of draft (showing changes, if any) and note on blue sheet "same as our file No. _____."

(10) Amendments. The same care should be taken when noting instructions for amendments as for original bills or other measures.

(11) Alternative drafts. If, in the process of drafting a proposal, the draftsman discovers an alternative method of attaining the same objective he believes the sponsor intended, draft the proposal as suggested but also prepare an alternative and give explanation on blue request sheet as to why alternative draft was prepared. A copy of each version will be submitted to the requestor.

1.03 Use of drafting forms.

D-304 Bill form. Prepare all drafts for bills and substitute amendments to bills on this form. Use plain yellow paper for additional pages, inserts, etc. (See 1.02 and 4.01, Drafting Manual)

Hist. note: Started using this form in 1951 to facilitate preparing titles in proper form and to eliminate possibility of omitting the enacting clause.

D-306 Amendment form. Prepare amendments to bills and substitute amendments or other amendments on this form and use plain paper for additional pages.

Hist. note: Started using this form in 1951 to expedite preparation of amendments.

D-311 Request form. Take all instructions for drafting requests on this form. (See 1.02, Drafting Manual)

Hist. note: Began using this form in 1949 to centralize information on drafting requests and to serve as a reminder to draftsmen to obtain certain information when taking requests.

D-312 Bill Titles. Prepare titles (for deadline) on this form. Do not take requests for title only on yellow request form (D-311) unless drafting instructions are complete. (See 5.03, Drafting Manual)

Hist. note: Started using this form in 1953 to expedite preparation of titles.

D-309 Blue request form. Note information regarding instructions for redrafts on this sheet. If instructions are unduly long use additional form D-311. (See 1.02 (7), Drafting Manual)

Hist. note: Revised form in 1958 to include "data for fiscal notes" on this form.

D-321 Memo-card. To notify members or requestors that fiscal note has been received.

Hist. note: New form for 1959 session.

1.04 Assignments and general procedure.

(1) Processing requests. Draftsmen should write out all information available, on request sheet (D-311) as legibly as possible and put request in basket in record clerk's office without delay, so the request can be recorded and assigned back to the draftsmen. Draftsmen should not hold requests until they can draft same. If they wish to have request returned to them for any reason, they may note this fact on request sheet.

(2) Drafting assignments. Assignments to draftsmen are ordinarily made by the Chief. However, "rush" requests may be assigned by the chief clerk, and in the absence of the Chief, the chief clerk may assign regular requests to the draftsmen. Usually the draftsman who received the original instructions will be asked to draft the measure, but insofar as possible requests for bills on the same subject will be assigned to a particular draftsman so that he will become somewhat of a specialist in that field.

(3) Use of library staff. The library and research staff should be used to provide information which will aid in the bill drafting process.

(a) Prior Wisconsin bills and laws of other states. The library has copies of all bills introduced in the legislature since 1899 and a subject matter index on same enables them to be readily available. Draftsmen may frequently save time by ascertaining if a similar proposal has been introduced in another session. Never use an old draft without first checking for changes in the law and making sure all dates and references are brought up to date. Even if the same draftsman prepared previous draft, in all probability it can be improved on. (Copies of bills introduced prior to 1899 are on file in the law library.) Use the library staff to locate enactments of other states.

Hist. note: Bill drafting files, back to the 1927 session, are on file in the library; from 1927 to 1941 session they are filed by the library file number; from 1943 through the last prior session they are filed by chapter number or bill number, and those not introduced by the library number. Statute card index files for bills introduced since the 1945 session are retained to enable draftsmen to check on any legislation introduced in prior sessions as well as the current session.

NOTE: See 3.02, Drafting Manual.

(b) Research services. When the occasion presents itself, advise members of the services which the reference library is prepared to render in the way of research upon legislative questions, as for instance: "What legislation has been enacted in other states on a given subject" or "How certain legislation has worked out (pro and con) in other states." If necessary take reference requests but refer them to the librarians for attention. The draftsmen should also use the library staff as they can often provide substantial material on a given subject in a matter of minutes.

(c) Index to private and local laws. The index to private and local laws in the reference library, covering all subjects, is much more complete than those given in the statutes. Consult this source of information before amending a private or local law.

NOTE: Also see latest annotations.

(d) Informational and research bulletins. Draftsmen should familiarize themselves with the Informational and Research bulletins prepared by LRL. These constitute a valuable source of data on subjects likely to be considered by the legislature.

1.04 (3) (cont'd)

(e) Titles of public officials. Carelessness in using the correct title of public officials, departments, etc., can create complications in litigation.

(4) Use of statutes for small amends.

(a) Use different volumes. When drafting a succession of short bills amending the statutes use different volumes of the statutes so as not to limit the distribution of drafted bills to typists and make the changes in pencil in the statutes, being careful to note on your copy of the draft the copy number of the statutes used. If there are penciled instructions for a prior draft amending the section you propose to amend, use another copy. Under no circumstances should draftsmen erase the prior instructions. The material must remain intact until the end of the session.

(b) Small sets of statutes. Five complete sets of the statutes are housed in small 3-ring notebooks, consecutively numbered on the outside and marked to show the contents of each book at a glance. Draftsmen should use these copies whenever possible in preparing drafts of bills that amend the statutes. Be sure to note on the draft the number of the volume used. Do not remove the pages from the notebooks when writing in amendatory material but place the completed draft in the notebook when ready for typing.

NOTE: See 4.12 (4), Drafting Manual.

Hist. note: Beginning with the 1955 session 5 unbound sets of statutes were separated and put into small 3-ring notebooks to be used by draftsmen when amending the statutes, to eliminate, insofar as possible, the necessity of having to type from the larger volumes and enable typists to use a "line-a-time" when copying long sections from the statutes.

(c) Inserts. Do not cramp long sentences in the small margins around the page. Preferably use a separate sheet of paper and identify the new material to be inserted as "Insert A", etc. This procedure not only saves the typists' time in trying to decipher the material cramped into small spaces, but makes much more legible copy and less chance for error.

When writing in amendatory material in printed or typewritten copy, indicate insert with mark above the line you are amending, as typists frequently use a "line-a-time" or other guide to follow lines, and if the inserts are shown below the line the typist will very likely type the whole line before noting the change. Do not use straight lines between the typed or printed material to indicate insert, or circle insert, as it will confuse the typists, and such lines might easily be interpreted to mean underscore.

(d) Striking material. When striking through material in the statutes, or other basic material (to be shown as stricken material in the bill), do not make penciled lines heavy enough to obliterate the material as typists must be able to read the stricken material; including punctuation marks, which must be treated the same as any other material to be deleted.

(e) Books on loan. If material from the Library is to be used for the preparation of a draft, unless a duplicate or surplus copy is available, the copy should not be marked in or otherwise mutilated. In most cases a photostatic copy can be made and used as a basis for the draft.

Occasionally draftsmen are called upon to draft a proposal similar to one of another state and borrow the material from the law library. These books should

1.04 (4) (cont'd)

not be mutilated or written in. If the material is not too lengthy have typist copy the material. If it is absolutely essential to make amends in the book, check with chief clerk before starting the draft as it may be possible to use a clear tape over printed matter than can be erased and thus not damage the book.

1.05 Background material for draftsmen. In addition to the drafting manual draftsmen should develop a thorough acquaintance with the various legislative documents and other material he will use in the drafting of legislative proposals.

(1) State constitution. It is highly recommended that draftsmen reread the state constitution (preferably from the latest annotations) before getting into the heavy work of the session, as it is our duty to consider the constitutionality of the bills we draft. When there is reason to doubt the constitutionality of a measure call it to the attention of the member (preferably by written memorandum, with one copy in file) giving reasons for such doubt. The member may or may not wish to make a change in the measure. Never insist on the change. The decision is for the attorney general's office or the courts to make.

NOTE: See sec. 16, Drafting Manual.

(2) Rules of the legislature. Draftsmen should become familiar with the rules of the legislature, as members will frequently seek advice on questions of procedure, germaneness of an amendment, etc. (Do not raise the issue as to the germaneness of an amendment, or proposal. However, if the question is raised, state clearly that such decision rests exclusively with the chair.)

(3) Session laws and bound bills. The session laws, bound bills, and journals from previous sessions constitute a convenient source for examples of introductory clauses, titles, arrangement, procedure, etc.

(4) Wisconsin statutes. Draftsmen should familiarize themselves with ch. 227 (administrative procedure and review), ch. 990 (construction of statutes), ss. 35.08 (printing), 35.11 (daily journals), 35.15 (Wis. session laws), 35.18 (general statutes), 35.19 (chapters, section numbers and titles), 35.22 (prima facie evidence) and 35.23 (Wis. annotations).

(5) West's annotated statutes. A complete set of West's Wisconsin statutes annotated and special court acts through the 1958 special session is available in the library.

(6) Other references. The following references, available in the reference library, may prove helpful on bill drafting:

Arizona State Legislative Bureau, Guide to legislative drafting in Arizona, 1941.

Arizona, Legislative Council, A bill drafting manual for Arizona, (no date).

Arkansas, Legislative Council, Bill drafting handbook, 1950.

Coigne, A. B., Statute making, Chicago, 1948

Council of State Governments, State bill drafting manuals, Chicago, 1951.

Cultice, R. D., A list of selected publications on the drafting of legal and legislative instruments, Ohio State Univ., 1951.

1.05 (6) (cont'd)

Florida, Attorney General, Manual for drafting laws in Florida, 1957.

Fox, Henry J., Vice offenses (a study in drafting legislation), Madison, 1937.

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1.06 Glossary: terms and publications. Draftsmen as well as clerical staff should be thoroughly familiar with the meaning of various terms and the use of the many legislative documents used in the drafting process.

(1) Terms used.

(a) Act. An act is the end result of the will of the legislature that a proposed bill become law. It is a bill which has been approved by both houses of the legislature in identical form and signed by the governor or, if vetoed, passed over the governor's veto. (Also see chapter and session laws.)

(b) Amendment. An amendment is an alteration proposed to be made in a legislative proposal by adding to, substituting for or deleting something. Bills, substitute amendments, resolutions and joint resolutions may be amended.

(c) Annotations. The official annotations are the compilation of histories of sections of the statutes, interpretative notes, court decisions and attorney general's opinions, and are published periodically.

(d) Appropriations. An appropriation is the amount of money set apart by legislative act for a specific use during a fiscal year or biennium, or to settle claims against the state; may be continuing, nonlapsible or lapse at the end of a fiscal year or biennium.

(e) Body of a bill. The body of a bill is the text or lawmaking part of a bill.

(f) Chapter. Chapter has 2 possible meanings: a. When referring to the statutes "chapter" means a main division or segment of that compilation, such as ch. 40 (school laws); or b. When referring to the "session laws" it means a single act of the laws of that year.

(g) Constitution. The constitution is the fundamental organic law or principles of government of the state. Amendments to the constitution are properly proposed by joint resolution. (See sec. 16, Drafting Manual)

(h) Engross. Engross means to prepare the bill as it was finally adopted by the house of origin. A bill is engrossed by the house of origin before being sent to the 2nd house. If there are no adopted amendments the engrossed bill is the original bill.

(i) Enroll. To enroll means to incorporate all adopted amendments into the original proposal, after final approval by the legislature.

(j) Explanatory notes. Explanatory notes are not part of the law, appear only in the original printed version of the measure and are authorized in correction bills introduced at the request of the revisor of statutes, measures introduced by the committee on revision, repeals and uniform laws, the legislative council or other official interim study or investigative groups. (Jt. Rule 22)

(k) Fiscal notes. All measures increasing or decreasing fiscal liability of the state or involving revenue, except pension bills, must carry a fiscal note which note shall be factual in nature and state the dollar amount by which revenues or costs of the government are increased or reduced and must be prepared by the agency involved. These notes appear only in the original printed version of the measure.

1.06 (1) (cont'd)

(L) Introductory paragraph. Many sections, subsections or paragraphs of the statutes have an introductory paragraph and a further breakdown of a series of provisions. If only the introductory portion is to be treated, it must be so identified. For example: s. 17.23 (1) of the statutes has an introductory paragraph in sub.(1) and a further breakdown of pars. (a) to (d) which are all part of sub.(1). If only the introductory clause is to be amended it should be so identified, i. e., "s. 17.23 (1) (intro. par.)".

(m) Joint resolution. A joint resolution is the expression of an opinion, a desire or authorization of the legislature, is acted on by both houses but does not require approval by the governor.

(n) Partial veto. Appropriation bills may be partially vetoed by the governor, in which case the part approved becomes law and the part objected to does not become law unless overridden by a two-thirds majority in each house.

(o) Pocket veto. The governor has 6 days (exclusive of Sundays) to approve or disapprove a bill after it has been delivered to him. If the governor neither signs nor vetoes the bill within this time it becomes law unless the legislature by its adjournment has made it impossible for the governor to return the bill, in which case it dies automatically and this is known as a "pocket veto."

(p) Resolution. A resolution is the expression of one house only and requires no action by the 2nd house.

(q) Rules. Each house determines the rules of its own proceedings and such rules can be changed by the adoption of a simple resolution in that house. The joint rules govern the proceedings of both houses and require a joint resolution (action of both houses) to be changed.

(r) Section headings, in bills. The section heading is the introduction or explanation as to what is being done to the section or part thereof.

(s) Session laws. The session laws are a compilation, in numerical order, of all the separate acts of the legislature for a given session and include private, local and special laws which are not printed in the statutes, as well as the laws which will be incorporated in the printed statutes, published in a volume entitled "Laws of Wisconsin, 19___" and the separate acts are known as chapters of the laws of that year.

(t) Statutes. The statutes are the general laws of the state which have been given statute section numbers. There are some general laws which are not printed in the statutes because of their limited application but they are nevertheless law. These laws and the special, private and local laws can be found in the session laws for the year of enactment.

(u) Statutory references. A statutory reference is a reference, within the text of the law, to other chapters, sections or parts thereof, of the statutes.

(v) Substitute amendments. A substitute amendment is usually prepared when there are substantial changes to be made in the original proposal, or for procedural reasons with only minor changes, must be germane to the original proposal and if adopted take the place of the original proposal. Substitute amendments may be amended in the same manner as original proposals.

1.06 (1) (cont'd)

(w) Text. The text is the body or lawmaking part of the bill.

(x) Title. Title can mean either the title of the bill or other proposal, or the title to a chapter, subchapter, section, subsection or paragraph of the statutes.

(y) Veto. The governor has 6 days (excluding Sunday) to either approve or disapprove a bill. If he disapproves, he vetoes the bill and returns it, together with his objections, to the house of origin. A two-thirds majority vote is required to override the veto, by both houses. (Also see partial veto)

(2) Miscellaneous information; legislative documents.

(a) Acts. The acts, as approved by the governor, are published in the official state paper, and a notebook of the acts as published in the newspaper is maintained during the session. Copies of all printed acts are also available in the library and in the drafting room.

(b) Amendments. Amendments to bills and joint resolutions, as printed, are inserted in numerical order, after the measure they amend. Amendments to simple resolutions are printed in the journal only.

(c) Annotations. The 1950 Wisconsin annotations is the latest such Wisconsin compilation and contains section histories, notes, etc., as well as the law relating to statutory courts, and additional jurisdiction of county courts. Section histories subsequent to 1950 appear in the statutes, and amendments to court laws since 1950 in subsequent session laws. However, West's Wisconsin statutes annotated and special court acts contain histories and notes through the 1958 special session.

(d) Bill books. Bills are numbered consecutively as introduced and all bills are printed. The printed bills and amendments thereto, as printed, are placed in binders in numerical order. Black covered for assembly bills and red for senate.

(e) Bulletins. Bulletins of proceedings are printed for each house, at the close of each week (after 3rd week) of the session and contain a cumulative numerical listing of all measures introduced and the action taken to date of publication.

(f) Calendars. Daily calendars, printed for each house, list the numbers of bills and resolutions, in numerical order, to be considered under the several orders of business, for each legislative day.

(g) Committee hearings. Bulletins of committee hearings are printed weekly to list the bills and resolutions scheduled for hearing by the various committees in each house for the ensuing week.

(h) Joint resolutions. Joint resolutions are numbered consecutively as introduced and the printed copies accumulated in numerical order in separate binders for each house; black covered for assembly and red for senate.

(i) Journals. The daily journals (pinks) contain a brief official record of all transactions under the several orders of business for each day of the session, accumulated in separate notebooks for each house of the legislature. After the end of the session corrected copies of the journals are printed on white paper and bound into a single volume for each house, and the corrected bulletin of proceedings is published as the index to the journals.

1.06 (2) (cont'd)

(j) Manuals. Legislative manuals (separate for each house) contain the rules of that house, the joint rules governing both houses, established precedents and general information, members, committees, etc.

(k) Resolutions. Simple resolutions are printed only in the journal of the house of introduction.

(L) Session laws. Session laws are printed after each legislative session and contain the text of all the laws enacted, and of some of the more important joint resolutions that were adopted; a listing of all sections of the statutes affected by such enactments; amendments to the session laws of prior years; amendments to the constitution; and a subject matter index.

(m) Statutes. The statutes are printed biennially and contain legislative histories as well as the text of the general laws, the U. S. Constitution and the annotated text of the Wisconsin constitution.

1.07 Record of drafts. Because the draftsman frequently is called upon to draft proposals dealing with the same subject matter many times during a legislative session, a daily listing of drafting requests will often prove helpful to the draftsman in locating the particular draft he is seeking. Identify the draft by LRL request number, member or requestor's name, and a short relating clause.

1.08 Worksheets. If a draftsman prepares notes in the course of drafting a proposal and such notes represent substantial research in locating particular sections, or developing the history of the measure, or contain extracts from laws of other states, etc., he should staple such notes together, mark them "worksheets" and attach them to the other material when he turns in the draft. This will enable him, or others, to find such material most expeditiously if he desires or has occasion to use the material again.

2. STYLE AND GRAMMATICAL CONSTRUCTION. On questions of orthography Webster's New International Dictionary shall be taken as the standard.

2.01 Guide for writing words, phrases and numbers.

(1) Quantities and measurements.

(a) Age.

Under the age of 18 years
less than 18 years
18 years or over

(b) Dates.

June 1925 or July 29, 1948
March 6 (not March 6th or 6th day of March)

(c) Time.

4:30 p.m., 10 o'clock or 10 a.m. (not 10 o'clock a.m.)
(The abbreviations a.m. and p.m. always in lower case)
8-hour day or 5-day week

(d) Money.

15 cents, 50-cent fee or \$4 (not \$4.00)
(write out cent or cents)

(e) Percentage.

one-half of one per cent (Write per cent as 2 words)
0.5 per cent (If both decimal point and per cent are used, be sure both are intended)

(f) Fractions. (write out simple fractions)

one-half or three-fourths
(Use hyphen to join whole number to a fraction)
3-9/10 or 4-3/8 miles
(A hyphen can change the meaning of a fraction)
forty-two hundredths (42/100) or forty two-hundredths (40/200)

(g) Measures. (Do not abbreviate)

10 yards, 8 x 12 inches or 5 feet 3 inches

(h) Latitude and longitude. Latitude and longitude are expressed in degrees, minutes and seconds, thus:

Latitude: 40° 19' 12" N.
Longitude: 30° 08' 14" W.

(i) Arabic numerals for definite amounts.

6 days, 8 weeks or 10 members
\$1,000 or 25,000 people

Numbers are written out at the beginning of a sentence, unless they contain more than 2 digits:

Sixteen men are ... (or) 145 men are ...

Write one out, except in dates, money or in a series:

one or more, or one of which

January 1 or first day of the month following ...

Not more than 2 officers shall be members of the same political party but each one shall be a member of one of the 2 parties.

2.01 (1) (cont'd)

(j) Indefinite amounts.

Forty-odd people; a day or two; several thousand dollars; about a thousand dollars; or between two and three hundred.

(k) Highway designations. (Can be abbreviated in specific descriptions)

class "B" highway; CTH "D" (county trunk highway "D"); STH 40 (state trunk highway 40); or USH 141 (U. S. highway 141).

(L) Land descriptions. (Can be abbreviated in specific descriptions)

E¹/₂ of SE¹/₄ of NE¹/₄ of Sec. 6, T. 8 N., R. 40 E. (means the east half of the southeast quarter of the northeast quarter of Section 6, Township 8 north, Range 40 east of the fourth principal meridian).

NE¹/₄ of Sec. 4, T. 6 S., R. 15 E. (means the northeast quarter of Section 4, Township 6 south, Range 15 east of the fourth principal meridian).

If the description has been taken from some legal document it should be quoted just as given but if the description is spelled out do not say "the North one-half of the Southwest one-quarter", but preferably "the North half of the Southwest quarter."

(2) Word guide.

(a) Words hyphenated in statutes.

| | | |
|------------------|-------------------|--------------------|
| by-product | non-American | re-employ |
| city-county | old-age (adj) | re-examine |
| co-operation | out-of-state | rent-a-car |
| co-ordinate | part-time (adj) | safe-place statute |
| feeble-minded | pipe-line (adj) | self-defense |
| 4-lane highway | post-office (adj) | state-owned |
| interest-bearing | prison-made | state-wide |
| hit-and-run | power-driven | tax-supported |
| motor-driven | re-elect | trade-mark |

(b) Preferred in statutes.

| | | |
|---------------------------------------|-------------------------------------|--------------------|
| annulment | endorsement(ins.laws)* | moneys |
| busses | enrollment(enrolled) | nonlapsible |
| cancel <u>e</u> d(cancel <u>i</u> ng) | estopped | subpoenas |
| cancellation | inasmuch as | wil <u>l</u> ful |
| employes | installation | |
| enclosure | instalment | *indorsement(reg.) |
| encumbered | label <u>i</u> ng(label <u>e</u> d) | |

(c) Separate words.

| | | |
|------------------|-----------------|------------------|
| attorney general | per cent | right of way |
| old age (n) | pipe line (n) | sergeant at arms |
| part time (adv) | pro tem | shore line |
| peace officer | post office (n) | sine die |
| | | wage earners |

(d) Write as one word

| | | |
|-------------|-------------|----------------|
| antifreeze | livestock | reappraisal |
| antitrust | motorboat | rearview (adj) |
| bimonthly | nighttime | reenact |
| bipartisan | nonpartisan | safekeeping |
| bylaws | payroll | semimonthly |
| coinsurance | postwar | watermains |
| interstate | powerboat | waterworks |

2.01 (2) (cont'd)

(e) Latin or non-English words. Do not underscore such words as ex officio, de novo, etc., when used in the statutes. Whenever possible avoid using Latin words or phrases.

Hist. note: Word list approved by revisor of statutes in 1948 and agreed to some changes in list in 1955 session, i.e., not hyphenating "bylaws" and "postwar" and using "E" rather than "I" in "encumbrance," etc.

(3) Avoid using superfluous words:

| <u>Superfluous wordage</u> | <u>Preferred</u> |
|--|--------------------------|
| bonds, notes, drafts and other evidence of indebtedness | evidence of indebtedness |
| final and conclusive | conclusive |
| in the event that | if |
| member of a partnership | partner |
| null and void and of no effect | void |
| person, firm, corporation, association | person |
| said, such or aforesaid | the (or the same) |
| shall be construed to mean | means |
| shall be deemed to include | includes |
| types of trust estates created by will or implication of law | trustees |
| under the provisions of section | under s. _____ |

(4) Avoid indefinite words. Indefinite words such as "untimely, unseasonable, indeterminable", have no place in the statutes.

(5) Rhetorical flourishes. Keep sentences short and use simple English. When preparing bills and joint resolutions rhetorical flourishes should be avoided. They may be used in resolutions expressing praise, condolences, etc., however.

(6) Present tense. A statute is regarded as constantly speaking. It speaks as of the time when it is read or applied. Use present tense, i.e., "it is unlawful", except for stating a condition precedent to its operation "Each public agency included under the agreement shall withhold ..."

(7) Use of "and/or" and "provided, however."

(a) Never use the compound "and/or". Decide whether you mean "and" or "or" and use the proper word. If you wish to state one of 2 alternatives, or both, phrase your clause similar to the penalty or forfeiture clauses.

NOTE: See Wis. Supreme Court decision in Mutual Liability Insurance Co., v. Toellefsen, 219 Wis. 434 (1935).

(b) Never begin a sentence with the word "provided" and if possible avoid the words "provided, that" and never "provided, however". If an additional proviso is desired or an exception, make it a direct statement.

(8) Active verb. Use the active rather than the passive verb. Preferably "the clerk of the circuit court shall appoint one or more deputies ..." rather than "one or more deputies shall be appointed".

(9) Permissive or mandatory actions. Decide whether the actions are to be mandatory or permissive, "shall" making it mandatory and "may" making it permissive; however, since the court has on occasion interpreted "may" to mean "shall" it is

2.01 (9) (cont'd)

imperative that the draftsmen give critical consideration to the text in which the words "may" or "shall" are used.

(10) Words frequently confused.

Affect-effect:

Affect is a verb, conveying action against or upon a person; alter, influence.

Effect is both a noun and a verb. When used as a noun it means that which is brought about as a result or an impression. When used as a verb it conveys accomplishment or achievement of a result.

Biannual-biennial:

Biannual means twice a year.

Biennial means once every 2 years.

Capital-capitol:

Capital means capital city; money or assets; first rate.

Capitol means the statehouse.

Farther-further:

Farther pertains to actual distance.

Further means additional; more advanced.

Therefore-therefor:

Therefore means a conclusion; consequently; hence.

Therefor indicates in place of; for that; for it.

2.02 Capitalization. Statutory usage requires lower case whenever possible. Avoid the use of capitals except for proper names for persons, cities, cemeteries, etc. The following guides will assist in determining when and when not to capitalize.

(1) When in quotation marks. When title, act or designation is used in parentheses or quotation marks, as:

"The provisions of this chapter may be known as the 'Workmen's Compensation Act'."

(2) Proper names, places or designations.

| | |
|--------------------------------|-------------------------|
| Bang's disease | Lake Tomahawk |
| Bankhead-Jones farm tenant act | Pacific ocean |
| Camp Minnewawa | Tenth and Main streets |
| city of Milwaukee | university of Wisconsin |
| Dane county | World War II |

(3) Nations or nationalities.

| | |
|--------------------|----------------------|
| English language | Spanish-American war |
| Indian reservation | the Orient |
| Negro (race) | un-American |
| pro-British | |

(4) Churches, religious organizations or memorials.

| | |
|----------------------------------|----------------------------|
| Christian Science church | Methodist Episcopal church |
| Christian missionary association | Roman Catholic church |
| Forest Home cemetery | Silent Cross memorial |

2.02 (cont'd)

- (5) Political parties.
Communist party Republican party
Democratic party Socialist
- (6) State departments and institutions. (lower case except proper name)
conservation commission
department of veterans' affairs
state of Wisconsin investment board
Grand Army home for veterans
- (7) Federal departments and agencies. (lower case except proper name)
78th congress
federal housing administrator
reconstruction finance corporation
U. S. office of vocational rehabilitation
- (8) Organizations, societies, lodges, etc. (specific names)
American Veterans of World War (AMVETS)
Disabled American Veterans
American Red Cross
United Spanish War Veterans
Womans Christian Temperance Union
- (9) Funds, banks, books, etc.
federal reserve bank
postwar rehabilitation trust fund
state employes retirement fund (or system)
Blue Book
federal old-age and survivors insurance system (OASI)
Wisconsin annotations
- (10) Acts and laws. (abbreviations allowed as shown)
federal social security act
G. I. bill of rights
P. L. 651
servicemen's readjustment act of 1944
U. S. internal revenue code
- (11) Legal holidays and other holidays.
Christmas Day Independence Day
Good Friday Labor Day
Columbus Day Memorial Day
- (12) Newspaper. (official state)
Wisconsin State Journal
- (13) Lower case in statutes.
adjutant general governor
assembly legislator
attorney general legislature
congress president of the U. S.
constitution 83rd congress, 2nd session

Hist. note: This list approved by revisor in 1952; prepared as guide to capitalization in statutes.

Extra sheet for listing individual notations on capitalization, abbreviations,
or other reference material.

2.03 Abbreviations. Ordinarily abbreviations are not used in the statutes, but statutory references may be abbreviated. When amending the statutes change the references to the abbreviated form without striking or scoring, if the reference remains unchanged. Do not abbreviate such references at the beginning of a sentence.

(1) References to other sections or parts of the statutes.

(a) To chapters.

"ch. 5 (or chs. 5 and 8)"

(b) To sections.

"s. 23.09 (or ss. 23.09 and 24.113)"

(c) To subsections.

"sub. (7) (or subs. (7) and (9))"

(d) To paragraphs.

"par. (a) (or pars. (a) and (b))"

(e) To subdivisions.

"subd. 2 (or subds. 2 and 4)"

(f) Singular form.

"either s. 71.05 or 71.06" (not "s. 71.05 or s. 71.06")

(g) Plural form.

"ss. 71.05 and 71.06" (or "ss. 81.04 to 81.08")

Hist. note: Beginning with the 1953 session, in an attempt to shorten statutory references appearing in the text of the statutes, the abbreviated form was used. This procedure was approved by the revisor, as well as other abbreviations listed below.

(2) Transpose references. References written out in the statutes should be shortened and transposed when amending sections of the statutes, i.e.:

"as specified in subdivisions 1, 2, 3 and 4 of paragraph (d) of subsection (7) of section 23.09" should be written: "as specified in s. 23.09 (7) (d) 1, 2, 3 and 4". (These changes are automatic and need not be stricken and scored)

(3) References to the United States. "United States" should be written out except where the reference is to:

(a) A "U. S. highway" or (b) A "U. S. Public Law" or (c) A department of the federal government, i.e., "U. S. office of vocational rehabilitation".

NOTE: See 2.01 (1) (k) and 2.02, Drafting Manual.

(4) Introductory paragraph. When amending or otherwise treating only the introductory paragraph of a section, or part thereof, the abbreviated form "(intro. par.)" may be used in both title and section heading, and at the beginning of the text. Example:

"to amend 186.08 (intro. par.) ..." (in title)

"SECTION ____ 186.08 (intro. par.) of the statutes is amended to read: 186.08 (intro. par.) At their first meeting ..." (in section of bill)

2.04 Use of the phrase "of the statutes". It is unnecessary to repeat the phrase "of the statutes" in the text of a bill. Section 990.02 provides that all references to titles, chapters, or sections are references to titles, chapters or sections of the statutes. The term should be used once in the title of the bill and once in the introductory heading of each section.

In session laws, however, that will not be incorporated into the printed statutes, when you wish to refer to a section of the statutes, the reference should read "... as required by section 6.25 of the statutes" or "... subject to review under chapter 227, Wisconsin statutes."

2.05 Quotation marks. Use quotation marks when defining a word or phrase. Example: "Cost of construction" includes ... (Quotation marks are used to enclose any matter following the terms entitled, the word or the term, or at the beginning and at the end of the last paragraph of quoted material.) In defining terms or words do not say "shall be deemed to include" or "shall mean and include".

When amending the constitution and preparing the joint resolution for second consideration of the legislature, the excerpt from the constitution should be quoted exactly as it appeared when it was first approved by the legislature. NOTE: See Jt. Rule 16; and 16.02, Drafting Manual.

2.06 Punctuation. Some authorities consider "punctuation is not a part of the law", however, courts have been known to base their ultimate interpretation upon punctuation, or the lack of it, as a matter of last resort. It has been contended that if punctuation is required to give meaning to the sentence the draftsmen revamp the sentence.

(1) Periods and commas "inside" quotes. The inside method is preferred in printing. This method places the period and comma inside the last quotation mark, regardless of sentence structure. Example: This chapter may be cited as the "Youth Service Act."

(2) Colons and semicolons "outside" quotes. The above method does not pertain to colons and semicolons unless they are specifically a part of the quoted material.

(3) Striking and scoring punctuation. Punctuation as well as other material to be stricken from the statutes, constitution, or legislative rules, must be stricken through, and new punctuation scored.

(4) Punctuation in amendments to bills, resolutions, etc. The "inside" method referred to in sub. (1) does not apply to amendments, where the proposed changes (including punctuation) are always shown within quotation marks.

3. NUMBERING OF SECTIONS. Most of the drafting concerns amending sections of the statutes and there may be many proposals to amend the same section. Therefore, after the session has gotten under way, consult the card index file of the statute sections to determine whether the section to be amended has been affected by a prior proposal. Bills are always drafted in relation to the law in force when the bill is introduced.

NOTE: See sec. 10, Drafting Manual.

Before drafting a bill that calls for the creation of a new section, or part thereof, consult the statute card index file to be sure the section number selected has not been used -- if so select another number. Consult the revisor of statutes when in doubt about arrangement or numbering of sections in particularly difficult or unusual situations.

3.01 System of numbering. Chapters of the Wisconsin statutes are broken up into sections, subsections and paragraphs to simplify amendment thereto.

(1) Sections. The "decimal" system is used for numbering sections of the statutes, thus: 6.015 means "ch. 6, s. 015". (Note: The decimal ".015" is greater than ".01" and less than ".02"; thus ".015" is to be inserted between ".01" and ".02")

(2) Subsections. Subsections are designated by numerals enclosed in parentheses, thus: (1), (2), etc. New subsections to be inserted between 2 subsections of the statutes are shown by adding a letter of the alphabet to the right of the numeral, thus: (2_m), showing a subsection to be inserted between subs. (2) and (3).

(3) Paragraphs. Paragraphs are designated by letters of the alphabet enclosed in parentheses, thus: (a), (b), etc. New paragraphs to be inserted between existing paragraphs are shown by adding another letter of the alphabet to the right of the first letter, thus: (am) showing a paragraph to be inserted between pars. (a) and (b).

(4) Subdivisions. Subdivisions of paragraphs should be avoided whenever possible, but frequently it is necessary to make a further breakdown of paragraphs. If so, they are designated by plain numerals, thus: 1, 2, 3, etc.

(5) Allowance for future insertions. When numbering new sections, subsections or paragraphs to be inserted, it is well to allow for future insertions by using 33.01₄ in preference to 33.01₁; (2_m) in preference to (2_a); and (a_m) in preference to (aa) or (ab).

(6) Avoid breakdown at lower levels. In drafting measures where an attempt is being made to adapt a uniform law to present statutes, confer with subject matter expert, or other authority, to attempt to bring all of the basic concepts up to the section level, rather than making too extensive a breakdown at the lower level.

(7) Numbering sections of chapter 20. Chapter 385, laws of 1955, was a recodification of the whole appropriation chapter. Both the schedule in 20.005 and the text are now in alphabetical order. When drafting proposals creating new sections, this same procedure should be followed, using the 3-digit numbers after the decimal, and each appropriation must be identified by the proper subsection number. Subsections (1) to (39) are assigned to appropriations for executive budget operations; (40) to (69) for revolving funds; and (70) to (99) for segregated funds.

NOTE: See 20.003 (4), Stats.

3.01 (7) (cont'd)

In case there is no vacant number where a section should logically be inserted, a fourth digit number may be the only solution, but in such cases consult the revisor of statutes, or the Chief, as renumbering may be preferable.

(8) Revisor's authority to renumber sections. Under s. 43.08 (2) of the statutes, the revisor is authorized to renumber any chapter or section of the statutes for the purpose of revision, correct any statutory reference in the text, or substitute the correct reference for such terms as " the preceding section", etc.

3.02 Statute card index file. The card index file consists of white cards which denote enactments; blue cards for bills introduced; and orange cards for rules of pleading and practice.

(1) White cards. Separate cards are prepared to show each section (or subsection, etc.) affected by enactments. The statutory number of the provision is shown at the left side of the card; the chapter and bill number on the right; and if affected by a create (cr.), an amend (am.), renumber (rn.), repeal (r.), repeal and recreate (r. cr.), it is so stated in the center of the card. (Amendments to session laws are filed at the end of the white card file.)

(2) Blue cards. Separate files are maintained for bills introduced and the sections affected by such bills are shown in the same manner as enactments. The cards are filed in numerical order according to section, subsection, etc. (Amendments to the session laws and proposed amendments to the constitution are filed at the end of the blue card file.)

For the convenience of draftsmen, blue cards for bills introduced in prior sessions, are filed in the drafting room, back to the 1945 session. These cards are frequently helpful in locating proposals that previously failed or used as a pattern for a new proposal.

(3) Orange cards. Orange cards are prepared to alert the draftsmen that a statutory change or modification of the rules of pleading and practice has been recommended, and while pending, will be interfiled with blue cards, showing proposed amendment.

These cards will show sections to be affected, the recommended action and the date of recommendation. When adopted by the Supreme Court the effective date of the law will be entered on the card, and cards then interfiled with white cards, showing enactments.

These rules become effective 60 days after adoption and draftsmen should always check the orange cards before drafting a proposal involving judicial proceedings.

NOTE: See 251.18, Stats., and latest annotations.

3.03 Warning notice to member. Prepare form D-313, in duplicate, if there have been any bills introduced which affected the same sections as will be affected in a new proposal, and note bill numbers on form, one copy of which will be given to requestor. Note the date check was made and latest date covered by cards in file. (The latest date will be noted on card file each time additional section number cards are interfiled.)

3.03 (cont'd)

If it seems warranted and time permits, check the printed bills involved as it may be advisable to contact the member before completing the proposed draft.

This check is made for the following purposes:

(1) To determine whether any new enactments have affected the sections you propose to amend.

(2) To alert the requestor to the fact that there has been or may be other legislation on the subject.

(3) To attempt to prevent duplicate or conflicting legislation.]

Hist. note: Used this procedure in the 1953 session to try to avoid conflicts in legislation but discontinued the practice in 1955 and subsequent sessions.

4. CONSTRUCTION OF BILLS.

4.01 Bill titles and amending clauses. The title of the bill should be as short as possible and still convey the subject matter covered in the proposal without going into minute detail. For instance in a bill amending the provision governing deductions for losses (ch. 71, Stats.) the title "relating to income taxes" would not sufficiently identify the subject matter. "Relating to deduction of losses under the income tax law" would be more appropriate.

NOTE: See Jt. Rule 7.

Every title must contain a reference to all sections of the statutes treated in the body of the bill and must contain an appropriation clause or penalty clause if the bill provides for an appropriation or penalty. A proposal which creates or amends a criminal act does not of necessity constitute a penalty and the penalty clause need not be included in the title unless there is a specific penalty. If in doubt put the clause in. Proposals granting rule-making authority shall also include such phrase in the title.

NOTE: See secs. 7, 11, 12 and 13, Drafting Manual.

Hist. note: Assembly rule 40, amended in 1955 session, included the requirement that the title should indicate the granting of rule-making authority, and that all bills increasing or decreasing state revenue or making an appropriation should incorporate in the title an accurate estimate of the money involved. In 1957 when the fiscal note procedure was adopted we ceased to include this estimate in the title of bills.

When drafting a proposal to create a new state agency (committee, etc.) or to transfer certain functions of an agency, or replace or abolish one, be sure to state that fact in the title.

When drafting a proposal, limited in its application to a class lawfully set apart for legislative purposes, be sure to state that fact in the title.

NOTE: See 14.04, Drafting Manual.

When renumbering a section it is not necessary to enumerate in the title of the bill what the particular section is renumbered to be. Example:

"To renumber 165.01, 165.02 and 165.03" rather than "to renumber 165.01, 165.02 and 165.03 to be 165.01 (6), (7) and (8), respectively."

However, in the introductory clause of the section of the bill the complete action must be given. Example:

"SECTION __. 165.01, 165.02 and 165.03 of the statutes are renumbered 165.01 (6), (7) and (8), respectively."

Hist. note: In 1951, with revisor's approval, changed to this procedure in a further attempt to streamline titles of bills.

(1) Amending introductory paragraph only. It is unnecessary to repeat the whole section, subsection, etc., of the statutes, if the introductory paragraph only is to be amended. However, it must be stated both in the title of the bill and the introductory clause of the section of the bill that it is the introductory paragraph that is being amended. Example: (in title of bill)

"To amend 20.417 (1) (intro. par.) of the statutes" (and in body of the bill)
"SECTION __. 20.417(1) (intro. par.) of the statutes is amended to read:
20.417 (1) (intro. par.) There is appropriated ..."

4.01 (cont'd)

(2) Amending section or subsection titles. If only the title is to be amended, state "section title", "subsection title" or "paragraph title" in the same manner as (1). Example: (in bill title) "To amend 165.011 (section title)" (and in body of bill)

"SECTION ____ . 165.011 (section title) of the statutes is amended to read: 165.011 (section title) STATE SAFETY COMMISSION." (even though the title is amended treat it as a create with no striking and scoring)

NOTE: See 990.001 (6), Stats., and 4.05, Drafting Manual.

(3) Amending unnumbered paragraphs. To amend an unnumbered paragraph of the statutes it is necessary to identify it as an unnumbered paragraph in both the title of the bill and in the introductory clause of the section of the bill. For example, if amending s. 97.02 (20), the 1st and 3rd paragraphs only, the title of the bill should read: "To amend 97.02 (20) (unnumbered 1st and 3rd paragraphs)"; and in the body of the bill the introductory clause should read:

"SECTION ____ . 97.02 (20) (unnumbered 1st and 3rd paragraphs) of the statutes are amended to read:
97.02 (20) ..."

NOTE: See Bill No. 70, S. (1949); also see 8.06, Drafting Manual.

However, if a section of the statutes that contains unnumbered paragraphs is to be amended it is best to do some revision work at the same time to facilitate future amendments. If the requestor has no objections, renumber the unnumbered paragraphs, or renumber and amend; in which case the bill title would read: "To renumber 97.02 (20)" and "to amend 97.02 (20) (a) and (c)" if only part of the unnumbered paragraphs are to be amended.

If renumbering only, the introductory clause is sufficient to take care of the entire action and the clause would read:

"SECTION ____ . 97.02 (20) (unnumbered paragraphs) of the statutes are renumbered 97.02 (20) (a), (b), (c) and (d), respectively. "

If for purpose of clarity it seems more advisable to amend the subsection and in so doing number the unnumbered paragraphs simply identify the paragraphs in proper order and score (a), (b), (c) and (d) and follow regular rules for striking and scoring amendatory material.

(4) Repeating section numbers. If several parts of the same section are to be treated by the same action, it is not necessary to repeat the section number each time, either in the title or in the section heading. For example: "to amend 151.07 (1) (a), (g), (2) and (5)" not "151.07 (1) (a), 151.07 (1) (g), 151.07 (2), etc."

NOTE: See 26.10 (1), Drafting Manual.

4.02 Body of the bill. The "body" or text of the bill is the actual law-making part of the bill and does one of 4 things:

- (1) Amends the present law.
- (2) Repeals a law.
- (3) Creates a new law.
- (4) Renumbers a section of the statutes.

4.03 Introductory clauses for sections of a bill:

- (1) Repeal:
"48.01 (3) (a) and (b) of the statutes are repealed."
- (2) Renumber and amend:
"236.36 of the statutes is renumbered 116.05 (3) and amended to read:
116.05 (3) ..."
- (3) Amend:
"186.29 (1) (intro. par.) and (a) of the statutes are amended to read:
186.29 (1) (intro. par.) ...
(a) ..."
- (4) Repeal and recreate:
"97.01 (1) and (3m) of the statutes are repealed and recreated to read:
97.01 (1) ...
(3m) ..."
- (5) Create:
"240.35 (7), (8) and (12) of the statutes are created to read:
240.35 (7) ...
(8) ...
(12) ..."

4.04 Arrangement of sections. Each section of the statutes, or part thereof, to be considered in the bill, should be treated in a separate section of the bill and in the numerical order that it now appears in the statutes, except that a new chapter or a series of sections numbered consecutively and affected by the same treatment may be covered in a single section. A repeal and recreate of the same section or part thereof may be accomplished in the same section or a renumber and amend of the same section.

(1) Same treatment. When 2 or more subsections of the same section are affected by the same treatment, such as amending, it may be done in the same section of the bill, e.g.:

"SECTION ____ . 65.10 (1) and (6) of the statutes are amended to read:
65.10 (1) ...
(6) ..."

(2) Combination of treatments. If subsections of the same section are affected by a combination of treatments, such as amending, repealing, creating, etc., then each subsection is to be treated separately in numerical order, in separate sections of the bill, e.g.:

"SECTION ____ . 65.10 (1) of the statutes is amended to read:
SECTION ____ . 65.10 (2) of the statutes is repealed and recreated to read:
SECTION ____ . 65.10 (3) of the statutes is created to read:"

(3) Breakdown of sections. When there are a number of contingencies, requirements, etc., the section should be broken down into subsections, and subsections should be broken down into paragraphs. Avoid further breakdown whenever possible.

4.04 (cont'd)

(4) Renumbered sections. When a section, or part thereof, is renumbered, the present statutory number determines the sequence of treatment in the bill.

Hist. note: Prior to the 1951 session the future statutory number determined the sequence of treatment, which made it more difficult to locate a particular section in a long bill when a number of sections were being renumbered.

4.05 Section titles. Section 990.001 (6) of the statutes states that titles (or headings) to subchapters, sections, subsections and paragraphs of the statutes constitute no part of the law. Therefore when renumbering or amending and you wish to revise or amend the section title, it is unnecessary to strike through the material to be deleted and score the new material as we do in the body of a bill. Simply treat the title as you would in a create. When renumbering and amending and there is no change in the title, it is not necessary to include the title.

Hist. note: Changed to this procedure of not striking and scoring in titles to eliminate confusion and extra typing involved in amending, and renumbering and amending numerous sections of the statutes in a large number of motor vehicle bills. Revisor approved this change early in 1951 session.

- (1) Section titles are written in solid caps:
"346.36 ESCAPE THROUGH NEGLIGENCE";
- (2) Subsection titles with initial cap. and double underscore:
"108.10 (8) Limitation of fees";
- (3) Paragraph titles with initial cap. and single underscore:
"176.05 (1) (a) Permits to manufacturers"; and
- (4) Subdivision titles are written with initial capital and no underscore.

Avoid using the further breakdown of paragraphs into subdivisions but when no other treatment is apparent and a title or heading is needed (as in 62.13 (9) (c) 1 to 5 (1951, Stats.)), the heading is written with initial cap. and no under-scoring.

4.06 Chapter titles. The procedure set forth in 4.05 will not affect chapter titles which should be treated by striking through material to be deleted and underscoring new material, when amending such titles. In the title of the bill the clause should read:

"To amend chapter 165 (chapter title)", and the section heading and title should read:

"SECTION ____ Chapter 165 (chapter title) of the statutes is amended to read:

CHAPTER 165.
STATE CRIME LABORATORY COMMISSION".

4.07 Revise when amending. The revisor of statutes has requested that when we amend existing statutes we do as much revision work as possible and the member will permit. If the section is abnormally long, split it up into subsections to facilitate future amendments; if it is verbose, clarify and shorten it; and place in separate sections each proposition that is separable.

NOTE: See sec. 27, Drafting Manual.

(1) Striking and underscoring. When amending sections of the statutes, the parts that are to be omitted must be written in first and stricken through and all new material underscored, thus: "Registrations recorded under ~~this section~~ these sections ..." The new material always follows the stricken material. Do not reverse this order.

(a) If the material to be stricken consists of more than one sentence, the new or scored material replacing the old or stricken material should be inserted at the end of all stricken material.

(b) Periods should logically be carried to the end of the sentence where you are inserting new material and treatment should be the same as in simple amendments where new material is inserted after a specified word and before the period.

(c) When amending a section of the statutes and references are changed to the abbreviated form (in accordance with 2.03, Drafting Manual) it is not necessary to strike the old and score the new as there is actually no change. The abbreviated form should simply be substituted. Example: "... pursuant to section 56.16" should be written "... pursuant to s. 56.16" (no scoring).

NOTE: Also see 4.07 (3), Drafting Manual.

(d) If reference is to be amended (thereby changed) use the abbreviated form for reference in the new material, but material to be stricken through should be as it appears in the statutes. Example: "... as provided by ~~subsection (1) of section 56.16~~ ..." (to be amended to read) "... as provided by ss. 56.17 (2) and 56.18 ..."

(2) Arabic numerals. When amending sections of the statutes containing specific quantities written in word form, such as "twenty five thousand dollars", corrections should be made and Arabic numerals substituted to show the quantity as "\$25,000" without the necessity of writing in the words, striking them and then underscoring the Arabic numerals.

(3) Correct references. When amending, correct references in the statutes which read "... as defined in paragraph (a) subsection (6) of section 34.01" which reference should read: "... as defined in s. 34.01 (6) (a)". No striking or scoring should be used as there is no change in the reference.

(4) Transpose dates. When amending, transpose dates to read: "May 15, 19__" rather than "the fifteenth day of May 19__" without striking or scoring.

(5) Exceptions. The above rules regarding transposing dates, substituting Arabic numerals, and abbreviating references, are not applicable when amending the constitution. Follow the same style and format as is presently used in the constitution.

(6) Outmoded terminology. When you are amending a section that contains questionable or outmoded terminology, make every effort to delete such material. For instance s. 2.04 (1953 Stats.) says "... counties now or hereafter organized ...", s. 83.025 (1) states "... county trunk highways heretofore selected ..." etc.

4.07 (cont'd)

(7) Effective date in text. The revisor of statutes, under s. 43.08 (3) of the statutes, has authority to substitute actual effective dates, in printing the statutes, for such phrases as "after the effective date of this act" or "prior to the effective date of this section", etc. If you are amending sections that contain such indefinite phraseology, and time permits, attempt to ascertain the correct time or if the phrase is obsolete or meaningless strike it out.

4.08 Time; how computed. The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; if the last day is Sunday or a legal holiday the act may be done or the proceeding had or taken on the next secular day; and when any such time is expressed in hours, the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded.

NOTE: See 990.001 (4) and (12), Stats.

- (1) Week means 7 days.
- (2) Month means a calendar month unless otherwise expressed.
- (3) Year means a calendar year unless otherwise expressed.

4.09 Singular and plural numbers; gender. Words importing the singular number may extend and be applied to several persons or things as well as to one person or thing or the plural may apply to one person or thing.

NOTE: See 990.001, Stats.

Words importing the masculine gender only may extend and be applied to females as well as to males.

4.10 Repeals. The law does not favor repeal of a statute by implication. State specifically the sections or parts thereof which are to be repealed. Do not refer to "other parts of the law in conflict herewith" as being repealed.

NOTE: See 11.02 (2), Drafting Manual, for repeal of unprinted statutes.

(1) Add saving clause. If the repeal is not intended to affect contracts entered into prior to the passage of the repealing act, a saving clause should be added.

NOTE: See chs. 990 and 991, Stats., also 7.07, Drafting Manual.

(2) When in session law. No section, or part thereof, of the statutes is repealed or affected by the repeal of any session law from which it was in whole or in part derived.

NOTE: See 990.03 (3), Stats.

4.11 New provisions. Before drafting a supposedly new provision, draftsmen should first ascertain whether there is an existing provision in the statutes which deals with the same subject which could properly be amended to accomplish the purpose. Also consider whether the proposed measure will conflict with other existing laws.

4.12 Drafted requests and completed copy. Bill drafting requires the use of clear, concise English. Keep sentences and paragraphs as short as possible and still give full coverage to the subject.

(1) Previously drafted proposals. Frequently already drafted proposals are given to the draftsmen to be checked and put in proper form. These drafts are rarely in proper form and should be thoroughly checked for form and content, correct references, proper sequence, etc. More drafting errors are attributed to these proposals than those which the draftsmen prepare from verbal or outlined instructions. Do not take it for granted that the amended portions agree with the statutes. Typists who are not experienced in drafting procedures are prone to skip over punctuation or material to be deleted. If such proposals are long and contain a number of amended sections it is best to have proofreaders or typists, proof the amends before the draftsman attempts to review the measure to put it in proper form.

(2) Corrections. Instructions received in typed, mimeographed or other written form should not be erased or marked over so as to obliterate the original material. Make the corrections so as to insure that all of the original instructions are still legible.

(3) Check the draft. After completing the draft, check over original instructions and draft, to be sure all points have been covered and that the draft is so worded as to be readily understood by a person who has no special knowledge of the subject.

(4) Final check. Before a draft is placed in typists' basket it will be checked for accuracy, form, sequence of treatment, title and completeness, and to insure typists can understand all instructions. If any defects are found or any points need clearing up, the draft will be returned to the draftsman for correction or clarification. This is the only check made prior to introduction and it is important that draftsmen co-operate in making any necessary changes in order that the proposal be as accurate as possible. Even though a bill is not enacted, it still becomes a record, and improperly drawn bills are a waste of time and money, take up valuable legislative time and may require additional printing expense if corrective measures are necessary.

Hist. note: This step was partially initiated in 1953 when the senate abolished revision in the beginning of the session due to their inability to fill the positions satisfactorily. In order to insure that the minimum of technical errors occurred we set up a position for one person to check all senate bills prior to "jacketing" the proposal. In the 1955 session this procedure was somewhat formalized and extended to include review of all proposals, which was partially due to the fact that half of the draftsmen were new.

4.13 Revisor to show the change. Whenever draftsmen are preparing bills that include a change in numerous sections of the statutes, such as substituting the word "commissioner" in place of "commissioner of banks", and substitutions will involve a considerable amount of typing if all sections or parts thereof were to be amended, the use of the following form is preferred to insure uniform terminology:

"Whenever the word (s) " _____ " is (are) used in section (sections) _____ of the statutes, the word (s) " _____ " is (are) substituted. The revisor of statutes shall show the change in publishing the statutes."

4.13 (cont'd)

Hist. note: Began using this form in 1951 session, to insure uniform terminology in such proposals and to give blanket authority and protection to the revisor of statutes when making such changes.

4.14 Corrections on carbon copy. Frequently members or legislative clerks return all delivered copies of a bill or other legislative proposal to draftsmen for minor corrections or changes. These changes should always be made or noted on a carbon copy of the proposal rather than the original, regardless of how minor or extensive they are. This procedure enables the typist to make the changes without retyping the entire measure or at least salvage pages where corrections are less extensive, and retype only the necessary pages.

4.15 Definitions. The uniform use of certain words and phrases is essential to an understanding of the law. Therefore definitions are used in the statutes. These definitions appear in 3 general places, depending upon the breadth of their use. When uniform laws are adopted the definitions may come at the end of the measure if that is the form in which the law is set up.

(1) Words or phrases which have general application to the statutes are placed in ch. 990 of the statutes in alphabetical order. The determination of whether or not to insert a definition in ch. 990 should be made in co-operation with the revisor of statutes, who has a broad understanding of the possibilities of conflict.

NOTE: See 26.11, Drafting Manual.

(2) Words or phrases which have general application to a particular chapter and which appear in the chapter often enough to warrant defining them once and for all should be inserted in a section near the beginning of the chapter. If words or phrases which are defined in ch. 990 are used in a different sense in a particular chapter, they should be defined in that chapter.

(3) Words or phrases which are used in a particular section of the statutes and do not appear in other places in the chapter should be defined in the section or sections to which they apply.

NOTE: See 2.05, Drafting Manual, for punctuation when defining words.

(4) Do not add to the volume of the statutes by repeating definitions of words already contained in ch. 990 when the intended meaning is the same.

(5) Do not put substantive provisions into definitions.

(6) Use definitions to avoid repetitive use of a phrase, and thereafter use the defined word not the definition.

4.16 Misleading titles and section headings. Bill titles and section headings should state exactly what is being done as the section headings are the guide to preparing the tables and statute section index cards, showing sections affected by "acts" and "bills introduced."

After drafting a proposal review section headings (and titles) to be sure they actually cover what is being done and that subsections (or paragraphs) have not been created (by a repeal and recreate) or inserted by amending, or renumbering process, and not properly identified in the headings. For example:

(1) If, in the title and section heading, the bill says to amend 215.03 (1) (a) to (o) and it develops that the text, as amended, also contains (p) and (q), then the title should have read: "to amend 215.03 (1) (a) to (o); and to create 215.03 (1) (p) and (q)."

(2) If the bill says to repeal and recreate 85.13 (1) but the text also contains subs. (2) and (3), then the title and section heading are misleading and the subsections could easily be overlooked in preparing the table and cards which show sections affected by acts of that legislature. This title should have read: "To repeal and recreate 85.13 (1); and to create 85.13 (2) and (3)."

(3) The title should be the last part of the bill to be drafted. Draft the title to fit the bill, not the bill to fit the title.

4.17 "End" of draft. After the last line of the draft, whether it is a bill, resolution, or amendment, write "(End)" regardless of length of the proposal.

Hist. note: This procedure was started in 1953 to insure against enrolling clerks overlooking the last page of a proposal. In 1957, 35.08 (1) was amended to incorporate this provision in the statutes.

4.18 Failure of enumeration. Specific enumerations which are in fact examples and are not all inclusive are dangerous and should be avoided. If specific enumerations are used as examples and the enumeration is not intended to be complete or conclusive, it should be supplemented by a qualifying phrase, as shown in the following examples:

"59.07 (31) ... The term "waste" as used in this subsection means, without restriction because of enumeration, garbage, ashes, ... waste or refuse material."

"67.04 (5) (e) ... to construct, acquire or maintain, or to aid in constructing, acquiring or maintaining a bridge over or across any stream or other body of water bordering upon or intersecting any part of the town, including, without limitation because of designation, a bridge project so located which is eligible to construction under s. 84.11 ..."

"85.01 (4) (cc) 3. As used in this paragraph 'liquid dairy products' includes milk and products of milk in liquid form, including without limitation because of specific enumeration herein, the following ..."

4.19 Surety bonds. When drafting proposals whereby a surety bond is required to be posted by a licensee and the amount of the required bond is given, insert also "that the amount of the bond is the limit of the liability" or "the aggregate liability of the surety shall not exceed the amount of the bond."
NOTE: See ch. 86 (1957) or 130.06 (4), Stats.

4.20 Penalty where none expressed. Section 939.61 of the statutes contains a general penalty clause which is applicable to all convictions where no penalty is expressed. Unless the fine or imprisonment is intended to be in excess of this amount, namely \$250 or imprisonment for more than one year, it is unnecessary to stipulate the penalty for a misdemeanor.

Hist. note: Ch. 696 (1955) repealed 353.27 (1) and replaced by 939.61, Stats.

4.21 Notes in rough drafts. Frequently the member or others bring in instructions that are in the form of a tentative or rough draft, for the draftsman to put in final form. Many times these drafts contain explanatory notes or other information that may be of value later on but are not to become a part of the actual proposal, for one reason or another. If such material is stricken out or not incorporated in the proposal, the draftsman should strike out the material and initial such note or explanation at the side, or indicate that the requestor struck the material or directed that it be stricken, so that it is clear that it was the draftsman's decision, or requestor's, that such material should not be a part of the draft. The material should, however, remain in the file and should not be stricken to the extent that it is no longer legible.

5. TIME FOR INTRODUCTION OF BILLS.

5.01 Deadlines. The instructions for new bills and resolutions covered by title only or otherwise incomplete on the deadline provided by joint rule 18 must be completed and filed with LRL within 2 weeks thereafter, except:

- (1) Those privileged by senate rule 69 or assembly rule 76.
- (2) Proposals to be introduced by:
 - (a) Joint committee on finance
 - (b) Joint committee on revision, repeals and uniform laws
 - (c) Joint legislative council
 - (d) Committee on legislative procedure
 - (e) Committee on rules
 - (f) Revisor's general correction bills
 - (g) Any special committee specifically authorized to introduce bills
 - (h) Any interim committee in compliance with measure creating such committee.

5.02 Drafting titles. Draftsmen receiving requests for title only should prepare title on form D-312 and place same in request basket. These requests must be filed under the name of the member (or committee) who will introduce the measure. Do not take "requests for title only" on yellow request form unless complete instructions for drafting the proposal are given. If the requestor gives part of the instructions but for some reason does not complete his instructions for drafting the proposal, the draftsman should prepare title on form D-312 and attach yellow instruction sheet to back of title request form, so instruction can be completed when additional instructions are received.

Hist. note: Began using these forms in 1953 to eliminate necessity of typing and proofreading all titles on deadline night.

(1) Draftsmen are urged to place requests for title, or instructions for filling title requests, in the request basket as soon as possible so that such requests can be processed and a record available in record clerk's office.

(2) Take instructions for filling title requests on yellow request form D-311 and note "instructions for title request" and member's (or committee's) name, so that record clerks will be alerted to the fact that a request for title has previously been filed.

(3) If instructions are for a new bill write "new bill" on request sheet and if instructions are complete and draft is ready write "Ready" (in red pencil) across top of request sheet, so that these instructions will not be confused with instructions to fill title requests.

6. ARRANGEMENT OF THE BILL.

6.01 Enacting clause. The title shall be immediately followed by the enacting clause.

NOTE: Jt. Rule 7; also see "special clauses", sec. 7, Drafting Manual.

6.02 Order of the bill. Each section of the statutes to be treated in a bill shall appear in the body of the bill in the numerical order in which they now appear in the statutes.

(1) Temporary and transitional provisions. These provisions should be treated in separate sections of the bill, so they can be deleted from the statutes when they are no longer effective, and should be given statute section numbers. Example: Ch. 37 (1955), section 12.

(2) Tax measures. Tax measures, even though they are of a temporary or emergency nature, should be given statutory section numbers so that they will be incorporated in the next publication of the statutes.

(3) Severability clause. If any provision of the statutes or of a session law is invalid it shall not affect other provisions. In some cases it may be desired that the entire bill be declared invalid if any part is held unconstitutional. If it is expressly desired that a nonseverability clause be incorporated in the bill, it should be the last section of the bill, unless there is also an enabling clause.

NOTE: See 7.06, Drafting Manual; also 990.001 (11), Stats.

Hist. note: Ch. 261 (1951).

(4) Enabling clause. The enabling clause is no longer necessary except when an act is to take effect at a time other than that prescribed by s. 990.05 of the statutes (namely the day following publication). When an enabling clause is expressly desired, it shall constitute the last section of the bill and should include an alternate date to avoid any confusion in case the measure is not enacted into law prior to the first effective date given.

Example: ch. 462 (1947).

NOTE: See 7.03, Drafting Manual.

(5) Saving clause. A clause in an instrument exempting something from its operation.

NOTE: See 102.045, Stats.; also 7.07, Drafting Manual.

7. SPECIAL CLAUSES. (Except for 7.01, these are suggested forms)

7.01 Enacting clause.

"The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:"

7.02 Appropriation clause.

"There is appropriated from the ... fund to (department), on (day of month and year), \$..., and annually, beginning (day of month and year) \$..., for (purpose and object)."

NOTE: See sec. 20, Drafting Manual, for other examples; and 20.002, Stats.

7.03 Enabling clause.

"This act shall take effect July 1, 19___, or the first day of the month next succeeding publication, whichever is later. (Use only when an enabling clause is expressly desired.)"

NOTE: Jt. Rule 7; also see 6.02 (4), Drafting Manual.

Hist. note: Beginning with the 1957 session, include an alternative date as well, if an effective date is expressly desired, to avoid any confusion in case the measure is not enacted into law and published prior to the effective date given. Example: Ch. 496 (1955) to take effect July 1, 1955, approved by the Governor July 22, 1955 and published August 3, 1955.

7.04 Penalty clause.

"Whoever violates this section shall be fined \$... (or not less than \$..., nor more than \$...) or imprisoned for not to exceed ... days (or months, or years), or both." (Do not say "or both such fine and imprisonment.")

Hist. note: In the 1951 session began shortening penalty clauses, with the approval of the revisor, in further attempt to streamline the statutes and strike out redundant words and phrases.

NOTE: See 4.20, Drafting Manual, and 939.61, Stats.

7.05 Forfeiture clause.

"whoever violates section ... shall forfeit to the state not less than \$... nor more than \$... for each violation and each day that such violation continues shall be deemed a separate offense."

7.06 Nonseverability clause.

"It is the intent of the legislature that this act be considered a unit and its provisions inseparable. If any provision of this act is declared unconstitutional, the entire act and all of its provisions shall be invalid."

NOTE: See 6.02 (3), Drafting Manual; also 990.001 (11), Stats.

7.07 Saving clause.

"Chapter 173, laws of 1951, is repealed, except that all matters pending in the county court of ... county under that chapter on the effective date of this act may be completed under said chapter."

NOTE: See ch. 618 (1955), section 12; and 6.02 (5), Drafting Manual.

7.08 Rule-making authority.

"The commission is authorized to make such rules and regulations and establish such services as they deem necessary to carry out the purposes of this chapter." or

"The commissioner shall establish rules governing the management and operation of such funds."

Hist. note: At the beginning of the 1955 session the assembly adopted Res. No. 3,A., which amended Rule 40 to include "all bills providing a penalty or granting rule-making authority shall state such fact in the title."

8. AMENDING PROCESS.

8.01 What constitutes an amendment. An amendment is an alteration to be made in a measure or part thereof, by substituting, inserting or deleting something.

(1) Substitute amendments. A substitute amendment, if adopted, takes the place of the original bill, or other proposal; and is usually prepared when a substantial amount of the measure is to be rephrased. This is not always true, however.

The member may expressly desire that the proposal be prepared as an amendment either because the measure "has twice been put over through the presentation of substitute amendments" (Senate rule 53, 1953 manual), or for other procedural reasons.

NOTE: For example see Amdt. 3, A., to Sub. Amdt. 1, S., to Bill 380, A., 1949. This measure is essentially a substitute amendment, though it was allowed as an amendment to the substitute.

(2) Simple amendments. Simple amendments are usually prepared when minor changes are desired in the measure, but do not constitute a complete redrafting of the measure.

(3) Rules. Joint rules can be properly amended by joint resolution (Jt. Rule 15) or a house rule amended by simple resolution (Art. IV, sec. 8). Amendments to rules are accomplished in the same manner as amendments to sections of the statutes, namely by striking through material to be deleted and scoring new material. (Rules can also be repealed and recreated, or new ones created.)

The prior rules of each house, and the joint rules governing both houses, with desired changes, are adopted at the beginning of the session, but may also be amended at any time during the session.

NOTE: See sec. 16, Drafting Manual, for constitutional amendments.

8.02 Preparation of amendments. Considerable latitude in the form of amendments must be permitted since there are innumerable situations constantly arising which necessitate variations in the form of amendments. Instructions for drafting an amendment should include the following information:

(1) What is being amended. Amendments may be drawn to bills, joint resolutions, resolutions, substitute amendments or amendments, in either printed or typewritten form. (Use typewritten form as basis for preparing the amendment if the bill has not, as yet, been printed.)

(2) To be introduced in which house. It is always necessary to identify the amendment as an "A" (assembly) or "S" (senate) amendment. (Prepare on form D-306.)

(a) If the instructions do not indicate the house in which the amendment is to be introduced, attempt to ascertain the location of the bill by last action in "Bulletin of Proceedings" or proper legislative "Journal".

(b) A substitute amendment passed in the house of origin becomes the engrossed bill and is the only proposal before the second house, while a substitute amendment passed in the second house is separate from the bill. Thus an amendment in the second house to a substitute passed by the house of origin is an

8.02 (2) (b) (cont'd)

amendment to the bill and an amendment in either house to a substitute amendment passed in the second house is an amendment to the substitute amendment to the bill.

(3) Treatment involved. An amendment may require striking through material now in the statutes; striking out material inserted by the bill, resolution or previous amendments; restoring previously stricken material; or inserting new material.

When a bill is passed any amendments thereto that were adopted in the house of origin are incorporated into the engrossed bill, and a typewritten copy of the engrossed bill is inserted in the jacket when it is messaged to the chief clerk of the second house. The members, however, have only the printed copies of the original bill before them and the printed amendments thereto, considered in the house of origin.

Normally amendments in the second house refer only to the bill but where an amendment in the second house amends that portion of the bill which was amended in the house of origin, it is advisable to alert the legislators to the fact that it is the amended portion that is being amended. In such instances the introductory statement should state the fact that the amendment is to the "printed bill, as amended" in the house of origin.

NOTE: See 8.05 (2), Drafting Manual.

(4) Physical location of amendments. The changes must be clearly identified in terms of the title (if involved), page number, line and location in the line of the measure being amended, and identified in numbered paragraphs (unless a single treatment is involved) in the same sequence as it appears in the proposal being amended.

(a) If the title is involved, that is, if you are adding or deleting a section, subsection or paragraph, identified in the title (or other material contained in the title), the first paragraph of the amendment should make the change in the title, and might read:

"1. In line 3 of the title, before 'of' insert: '; and to create 97.025 (7)'."

(b) The next step is to insert the new section heading (or the change in the proper section heading of the measure). The second paragraph might read:

"2. On page 4, after line 26, insert:

'SECTION 3. 97.025 (7) of the statutes is created to read:
97.025 (7) ...'."

(c) Since the insertion of the above section (by the amendment) could involve renumbering subsequent sections of the bill, the third paragraph might read:

"3. On pages 4 and 5, respectively, renumber 'SECTIONS 3, 4 and 5' to be 'SECTIONS 4, 5 and 6'."

(d) In printed bills, substitute amendments and resolutions, each line of each page is numbered consecutively, beginning with line 1. If it is necessary to use the typewritten copy to prepare an amendment, follow the same pro-

8.02 (4) (d) (cont'd)

cedure to identify the proper page and line.

Hist. note: Ch. 726, 1951, amended s. 35.08 (1); prior to this amendment each "SECTION" rather than "page" of the bill was numbered consecutively, beginning with line 1.

(5) Inserting new material. When preparing an amendment to a proposal that amends the statutes, all new material is underscored and will be shown as italicized material in the printed bills or amendments. If the material is to be inserted or added to a section, or part thereof, that is being created, or repealed and recreated, in the original proposal no underscoring is shown.

(6) Both numbers inclusive. The library has followed the same principle in preparing amendments as in making statutory references, namely "lines 2 to 16" includes both numbers. Do not say "lines 2 to 16, both inclusive". However, if you wish to save a word (or period) say "up to the word 'census'" or "up to the period".

Hist. note: The library has followed this procedure at least since the 1945 session.
NOTE: See 990.001 (5), Stats.

8.03 To be germane. Substitute amendments or amendments to any bill or resolution must relate to the same subject and accomplish the same general purpose as the original measure.

(1) An entirely new bill may be substituted by amendment as long as it is germane to, and not inconsistent with, the main purpose of the original bill.

(2) No independent new question can be introduced under cover of an amendment. (Mason's p. 22.)

(3) Determination of germaneness is the exclusive decision of the presiding officer.

(4) Amendments to a revision bill are germane, but amendments to a revisor's correction bill are germane only if they make corrections and do not add new substantive material. (Senate rule 50 (10)).

8.04 Amendments in the third degree. An amendment to an amendment to an amendment in the same house is not permitted. An amendment of one house to an amendment in the other house is only an amendment in the first degree.

NOTE: Sen. Precedent 57.18 (1953 manual) and Mason's p. 227; Senate manual 1939, p. 185.

Senate Precedent 57.14 (1953 manual) held that a substitute amendment to a bill is a bill complete in itself, and therefore an amendment to an amendment to a substitute amendment in the same house is only in the second degree.

NOTE: See s. 283, Assembly Manual (1951).

8.041 Division of questions. This is a parliamentary procedure whereby the several parts of a proposition are voted on separately, and because of its complexity is generally frowned on if the same result can be obtained by amendment. The technique should be understood in order that we may properly draft amendments affected thereby.

At least theoretically a division in the first house would create no drafting problems nor would a division in the second house. If, however, there was a division in the second house on an amendment to an amendment, and part was adopted and part rejected, we might be concerned. When the bill is returned to the house of origin, which we will say is the assembly, the senate may have concurred in the bill as amended by section 1, of Amdt. 1, S., to Amdt. 1, S., (the part adopted on a division) and Amdt. 1, S. If the house of origin desired to further amend the proposal, they could introduce Amdt. 1, A., to Amdt. 1, S., to Amdt. 1, S., as adopted in a division. It would be important in drafting such an amendment to indicate clearly what is being amended.

NOTE: See senate rule 70, assembly rule 84.

8.05 Examples of various types of amendments.

| <u>Type of amendment</u> | <u>Title of amendment</u> | <u>Introductory clause</u> |
|---|---|---|
| (1) <u>Amended in house of origin.</u> | | |
| (a) A simple amendment. | Amendment No. 1, S., to Bill No. 514, S. (1953) | Amend the bill, as printed, as follows: |
| (b) An amendment to an amendment, both in house of origin. | Amendment No. 1, A., to amendment No. 2, A., to Bill No. 463, A. (1949) | Amend the amendment, as printed, as follows: |
| (c) An amendment to an amendment adopted in 2nd house. | Amendment No. 1, S., to amendment No. 1, A., to Bill No. 10, S. (1949) | Amend the amendment, as printed, as follows: |
| (d) An amendment in 1st house to amend a portion of bill inserted by previous proposed amendment. | Amendment No. 1, S., to amendment No. 3, S., to Bill No. 16, S. (1953) | Amend amendment No. 3, S., as printed, as follows: |
| (e) An amendment to amend an amendment in same house which amends an adopted amendment in 2nd house. | Amendment No. 1, S., to amendment No. 1, S., to amendment No. 6, A., to Bill No. 200, S. (1949) | Amend the printed amendment, as follows: |
| (2) <u>Amendments in 2nd house.</u> | | |
| (a) An amendment to a bill which passed 1st house without amendment. | Amendment No. 1, A., to Bill No. 507, S. (1953) | Amend the bill, as printed, as follows: |
| (b) An amendment to an amendment, both in 2nd house. | Amendment No. 1, S., to amendment No. 1, S., to Bill No. 758, A. (1949) | Amend the typewritten amendment No. 1, S., by striking out ... |
| (c) An amendment in 2nd house when amendment does not deal with portion of bill amended in 1st house. | Amendment No. 1, A., to Bill No. 689, S. (1953) | Amend the bill, as printed, as follows: |
| (d) An amendment which affects the portion of the bill amended in the 1st house. | Amendment No. 3, S., to Bill No. 463, A. (1949) | Amend the bill, as printed, as amended by amendment No. 2, A., as follows: |
| (e) An amendment in 2nd house to an amendment in 1st house to an amendment in 2nd house. | Amendment No. 1, S., to amendment No. 1, A., to amendment No. 1, S., to Bill No. 763, A. (1949) | Amend the typewritten amendment No. 1, A., as follows: |
| (f) An amendment to amend an amendment adopted but with division of question in 2nd house. | Amendment No. 1, A., to amendment No. 1, S., to amendment No. 1, S., to Bill No. ____, A. | Amend the amendment No. 1, S., to amendment No. 1, S., by inserting after ... |

8.05 (cont'd)

| <u>Type</u> | <u>Title of amendment</u> | <u>Introductory clause</u> |
|--|--|---|
| <u>(3) Substitute amendments in 1st house.</u> | | |
| (a) An amendment to the substitute amendment, still in 1st house. | Amendment No. 1, S., to substitute amendment No. 2, S., to Bill No. 10, S. (1949) | Amend the substitute amendment No. 2, S., as printed, as follows: |
| (b) An amendment to amend the amended portion of the pending substitute amendment (all in house of origin.) | Amendment No. 1, S., to amendment No. 1, S., to substitute amendment No. 1, S., to Bill No. 22, S. (1949) | Amend the amendment, as typewritten, as follows: |
| (c) An amendment in 2nd house to a substitute amendment adopted in 1st house. | Amendment No. 1, A., to Bill No. 14, S. (1949) | Amend the bill, as shown by the printed substitute amendment, as follows: |
| (d) An amendment in 2nd house to amend the amended portion of substitute amendment adopted and amended in house of origin. | Amendment No. 1, S., to Bill No. 460, A. (1949) | Amend the bill, as shown by the printed substitute amendment, as amended by amendment No. 1, A., as follows: |
| (e) An amendment in 2nd house to further amend the substitute amendment adopted in 1st house. | Amendment No. 2, A., to Bill No. 275, S. (1953) | Amend the bill, as shown by the printed substitute amendment, on page 17, line 15, by striking out "... " inserted by line 3 of amendment No. 4, S. |
| <u>(4) Substitute amendments in 2nd house.</u> | | |
| (a) An amendment in 1st house to a substitute amendment adopted in 2nd house. | Amendment No. 1, A., to substitute amendment No. 1, S., to Bill No. 380, A. (1949) | Amend the substitute amendment No. 1, S., as printed, as follows: |
| (b) An amendment in 2nd house to an amendment in 1st house amending the substitute amendment adopted in 2nd house. | Amendment No. 1, S., to amendment No. 4, A., to substitute amendment No. 1, S., to Bill No. 380, A. (1949) | Amend the amendment No. 4, A., as printed, as follows: or Amend the typewritten amendment No. 4, A., as follows: |

8.06 Amending and renumbering sections. It is unnecessary to state, in the title of a bill, what a certain section or part thereof is renumbered to be. Simply say "to renumber 32.04" or "to renumber and amend 32.04".

Hist. note: In a further effort to shorten titles, began this procedure in the 1951 session; approved by the revisor.

(1) Example of a bill to renumber and amend a subsection and in the process split it up into separate units:

"To renumber and amend 157.11 (2), (3) and (4) of the statutes, relating to ...

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

157.11 (2), (3) and (4) of the statutes are renumbered 157.11 (1) (a), (b), (c) and (2) and amended to read:

- 157.11 (1) (a) The board ~~may make regulations~~ shall regulate ... and .
- (b) The trustees of a cemetery association ~~may~~ shall ...
- (c) Persons owning a lot ... and shall give rights of burial.
- (2) A municipality may lease ... "

(2) Example of a bill to amend a paragraph by splitting it up into several subdivisions. (Score new subdivision numbers)

"To amend 71.02 (3) (c) of the statutes, relating to ...

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

71.02 (3) (c) of the statutes is amended to read:

- 71.02 (3) (c) 1. For the purposes of taxation ...
- 2. Income derived from rentals and royalties ...
- 3. Income derived from personal services, professions ...
- 4. All other income, including royalties ..."

(3) Rather than adding to particularly long and redundant sentences or paragraphs, if time permits, consider the possibility of rewriting the paragraph so as to shorten it and clarify the meaning. Short, concise statements are much more readily understood, and short paragraphs facilitate future amendments.

NOTE: See 4.07, Drafting Manual.

9. REFERENCES TO STATUTORY PROVISIONS.

9.01 In the text of a bill. Whenever reference is made in the text of a bill to other statutory provisions, the reference should read as follows:

(1) To other sections, or parts thereof:

" ... s. 85.02" (or ss. 85.02 (3) and 85.13 (8))

" ... sub. (1) or (6)" (or subs. (5) and (6))

(a) Where the reference is to another section it is better to refer to the section as a whole rather than a particular portion of the section, so that later amendments to the section will not throw the reference out of line. It is necessary though to refer to a specific subsection or paragraph if that is the pertinent requirement.

(b) The office of the revisor of statutes maintains a complete cross reference file of statute sections (subsections, etc.) and draftsmen should check with the revisor's office, especially when repealing or renumbering sections of the statutes that may have references to provisions in other sections.

(c) When amending a section and reference is made to other sections dealing with the same subject, draftsmen should always check the sections referred to, not only to be sure the sections referred to are still in effect and deal with the same subject but to ascertain whether the sections referred to should also be amended.

NOTE: Also see 9.04, Drafting Manual.

(2) In the same section. When working in a particular section and reference is made to another subsection, or part thereof, it is not necessary to say "of this section" or "of this subsection" if referring to another part of the same subsection. EXAMPLES:

65.10 (1) "This subsection" is correct when working in same subsection.

(2) "sub. (1)" is correct reference to sub. (1) of same section.

(3) (a) "this paragraph" is correct when working in same paragraph.

(b) "par. (a)" is correct reference to par. (a) of same subsection.

(c) 1. "this subdivision" is correct when working in same subdivision.

2. "subd. 1" is correct reference to subd. 1 of same paragraph.

(4) "sub. (3) (a)" is correct when working in same section and referring to a paragraph of another subsection.

(5) Preceding section. Never make reference to a preceding section, or part thereof. Be specific. If you mean "sub. (5)" or "par. (b)" say so, as future amendments may confuse the reference.

(6) Hereinafter stated. The words "herein", "hereinafter", "heretofore", etc., are ambiguous and mean "in this chapter" or "in this section".

(7) This act. Statutory references to "this act" should not be used unless the text of the material is not to be incorporated into the statutes. "As provided in this act" is also superfluous.

9.02 Reference to federal laws. When citing a federal law, that is U. S. Code or statutes at large, and the exact citation is known or available, the reference should read:

"P. L. 550; 66 Stat. 663" (correct citation for "Public Law 550, ch. 875, 2nd session, 82nd congress").

or

"64 Stat. 514; 42 USC 418" (correct citation for "section 218 of Title II of the Social Security Act").

Give volume number of statutes, page number, title U. S. Code and then the section number. This information of course will not be available when you are citing a comparatively new law.

NOTE: See 26.03 (6), Drafting Manual.

9.03 Reference includes both numbers. If the text of the statutes refers, by number, to a group of sections, subsections or paragraphs of the statutes, the reference includes both the first and last number mentioned.

Example: "... except those specified in s. 81.01 (3) (a) to (e)."

NOTE: See 990.001 (5), Stats., and 8.02 (6), Drafting Manual.

9.04 Specific or general references to other statutory provisions. The normal procedure of incorporating one statute into another statute by reference should be carefully weighed in drafting any new legislation.

(1) Eliminate references which do not satisfy a genuine need.

(2) If the essence of the reference can be set forth in a few words, it is probably better to spell it out than to incorporate terms by reference.

(3) If, however, after careful consideration, it appears necessary and desirable to incorporate another statute by reference, keep in mind that the Wisconsin court appears to follow the concept that references to substantive matters relate to the section as it existed when the reference is made and references to procedures, such as notice, hearing, etc., follow the current form of the section to which reference is made. This rule may help to guide the draftsman in determining whether or not to use a reference.

NOTE: See Wis. Law Review, Vol. 1950, No. 4, pp. 726 - 734, Legislation -- by reference -- effect of amending the adopted statute.

10. PRIOR ACTION IN SAME LEGISLATURE. If a new proposal is to amend, in some manner, a section of the statutes, that has been affected by a prior act of the same legislature, that action should be explained in the bill.

EXAMPLES:

(1) If you propose to amend a section that has been renumbered and amended by a previous act and the chapter number is known:

"To amend 40.22 of the statutes, as renumbered and amended by chapter 90, laws of 1953 ... " (in title) (use current year)

"40.22 of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read: " (section heading)

(2) If you propose to amend part of a subsection that was repealed and re-created by a previous act, and chapter number is known:

"To amend 40.23 (1) (a) and (c) of the statutes, as repealed and recreated by chapter 20, laws of 1953 ..." (title) (use current year)

"40.23 (1) (a) and (c) of the statutes, as repealed and recreated by chapter 20, laws of 1953, are amended to read:" (section heading)

(3) If you propose to renumber a section that was created and later amended by previous acts and one chapter number is unknown, but only a portion of the section is to be amended:

"To renumber 40.303 of the statutes, as created by chapter 101, laws of 1953, and as amended by chapter , laws of 1953 (Bill No. 490, S.); and to amend 40.52 (2) (a) and (c), as renumbered, ..." (title) (use current year)

"40.303 of the statutes, as created by chapter 101, laws of 1953, and as amended by chapter , laws of 1953 (Bill No. 490, S.), is renumbered 40.52 and 40.52 (2) (a) and (c), as renumbered, are amended to read:" (section heading)

(4) If you propose to renumber and amend, amend, or repeal and recreate a number of sections and subsections that were amended, or treated in a variety of ways by one or more prior acts:

"To renumber and amend 29.15, 29.22 (3), 29.23 (1) and (2); to amend 29.22 (1), 29.23 (3) and 29.30; to repeal and recreate 29.24, 29.25 and 29.27 of the statutes, all as renumbered and amended, amended, or created by chapters 90 and 142, laws of 1953 ..." (title) (use current year)

"29.15 of the statutes, as created by chapter 90, laws of 1953, is renumbered and amended to read:" (the section headings will clarify the specific action in each case)

(5) If you propose to treat various sections and subsections of the statutes, some of which were amended or had some prior action in the session, while others remain unchanged by prior action:

"To amend 45.35 (1), as amended by chapter 532, laws of 1957, 45.36 (5), as repealed and recreated by chapter 352, laws of 1957, 45.362, 45.363 and 45.37 (9), as renumbered by chapter 303, and amended by chapter 498, laws of 1957; and to

(5) (cont'd)

create 45.396 of the statutes ..." (in title) (use current year)

"45.35 (1) of the statutes, as amended by chapter 532, laws of 1957, is amended to read:

45.35 (1) ... "

"45.36 (5) of the statutes, as repealed and recreated by chapter 352, laws of 1957, is amended to read:

45.36 (5) ... "

"45.362 and 45.363 of the statutes are amended to read:

45.362 ...

45.363 ..."

"45.37 (9) of the statutes, as renumbered by chapter 303, and amended by chapter 498, laws of 1957, is amended to read:

45.37 (9) ..."

"45.396 of the statutes is created to read:

45.396 ..." (section headings)

11. AMENDING SESSION LAWS AND UNPRINTED STATUTES.

11.01 Session laws. In dealing with session laws, use the ordinary verbs to indicate the action, i. e., "to repeal", "to amend", "to create", etc., and refer to the law by the act of original creation, together with the last act which affected it.

EXAMPLE: "To amend chapter 295, laws of 1941, section 1, as last amended by chapter 553, laws of 1943, relating to ..."

Hist. note: Adopted this policy in 1951, since latest act which affected the section being dealt with is the only one actually involved.

The phrase "as last amended" indicates the last action even though it was a repeal and recreate, or a partial repeal. Amend is used in the sense of "affected by".

NOTE: See 4.10, Drafting Manual.

(1) Legislative histories. Histories of active (or amended) session laws, from which the laws of original creation and last amendments may be obtained, can be found in the 1950 Wisconsin annotations and subsequent session laws; also see West's Wisconsin statutes annotated and special court laws through the 1958 special session.

(2) Court laws. In the 1951 session more than 70 court laws were reenacted "to read as printed in the special court enactments of 1950 Wisconsin annotations" and thereby given 1951 act numbers. In dealing with other statutory or special court laws, check the latest annotations and subsequent session laws for latest amendment.

NOTE: See chs. 125 to 197 and ch. 549, laws of 1951, for examples of amending such court laws and annotations.

(3) Additional appropriations. When drafting a proposal to increase or decrease an already existing appropriation, simply indicate the amount by which the applicable appropriation is to be increased (or decreased), the purpose of the change and when available. It is preferable to include the phrase "as affected by the laws of 19__" to indicate that this increase (or decrease) is in addition to any other measures that have been or may be enacted.

EXAMPLE: Ch. 640 (1955).

Hist. note: Jt. Res. 74, S. (1955) created par. 14 of Jt. Rule 7, which authorizes the new procedure in dealing with proposals to increase (or decrease) existing appropriations. Prior to the adoption of this resolution we followed the regular amending procedure of striking the old figure and scoring the new in both the schedule and the text of chapter 20.

(4) Session laws and statutes in same bill. When amending both session laws and statutes in the same bill, the sections of the statutes should be treated in proper sequence in the bill before amending the session law.

NOTE: Also see sec. 20, Drafting Manual, and 990.03 (3), Stats., for repeal of a session law.

11.02 Unprinted statutes. Many withdrawn (unprinted) statutes are still a part of the Wisconsin statutes. During the period 1917 to 1923 when the whole-number system of the statutes of 1898 was being converted to the present decimal system, the revisors in the numbering process "withdrew" some sections from the statutes, mostly pertaining to the city of Milwaukee. Many of these sections retain their old whole number.

(1) Whole-numbered sections. When amending these sections the title should read similar to the following:

"To amend 959-46d (intro. par.) of the statutes, relating to ...", and the section heading:

"959-46d (intro. par.) of the statutes of 1919 (withdrawn from the statutes by chapter 242, laws of 1921, section 312) is amended to read:"

It is not necessary to refer to the law of creation any more than it is necessary to refer to the law of creation for decimal-numbered sections of the statutes when amending these sections. If the section has been amended, since withdrawal, give the session law which last amended it.

NOTE: See latest annotations and subsequent session laws for the summary of actions affecting these sections.

(2) Decimal-numbered sections. When amending decimal-numbered sections of the statutes, previously withdrawn (for example, s. 328.43, last printed in the statutes of 1925), simply proceed as though you were amending a section that is currently published in the statutes, inserting the phrase "as last printed in the statutes of 1925".

If you propose to repeal a chapter of the statutes that contains a section that is not printed in the current statutes but still a law, it is probably best to include an explanatory phrase, such as "to repeal chapter 30 of the statutes, including s. 30.09, as last printed in the statutes of 1917," so as to avoid any possible argument as to legislative intent.

12. SPECIAL, PRIVATE AND LOCAL LAWS.

12.01 When to incorporate into statutes. It is the revisor's intention to incorporate all laws in the statutes even though they are of a temporary nature, except the following types of proposals:

(1) Bills to increase or decrease the amount of an already existing appropriation. Example: Ch. 633 (1955)

NOTE: See 11.01 (3), Drafting Manual.

(2) Conveyance of land or other rights to or from the state or its subdivisions. Example: Bill No. 141, S. (1951)

(3) Bills creating or amending acts relating to statutory or special courts. Example: Bill No. 107, A. (1951)

(4) Amendments to existing session laws. Example: Bill No. 187, A. (1951)

Hist. note: Prior to the 1953 session broad discrimination was possible in determining whether or not a temporary measure should be given a statutory number.

12.02 Private and local laws. The constitution expressly provides that no private or local measure which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title. The act is considered unconstitutional if this requirement is not followed.

NOTE: Sec. 18, Art. IV, Const.; also see State ex rel Schneider vs. Midland I & F Corp., 219 Wis. 161.

Before amending any private or local law check to be sure you have the latest amendment or have reference worker check for you. When amending such sections the reference should be to the last statute in which the section was published.

NOTE: See 11.01, Drafting Manual.

(1) Some special and private laws prohibited. The legislature is prohibited from enacting certain special or private laws.

NOTE: Sec. 31, Art. IV, Const.

(2) General laws on enumerated subjects. The legislature may provide general laws for the transaction of any business that is prohibited by section 31, Art. IV, and such laws shall be uniform in their operation throughout the state.

NOTE: Sec. 32, Art. IV, Const.

13. CLASSIFICATION OF CITIES AND HOME RULE. Wisconsin unlike many states does not legislate for individual cities. The following principles lay out the limits within which legislation to cities is confined.

Up until 1892, the government of particular cities and villages was provided for by special charters issued by the legislature, but in that year the state constitution was amended to prohibit the issuance of new charters or the amendment of existing laws. The amendment was designed to forestall the enactment of special legislation for a select city. This prohibition resulted in the development of classification of cities to enable certain legislation to affect only cities of a certain population. It is a fundamental requirement that legislation based on classification bear some logical relationship to the purpose sought to be attained.

The home rule amendment to the constitution (Art. XI, sec. 3) was adopted in 1924 in order to give cities and villages exclusive control over purely local matters. The scope of home rule is not clear-cut because many problems which appear primarily local on the surface may have state-wide ramifications and thus not be subject to home rule. For example, the salaries of city policemen was held by the Supreme Court to be a matter of state, not local concern. Where the matter is one of state-wide concern as contrasted with a local problem, legislation by the state excludes local action.

The court has held, moreover, that the state may continue to legislate for cities (or villages) even in the field of local affairs, and by classes since cities (or villages) shall not be compelled to exercise their home rule power; but in such cases, the city (or village) could, under its home rule power, elect not to be governed by any state law in the field of local affairs or by an enactment of state-wide concern that does not affect every city (or village) with uniformity.

14. CITY AND COUNTY LEGISLATION.

14.01 Uniform terminology. In an attempt to keep the terminology more uniform, when drafting city and county legislation, the following references to cities and counties are preferred:

In all cities the council shall provide ... (applies to all 4 classes of cities).

In cities of the first class, the council ... (Milwaukee only).

In all cities, except cities of the first class ... (all cities except Milwaukee).

In all counties the board shall ... (applies to all 71 counties).

In counties having a population of 500,000 or more, the board shall ... (applies to Milwaukee county only).

Where reference is singular, the above forms may be modified: In any city, (any city of the first class), (any county having a population of less than 500,000), etc.

14.02 Population. "Population" when used in connection with a classification of municipal corporations for the exercise of their corporate powers or for the convenience of legislation, means the population according to the last census.
NOTE: See 990.001 (29), Stats.

14.03 Failure of enumeration. Where specific enumeration is desired but the enumeration may not be complete or conclusive, add a failure of enumeration clause, as for example:

"... any county, city, village, and without restriction because of failure of enumeration, any other political subdivision ..."

NOTE: See 4.18, Drafting Manual.

14.04 Subject expressed in title. When drafting measures intended only for cities of the first class, or counties having a specific population, or other such restrictions, include such restriction in the title of the bill.

Examples: Chs. 128, 291 and 343 (1955)

NOTE: See sec. 18, Art. IV, Const. (Wis. annotations); and 4.01 and sec. 12, Drafting Manual.

15. DRAFTING PROPOSALS ESTABLISHING COMMITTEES. There are many angles to be considered when drafting proposals establishing committees. The following suggestions are proposed to assist the draftsman and to attempt to eliminate omissions or problems brought to light when the committees go into operation.

15.01 Type of committee (or name)

(1) Standing committees are selected at the commencement of the session and serve only for the duration of the session.

NOTE: Jt. Committee on Finance is an example of a statutory standing committee; see 13.05, Stats.

(2) An interim committee usually operates between sessions and their field of activity is definitely outlined. It should be made clear that the committee report to the next legislature, at the beginning of the session (and then expire) or be re-established at the close of the legislative session to which they report.
NOTE: See Jt. Res.No. 14, S. (1947).

(3) Select or special committees are raised for a particular purpose, by motion or resolution, and are expected to complete their work before the end of the current session, in a few days or by a certain date. If they do not complete their work they can be made into an interim committee to report to the next legislature.

NOTE: See Jt. Res. No. 43, S. (1945).

(4) A continuing committee operates until abolished by law and should report early in each session so as to allow for legislation based on report or recommendations. A committee to visit state institutions (ch. 525, 1947) and Jt. Survey Committee on Retirement Systems (ch. 376, 1947) are examples of such committees.

(5) An advisory committee is a group of technical experts or laymen, who are to counsel and advise a specific department on problems in that particular field but have no administrative functions.

NOTE: See ch. 611 (1947).

(6) A co-ordinating committee is a group consisting of representatives from several agencies doing related work, the purpose of which is to co-ordinate the activities of several line departments. Many of these are nonstatutory.

NOTE: See ch. 619 (1955).

15.02 Composition of committee. This should be clearly identified in the text of the proposal.

(1) A legislative committee is composed of members of one house of the legislature.

(2) A joint legislative committee is composed of members of both houses, usually more assemblymen than senators in this state, rather than the usual equal representation.

(3) A citizen's committee is made up of laymen.

(4) A joint committee is made up of both legislators and laymen.

(5) An ex officio committee is made up of officials appointed because of their position.

15.03 Selection of members. The more prevalent procedure is to state that legislative members shall be selected as are members of standing committees in each house. If this is not intended the proposal should specifically outline the procedure for the selection of members, including chairman (vice chairman) and secretary.

(1) Membership may be comprised of:

- (a) Ex officio members.
- (b) Governor's appointments with or without senate confirmation.
- (c) Members designated by department heads.
- (d) Members of the legislature.
- (e) Members appointed by the Legislative Council.

(2) House rules to govern. The method of appointment of members in each house shall be governed by the rules thereof. Usually the first senator appointed by the president of the senate, to serve on a special committee, is chairman.
NOTE: See select or special committees: Senate Rule 21, Assembly Rule 24.

15.04 Purpose of committee.

(1) If an investigating committee, be sure to include the authority provided in ch. 13, Stats., to subpoena witnesses and acquire evidence. If an interim committee, the power to subpoena should be spelled out.

(2) If a committee to study a given problem and report, be specific as to when, how and to whom they are to report. For instance "the committee shall report its findings, in writing, to the 1959 legislature, at the opening of its session." Examples: Ch. 477 (1955) and ch. 627 (1957).

(3) If a committee to revise and codify the laws, include the authority to subpoena witnesses; how, when and to whom they are to report; provide for a meeting place, etc.

(4) If an advisory committee, outline specific functions, number of members, how appointed and for how long, and include an appropriation for expenditures.

15.05 Committee expenditures. "No money shall be paid out of the treasury except in pursuance of an appropriation by law." Therefore moneys cannot be appropriated by Jt. Resolution but must be in the form of a bill.

NOTE: Sec. 2, Art. VIII, Const.

Members of the legislature serving on committees can be reimbursed for actual and necessary expenses. Such a provision can be included in Jt. Resolution creating committee.

NOTE: See 20.530 (1), Stats.

(1) If appropriating a sum of money, make provision for the following contingencies:

15.05 (1) (cont'd)

- (a) When and how much money is to be appropriated;
- (b) Clerical or technical staff to be employed;
- (c) Supplies or equipment to be purchased;
- (d) Quarters, if any, to be supplied;
- (e) Actual expenses members are to be compensated for;
- (f) Approval of vouchers. (Usually only one approval is required, either the signature of the chairman or secretary.)

15.06 Relationship to legislative council. The joint legislative council was created to co-ordinate the activities of all interim study groups, and this practice should be continued.

(1) It can be recommended that the appropriate committee of the council study the problem. This eliminates setting up the committee or providing for financing it; or

(2) It is possible to create a committee under the general guidance of the council, allowing for committee personnel but the administration of its affairs to be handled by the council; or

(3) It is possible to create a committee wholly independent of the council, with a separate appropriation but providing that the council handle its administration.

(4) The joint legislative council is not deemed a legislative committee for purpose of referring bills or resolutions for recommendations.

NOTE: See Senate Rule 41.

(5) If requesting the council to investigate or study, include when, how and to whom they are to report their findings or recommendations.

Examples: Bill 169, S.; Jt. Res. 101, S. (1957)

15.07 Assistance from administrative agencies. If it is deemed necessary for the committee to require assistance from administrative departments or agencies, a statement authorizing or directing such departments to co-operate should be included in the measure. For example:

"The committee (or council, or any committee appointed by it) may call upon any state department, agency or officer for such facilities and data as may be available, and such departments and agencies shall co-operate with the committee (or council) to the fullest possible extent."

NOTE: See 13.35 (7), Stats.

16. CONSTITUTIONAL AMENDMENTS.

16.01 First consideration. Amendments to the constitution may be proposed in either house by Jt. Resolution and "every joint resolution proposing an amendment to the constitution introduced for the purpose of a first approval shall contain a paragraph referring such proposed amendment to the legislature to be chosen at the next general election; and every joint resolution proposing a second approval, shall, in the closing paragraph, provide for submission of the amendment to the people in accordance with section 1 of article XII of the constitution."

NOTE: Jt. Rule 16.

Hist. note: Created by Jt. Res. 43, A., 1925, and began this practice in 1927 session. Previously amendments to the constitution were presented by bill rather than by joint resolution.

16.02 Second consideration. When preparing the joint resolution for second consideration of an amendment to the constitution, provision should be made, in the closing paragraph, for submission of the amendment to the vote of the people at such time as the legislature prescribes. The concluding resolving clauses, therefore, should read similar to the following:

"Be it further

Resolved, That the foregoing proposed amendment be submitted to a vote of the people at the election to be held on the first Tuesday in April 19___, and if a majority of the people voting thereon approve this amendment, it shall become a part of the constitution of the state; and, be it further

Resolved, That the question of the ratification of the foregoing amendment be stated on the ballot as follows:

"Shall Section ____, of Article ____, of the constitution be amended ..."
(State questions so that if more than one amendment is submitted, they can be voted on separately).

NOTE: See Jt. Res. 5, S. (1953)

Special care should be exercised to state the amendment exactly as it was adopted by the first legislature, when preparing the resolution for second approval. Even the slightest variation may invalidate the second adoption and require starting over again. Check completed work to be sure all constitutional requirements have been met and advise member or requestor if there appear to be any irregularities.

The phraseology of the referendum question may become a critical issue and express instructions from the requestor should be solicited and followed.

16.03 Amend so as to repeal. To repeal any part of the constitution, the title of the joint resolution should read: "To amend section ____, article ____ of the constitution" and after the relating clause state "so as in effect to repeal said section." In the body of the joint resolution strike through all of the material in the section you are repealing.

NOTE: See Jt. Res. 40, A. (1951)

16.04 Creating a new section. To create a new section the same general procedure is followed as when amending the constitution.
Examples: Jt. Res. 24, A. (first consideration), Jt. Res. 10, S. (second consideration) (1955)

17. JOINT RESOLUTIONS. When preparing the resolving clause in joint resolutions, the house in which the measure is to be introduced should be named first. Example: "Resolved by the assembly, the senate concurring, That ..."

Substitute amendments to joint resolutions, even though introduced in the 2nd house, still retain the same sequence in the resolving clause as the original proposal. Example: Sub. Amdt. 1, S., to Jt. Res. 52, A. (1951)
NOTE: See 18.03, Drafting Manual.

17.01 Amendments to the constitution. Amendments to the constitution are properly presented in either house by joint resolution.
NOTE: See sec. 16, Drafting Manual, and Jt. Rule 16.

17.02 Appropriations. Money cannot be appropriated except by law, and "No law shall be enacted except by bill".
NOTE: Sec. 17, Art. IV, Const., and sec. 20, Drafting Manual.

17.03 Joint Rules. No standing joint rule shall be rescinded or changed except by joint resolution. Example: Jt. Res. 4, A. (1951)
NOTE: Jt. Rule 15.

17.04 Adjournment. Adjournment for more than 3 days is accomplished by joint resolution. Example: Jt. Res. 31, S. (1951) Sine die adjournment is also accomplished by joint resolution. Example: Jt. Res. 99, A. (1951)

17.05 To submit question to voters. Submitting a question to the vote of the people can properly be accomplished by bill or joint resolution. Examples: Jt. Res. 24, S. (1947); ch. 525 (1943) and ch. 728 (1951).
NOTE: See sec. 22, Drafting Manual.

17.06 Recall from governor. By joint resolution, any bill or resolution may be recalled from the governor for further consideration. Example: Jt. Res. 37, S. (1951).
NOTE: Jt. Rule 13, also see 17.12, Drafting Manual.

17.07 Organization of legislature. A motion to notify the governor of organization of both houses of the legislature can properly be accomplished by joint resolution. Example: Jt. Res. 2, S. (1951)

17.08 Joint session. A joint session of the 2 houses of the legislature can be accomplished by joint resolution. Example: Jt. Res. 33, S. (1949)

17.09 Authorizing governor to sign. The legislature may by joint resolution authorize the submission of typewritten copies to the governor for consideration and signature if the expeditious approval of the proposal is imperative. Example: Jt. Res. 72, S. (1953)
NOTE: See 17.12, Drafting Manual.

17.09 (cont'd)

Hist. note: 35.09 of the statutes was amended by ch. 684 (1955) to provide for this authority.

17.10 Jt. Committee. The creation of a joint committee of the legislature can properly be accomplished by bill or joint resolution. Examples: Ch. 376 (1947) statutory committee; and Jt. Res. 36, S. (1951)
NOTE: See sec. 15 and 18.03, Drafting Manual.

17.11 Legislative approval required.

(1) Department of agriculture: general orders. Legislative approval of all general orders relating to food and dairy standards, promulgated by the department of agriculture, can properly be accomplished by joint resolution. Copies of the general order must be attached to each copy of the resolution and draftsmen should obtain adequate copies of the order when taking the request.
Example: Jt. Res. 51, S. (1953)

Hist. note: Ch. 713 (1951) requires legislative approval, by joint resolution, of all such orders promulgated by the department of agriculture.

(2) Construction projects: conservation commission. Construction projects involving the expenditure of \$50,000 or more by the conservation commission must be approved by the legislature, by joint resolution, if proposed during a regular session. Example: Jt. Res. 91, S. (1957)

Hist. note: Ch. 588, 1953, requires such legislative approval, or approval by the state building commission if proposed when the legislature is not in session.

17.12 Relating clause in certain resolutions.

(1) Referring or recalling bills. When preparing joint resolutions referring bills to the legislative council for study, recalling bills or similar proposals whereby bills or resolutions are identified by number, include a short relating clause in the title to identify the subject matter of the proposal involved. Example: "Authorizing the governor to sign a typewritten copy of Bill No. 11, A., relating to the terms of court for the seventh judicial circuit."

(2) Contingent expenditures. When preparing resolutions relating to contingent expenditures of either house, state what the expenditure covers: i. e., "floral tributes" or "payment of salaries", etc., in the title of the resolution.

Hist. note: In order to identify the subject matter involved, began using this procedure in the 1957 session.

17.13 Memorial resolutions and citations.

(1) Citations. In lieu of simple or joint resolutions, any member may, by motion, direct the library to prepare, on appropriate forms, a citation for condolence, congratulations or commendation, and if concurrence by the other house is desired can so frame the motion to provide notice to the other house of its action. This procedure does not preclude the use of memorial or other formal type resolu-

17.13 (1) (cont'd)

tions, if the member so desires.

Hist. note: Jt. Rule 26 was created and this change went into effect in the 1957 session, in an effort to simplify the procedure, reduce printing costs and expedite legislative sessions.

(2) Resolutions. Memorial resolutions should be written in good English and use ordinary rules for capitalization. Steer clear of the stereotyped forms of memorials. If the member has failed to supply interesting or adequate facts about the deceased, use reference workers to find additional facts, as the library maintains files of clippings from newspaper articles on deaths of ex-members, etc. It is often advisable to ask the member to bring in copies of local newspapers in order to secure more intimate knowledge of the career, life or survivors of the deceased. Conclude by sending a copy of the resolution to the family. Clippings or other articles should remain with the draft for ready reference to names, dates, etc., by typists and proofreaders, and then returned to the library.
Example: Jt. Res. 8, S. (1953)

(3) Printing. Memorials on deceased or retired members and state officers are considered important resolutions and if adopted shall be printed in the session laws. Others may be printed in session laws if so directed in the joint resolution. If such printing is desired include such statement in the final resolving clause.
Example: "Resolved, That duly attested copies of this resolution be transmitted to ... and that this resolution be printed in the session laws in accordance with Jt. Rule 21."

Hist. note: Jt. Res. 47, S. (1955) created Jt. Rule 21, which states that certain resolutions are declared important resolutions and shall upon adoption and concurrence be printed in the session laws. Others may be printed if the joint resolution so directs.

17.14 Simple resolutions printed in journal. Simple resolutions and amendments and substitute amendments thereto shall be printed in full in the journal at the time of introduction. Executive messages to the legislature, except veto messages, shall be printed only in the senate journal.

Hist. note: Ch. 125 (1957). Jt. Resolutions and amendments thereto will no longer be printed in the journal; except constitutional amendments, which must be printed in the journal on final adoption. Prior to the enactment of ch. 57 (1937) resolutions were printed in the journals of both houses.

17.15 Resolutions not law. Joint resolutions are merely an expression of an opinion by the legislature and do not have the force of law. They can request an action, show approval, or authorize an action by an agency, which action already comes under its statutory authority or province. If directing an action, probably should be in bill form as joint resolutions are ordinarily not that binding.
NOTE: See s. 432, Assembly manual.

18. RESOLUTIONS AND PETITIONS.

18.01 Simple resolutions. Resolutions are merely the form in which the legislative body expresses an opinion or desire.

Resolutions are prepared to amend the rules of the one house; to authorize payment of contingent expenditures; to request attorney general's opinions; or to request, recommend or authorize other actions but are the expression of one house only.

NOTE: See 17.13 and 17.14, Drafting Manual; also 18.03, Drafting Manual, for examples and authority for resolutions.

18.02 Relating clause in certain resolutions. Resolutions requesting bills to be referred to the attorney general for opinion, printing additional copies of bills, requesting return of bills, or similar proposals, should identify the bill by subject matter as well as by number, in the title of the resolution.

Example:

"Requesting the attorney general to render an opinion as to the constitutionality of Bill No. 348, S., relating to the registration of boats in Wisconsin."

or

"Referring Bill No. 712, A., relating to special assessments for public improvement, to the joint legislative council for study and recommendation to the 1959 legislature. "

18.03 Examples of and authority for resolutions.

| Resolutions relating to: | Prepare: | | | Examples |
|--|----------|------|------------------|---|
| | Jt. Res. | Res. | Either Authority | |
| Adjournment | X | | Jt. Rule 14 | JR 58,S '53 |
| Amending: | | | | |
| Constitution(1st con.) | X | | Jt. Rule 16,21 | JR 21,S '53 |
| Constitution(2nd con.) | X | | Jt. Rule 16,21 | JR 6, S '55 |
| House Rules | | X | Art.IV, s.8 | Res. 3,A '53 |
| Jt. Rules | X | | Jt. Rule 15 | JR 4,A '51 |
| Appointment Com. on Com. | | X | | Res. 2,S '53 |
| Attorney general opinion | | | X | JR 41,S '51;or Res. 22,A '53 |
| Commendation | | | X or citation | Jt. Rule 26 JR 33,S '51; or Res. 35,A '53 |
| Committees: | | | | |
| Jt. Committee | X | | | JR 30,S '53 |
| Jt. interim com. | X | | | JR 50,S '53 |
| Committee of the whole | X | | | JR 31,A '51 |
| Committee to study | X | | | JR 36,S '51 |
| Continuing committee | X | | | JR 14,S '47 |
| Spec.Int.to rev.rules | | X | Art.IV, s.8 | Res. 18,S '53 |
| Spec. Jt.committee | X | | | JR 7,S '53 |
| Condolences | | | X or citation | Jt. Rule 26 JR 36,S '47;or Res. 25,S '53 |
| Congratulatory | | | X or citation | Jt. Rule 26 JR 29,S '55;or Res. 8,A '53 |
| Conservation, construction projects | X | | | 13.355 Stat. JR 91,S '57 |
| Constitutional conv. | X | | Art.XII, s.2 | JR 51,A '49 |
| Contingent expenditures | | X | 13.08 Stat. | Res. 7,A '53 |
| Dept. Agric. gen orders | X | | Ch.713, '51 | JR 26,S '53 |
| Ext. time (budget bill) | X | | | JR 19,S '47 |
| Furnish statutes(members) | X | | 35.84 Stat. | JR 1,S '55 |
| Governor: | | | | |
| Notify (legis. org.) | X | | | JR 2,S '55 |
| Notify (one house org.) | | X | | Res. 1,A '53 |
| Recall from | X | | Jt. Rule 21 | JR 58,A '53 |
| To sign typed copy | X | | 35.09 Stat. | JR 34,S '55 |
| To proclaim | X | | | JR 22,A '51 |
| Instruct hwy. com. | | | X | JR 19,A '51 |
| Interstate compacts: | | | | |
| disapproval of | X | | | Ch. 502 '53 -- |
| Invitation to visit | X | | | JR 55,S '53 |
| Jt. hearing | X | | Jt. Rule 4 | JR 47,S '47 |
| Jt. session | X | | | JR 33,S '49 |
| Legislative delegation | X | | | JR 67,A '51 |
| Leg. council study | X | | | JR 60,A '53 |
| Memorializing congress: | | | | |
| To amend constitution | X | | Jt. Rule 21 | JR 38,S '41 |
| To call convention | X | | Art. V USC | JR 24,S '43 |
| To enact legislation | X | | Jt. Rule 21 | JR 5,S '55 |
| Memorials | X | | Jt. Rule 21 | JR 10,S '53 |

18.03 (cont'd)

| <u>Resolutions relating to:</u> | <u>Prepare:</u> | | <u>Authority</u> | <u>Examples</u> |
|---------------------------------|-----------------|-------------------------|------------------|-------------------------------|
| | <u>Jt. Res.</u> | <u>Res. Either</u> | | |
| <u>Printing:</u> | | | | |
| Additional copies | X | | Jt. Rule 21 | JR 32,S '55 |
| Bulletins, com. hrgs. | X | | 35.07 (5) Stat. | JR 18,A '51 |
| Ratification, USC | X | | Art. V USC | JR 43 '47(50,A) |
| Reapportionment | X | | Art. IV, s.3 | JR 67,S '53 |
| Recall from other house | X | | Jt. Rule 21 | JR 92,S '55 |
| Recess (one house) | | X(not more than 3 days) | | Res. 25,A '51 |
| Recess (both houses) | X | | Jt. Rule 14 | JR 58,S '53 |
| Referendum, advisory | X | | | JR 14,S '53 |
| Referendum vote | X | | Art. XII,s.1 | JR 74,A '53 |
| Referring or recalling bills | | X | | JR 43,S '53; or Res. 28,A '53 |
| <u>Requesting:</u> | | | | |
| Chief clerk to act | | X | | Res. 32,A '53 |
| Investigation | X | | Jt. Rule 21 | JR 70,S '53 |
| Study be made | X | | Jt. Rule 21 | JR 22,S '55 |
| Rules, disapproval of | X | | Ch. 331, '53 | JR 95,A '53 |
| Seats for members | | X | | Res. 2,A '53 |
| Service of clergy | | X | | Res. 4,A '53 |
| Sine die | X | | Jt. Rule 14 | JR 73,S '53 |
| Stationery | | X | | Res. 6,A '53 |
| Use of chambers(1 house) | | X | | Res. 33,A '53 |
| Use of chambers(legislative) | | X | | JR 85,A '53 |

18.04 Petitions. Prepare new title for petitions unless the heading on same seems to be adequate. Count the number of signers and use the following form for the title:

"PETITION No. _____, A. (or S.)

A petition by _____ and _____
 (Name of first signer) (Number of signers)

others of _____, Wisconsin, for _____
 (City or county)

 (State substance of petition briefly)

Only one copy of petition need be prepared, as we do not retain copies for LRL files. (Back with blue petition backs for assembly and white for senate.)

19. CERTIFICATION AND REPRODUCTION OF COPY.

19.01 By secretary of state. The secretary of state is directed by statute to "make a copy of any law, resolution ... document or paper deposited or kept in his office, upon request therefor, attach thereto his certificate ..." etc. A charge is made for this service, 25¢ per folio and \$1 for the certificate. The minimum charge for any certificate under his hand and seal shall be \$1.
NOTE: See 14.29 (9), Stats. (am. 1955, ch. 171).

19.02 Photostatic copies. The library purchased (in 1954) a Verifax photocopy machine which can be used to reproduce copies of clippings, laws or other printed material, typewritten copy, etc. A minimum charge is ordinarily made for this service but in certain cases it can be had free of charge. (Requests for such service should be directed to the chief, chief clerk or head librarian.)

20. APPROPRIATIONS. An appropriation, within the meaning of the constitution, should designate the amount of money to be appropriated and the fund from which it is to be paid and may be prospective in that it may be appropriated in one year and paid out of revenues to accrue in another year. However, an appropriation is not void merely because the amount is not specified where a mode is provided and authority granted to ascertain and determine the proper amount.

20.01 How appropriated. No money shall be paid out of the treasury except in pursuance of an appropriation by law. Appropriations cannot be made by joint resolution as a joint resolution merely expresses an opinion of the legislature and does not have the effect of law.

NOTE: Sec. 2, Art. VIII, Const.

Hist. note: Jt. Res. 87, A. (1941) directed the state highway commission to make a survey and prepare plans for constructing a road, charging cost of said survey to 20.49 (4). (Does not have the force of law and cannot operate to amend those provisions which would otherwise be controlling.) 30 Atty. Gen. 249.

20.02 Form. Every proposal appropriating money must carry an appropriation clause in the title of the bill, must state from what fund the money is being appropriated, the duration of the appropriation and generally for what purpose the money is being appropriated, except when treating an existing appropriation as in (7).

NOTE: See 20.002 to 20.004, Stats., and 20.02 (7), Drafting Manual.

(1) Possible phraseology.

(a) There is appropriated from the _____ fund to the _____ department (commission, office, etc.,) on July 1, 19____, \$_____, and on July 1, 19____, \$_____, for the execution of its functions under s. _____.

(b) There is appropriated from the _____ fund on July 1, 19____, \$_____ and annually, beginning July 1, 19____, \$_____ to the _____ created by s. _____. Expenditures from this appropriation shall be by voucher signed by the chairman (or secretary) of the _____.

(2) Identify appropriation.

(a) "Sum sufficient" appropriations, which are expendable in amounts necessary to accomplish the purpose for which appropriated, are identified by the letter "S".

(b) "Nonlapsing" appropriations are expendable until depleted or repealed and are identified by the letter "C".

(c) "Biennial" appropriations are expendable only for the biennium for which appropriated and are identified by the letter "B". (If the appropriation is to lapse at the end of the biennium no mention need be made that it is to lapse, as it automatically lapses.)

NOTE: See 20.001 to 20.005, Stats., and 3.01 (7), Drafting Manual.

(3) Nonlapsible appropriations. If the appropriation is to be nonlapsible, be sure to make such stipulation in the appropriation section of the bill.

Example: "There is appropriated from _____ fund to _____ on July 1, 19____, \$_____ as a nonlapsing appropriation ..."

20.02 (cont'd)

(4) Revolving appropriations. If the appropriation is to constitute a revolving fund, state clearly what receipts, fees, etc., are to be paid into such fund, for what specific purpose disbursements can be made from this appropriation and whether a limitation on any unencumbered balance in excess of a specified amount should revert to the general or other specified fund, also what approval, if any, is required for expenditures from the fund.

Example:

"All fees and receipts collected for _____ shall be paid within one week of receipt into the general fund and are appropriated to _____ to be used as a revolving appropriation for _____, but whenever said unencumbered appropriation balance is in excess of \$ _____ on June 30 of any year, beginning with June 30, 19____, such excess shall revert to the general fund. No expenditures shall be made from this appropriation for _____ except upon approval by the _____.

(5) Fiscal notes. All measures making a "sum sufficient" appropriation, increasing or decreasing existing appropriations or fiscal liability of the state, or increasing or decreasing state revenue, except measures to be referred to the Jt. Survey committee on retirement systems, shall incorporate as a note a reliable estimate of the amount involved, and the agency involved shall prepare the note. These notes shall be known as fiscal notes, and shall be required and printed on original measures only.

(a) Draftsmen should review each proposal, after drafting same, to ascertain whether it involves the receipt or expenditure of any money by the state, and make proper notation on the blue record sheet to alert record clerks to obtain the fiscal note if one is required.

(b) If in the process of taking the request it seems apparent to the draftsman that the requested proposal will require a fiscal note, inform the requestor at that point of the necessary procedure to obtain same.

(c) When it is determined that a measure will require a fiscal note, the member must approve the draft before it is sent to the department of budget and accounts for review of this determination and to the proper agency or agencies for preparation of the required note. Fiscal notes prepared by a state department or authorized representative and submitted to us with request for a departmental appropriation measure will be accepted without the necessity of approval by the department of budget and accounts, if properly prepared and signed by such representative. Each agency will be given 5 days to prepare the note (extended to 15 days if the proposal necessitates extended research). The requestor must also approve the fiscal note when it is returned to the Library before the proposal can be jacketed for introduction.

(d) If the appropriation bill is similar (except in amount) to another appropriation bill or bills, that fact must be shown in a note to the bill, giving the numbers of the other bills. Draftsmen should check statute card index files for sections affected by bills introduced to obtain this information.

NOTE: See 20.003 (3), Stats.

(e) Measures which propose to create or modify any system for the retirement of public employes shall be referred to the joint survey committee on retirement systems and cannot be acted on by the legislature until the committee has submitted a written report, which report shall be printed as an appendix to the proposal

(as are amendments) and take the place of required fiscal notes.

Hist.note: 13.40 (?) of the statutes was amended to include this provision in the 1957 session (ch.355)

(6) Creating new functions or agencies. If creating a new function within an agency or a new agency, unless the requestor specifically directs that no appropriation be included in the proposal, a new section or subsection should be created in the text of chapter 20, including the allotment breakdown of the 3-line budget. If the amount of the appropriation is unknown and the draft carries a blank appropriation, the fiscal note should supply these figures, the total amount as well as the breakdown of the 3-line items, and it is the responsibility of the department of budget and accounts to fill in all appropriation blanks before returning the proposal to the library with the accompanying fiscal note.

Example:

"20.278 COMMERCE DEPARTMENT. (1) There is appropriated from the general fund to the state department of commerce on July 1, 1959, and annually thereafter, \$102,982 for the execution of its functions under ss. 149.07 to 149.99. Of this appropriation there is allotted for the following purposes:

| | 1959-60 | 1960-61 |
|-----------------------|---------|---------|
| Personal services | 86,224 | 91,634 |
| Materials and expense | 12,433 | 10,148 |
| Capital outlay | 4,325 | 1,200" |

It will not be necessary for the draftsman to insert these figures in the schedule under 20.005 (2) (a). The department of budget and accounts, under the authority of 20.007, will adjust the schedules to include all fiscal acts, inserting such total appropriations and allotment breakdown into the schedule, and the revisor of statutes will not incorporate the allotment breakdown in the text of chapter 20, except in isolated cases where trust funds and such like are involved.

(7) Treating existing appropriations.

(a) Amending amount of. When drafting a proposal to increase or decrease an already existing appropriation, prepare the measure as a session law only, identifying the appropriation by section number, and include the phrase "as affected by the laws of 19____ (current year)" to indicate that this increase (or decrease) is in addition to any other measures that have been or may be enacted.

Example:

"To increase the appropriation contained in 20.520 (1) of the statutes ..."
(in bill title)

"The appropriation in section 20.520 (1) of the statutes, as affected by the laws of 19____ (current year), is increased by the following amount:

1959-61

| | | |
|------------------------|--------|---------|
| Legislative council | 20.520 | |
| General administration | (1) | \$4,000 |

for the purpose of providing funds for interim studies." (section of bill)

20.02 (7) (cont'd)

(b) Amending the text. If it is necessary to amend the text of chapter 20, as well as to increase (or decrease) the amount of the appropriation, the procedure in (a) should not be followed. Amend the text as desired but ignore the schedule in 20.005 (2) (a).

(c) Transfer of funds. If a proposal transfers a function from one agency to another, a statement regarding the transfer of unencumbered funds should be made in the transitional sections of the bill, but chapter 20 need not be touched if the appropriation is not otherwise affected.

(d) Repeals. If it is intended to repeal a specific appropriation, simply repeal the text in chapter 20 and ignore the schedule in 20.005 (2) (a).

(e) Sum sufficient or revolving funds. If a proposal changes a function of an agency which may affect administrative costs or revenue and the appropriation is a sum sufficient or revolving appropriation, it is ordinarily not necessary to go into chapter 20 to change the amount of the appropriation.

(8) Emergency appropriation bills. No bill affecting the general fund and containing an appropriation or increasing the cost of state government or decreasing state revenues shall be passed by either house until the general fund budget bill has passed both houses. The governor or joint committee on finance may recommend and the legislature enact emergency appropriation bills if the measure contains a statement that they are emergency appropriation bills recommended by the governor or joint committee on finance.

Example:

"SECTION ____ . This bill is declared to be an emergency appropriation bill in accordance with the requirements of section 15.11 (2) of the statutes."

Hist. note: 15.11 (2) of the statutes was amended (ch. 53) to include this provision in the 1957 session.

(9) Claims against the state. When called upon to prepare a proposal to satisfy a claim against the state draftsmen should inform the requestor that the normal procedure is to submit an affidavit in duplicate to the claims commission through the department of budget and accounts. However, if the claims commission has rejected a claim, it can then be presented to the legislature in bill form. When drafting such a proposal it is unnecessary to put this type of appropriation either in the schedule or the text of chapter 20. Prepare as a session law only. It is necessary to state the fund involved, general, highway or conservation; the amount involved; a short or concise explanation regarding the claim; and always conclude with a statement releasing the state from any further obligation in regard to such claim.

Example:

"There is appropriated from the state highway fund \$2,500 to John Doe to compensate him for damages to his farm in the town of Caledonia, Rock county, caused by flood waters resulting from construction of state trunk highway 93, in 1951. Acceptance of this appropriation shall operate as a full and complete release to the state for any claim on account of such damages.

20.03 Order of chapter 20. Both the schedule in 20.005 (2) (a) and the text of chapter 20, and the statutory salaries in 20.930 (1) (a), are now in alphabetical order. When creating new sections in the text of chapter 20 or new lines in 20.930 (1) (a) the same order should be maintained.

21 EXPLANATORY NOTES.

Occasionally a proposal will be brought in with explanatory notes or general comments after the title of the bill, after various sections or at the end of the bill. Generally they are inserted in revision or correction bills to clarify the law, eliminate obsolete material, reconcile conflicts, correct references, etc., to assist the reader in understanding the proposal.

These notes should be brief, factual in nature, and appear on original printed version only. Notes on revision bills are authorized by 35.08 (3), Stats., and on certain other measures by Jt. Rule 22.

These notes should be single spaced, headed "NOTE:" in solid caps., and should identify the author of the note.

Example: Bill 286, S. (1957)

These explanatory notes are not to be confused with "fiscal notes" required under 20.003 and 20.004, Stats.

NOTE: See 20.02 (5), Drafting Manual.

22. REFERENDUM. The practice of referring measures passed upon or proposed by the legislative body to the voters for approval or rejection.

22.01 Advisory. The adoption of a joint resolution submitting a particular question to the vote of the people for advisory purpose only.

Example: Jt. Res. 19, S. (1955).

22.02 Statutory. The submission of laws, after being passed by the legislature, for approval before they become effective.

Examples: Ch. 76 (1953) and Bill 259, S. (1955).

22.03 Constitutional. A compulsory referendum upon an amendment to the constitution.

"A legislative enactment which is complete and conditioned to go into operation upon some future contingency such as the result of an election is constitutional." 40 Atty. gen. 304.

Example: Jt. Res. 6, S. (1955).

NOTE: See secs. 16 and 17, Drafting Manual.

24. STATUTORY REFERENCES TO STATE DEPARTMENTS, AGENCIES AND OFFICERS.
(1957 statutes)

| <u>Agency</u> | <u>Statutory reference</u> |
|--|----------------------------|
| Academy of science, arts and letters, Wis. | 20.110 |
| Accountancy, Wis. state board of | 135.01 |
| Adjutant general | 21.18 |
| Aeronautics commission, state (director) | 114.30 |
| Agriculture, state department of (director of) | 93.02 |
| Archeological society, Wisconsin | 20.150 |
| Architects and professional engineers, state registration board of | 101.31 |
| Athletic commission, state (secretary) | 169.01 |
| Attorney general | 14.52 |
| Audit, department of state (state auditor) | 15.21 |
| Banks, commissioner of (state banking department) | 220.02 |
| Bar commissioners, state | 256.28 (6) |
| Basic sciences, state board of examiners in | 147.03 |
| Budget and accounts, dept. of (director of budget & accounts) | 15.01 |
| Building commission, state | 13.351 (2) |
| Chiropractic, state board of examiners in | 147.23 |
| Civil defense (director of) | 21.02 (3) |
| Claims commission | 15.94 |
| Conservation commission, state (Conserva. director) (state conservation department) | 23.09 |
| Crime laboratory, state (superintendent of) | 165.01 |
| Deaf, Wisconsin association of the | 20.300 |
| Emergency board | 14.72 |
| Employment relations, Wisconsin, board of (secretary) | 111.03 |
| Engineering, bureau of (state chief engineer) | 15.76 |
| Executive department (office) | 14.09 |
| Fine arts commission (director of) | 15.95 |
| Free library commission (secretary) | 43.09 |
| Governor's commission on human rights (director) | 15.85 |
| Grain and warehouse commission of Wisconsin | 126.01 |
| Great Lakes compact commission (secretary) | 30.22 |
| Health, state board of (sec'y- state health officer) | 140.02 |
| Highway commission, state | 84.01 |
| Historical markers commission | 44.15 |
| Historical society, state (director of the) | 44.01 |
| Industrial commission of Wisconsin | 101.02 |
| Insurance, commissioner of (insurance department) | 200.01 |
| Interstate co-operation, commission on | 14.75 |
| Investment board, state of Wisconsin | 25.15 |
| Judgment debtor relief commission | 285.06 |
| Judicial council (executive secretary) | 251.181 |

24. Statutory references (cont'd)

| <u>Agency</u> | <u>Statutory reference</u> |
|--|----------------------------|
| Lands, commissioners of the public (chief clerk) | 23.01 |
| Law library (state librarian) | 43.02 |
| Legislative council, joint (executive secretary) | 13.35 |
| Legislative reference library (chief) | 43.15 |
| Legislature (legislators) | 13.01 |
| Medical examiners, Wisconsin state board of (secretary) | 147.13 |
| Motor vehicle department (commissioner of motor vehicles) | 110.01 |
| National guard, Wisconsin (adjutant general) | 21.18 |
| Natural resources committee | 23.26 |
| Nursing, state board of | 149.01 |
| Nurses, state dept. of (state dir. of nursing education) | 149.02 |
| Optometry, Wisconsin board of examiners in | 153.03 |
| Personnel, bureau of (director) | 16.01 |
| Pharmacy, state board of (secretary) | 151.01 |
| Portage levee commissioners | 20.620 |
| Public employes social security fund (director) | 66.99 |
| Public instruction (state superintendent of) | 39.01 |
| Public service commission of Wisconsin (secretary) | 195.01 |
| Public welfare, state department of (director of public welfare) | 46.011 |
| Purchases, bureau of (director of purchases) | 15.55 |
| Radio council, state (executive director) | 43.60 |
| Real estate brokers' board, Wisconsin (secretary) | 136.04 |
| Revisor of statutes (revisor) | 43.07 |
| Savings and loan department (commissioner of S & L) | 215.50 |
| Secretary of state | 14.29 |
| Securities, department of (director of securities) | 189.01 |
| Soil conservation committee, state | 92.04 |
| State bar of Wisconsin | 256.31 |
| State colleges, board of regents of | 37.01 |
| Supreme court (justices) | 251.01 |
| Tax appeals, Wisconsin board of | 73.01 |
| Taxation, state department of (commissioner of taxation) | 73.02 |
| Teachers retirement board, state (executive secretary) | 42.22 |
| Treasurer, state (treasury department) | 14.42 |
| Turnpike commission, Wisconsin | 15.96 |
| University of Wisconsin, regents of the (secretary) | 36.03 |
| Veterans affairs, Wisconsin department of (director) | 45.35 |
| Vocational and adult education, state board of (director) | 41.13 |
| Watchmaking, Wisconsin board of examiners in | 125.03 |
| Water pollution, committee on (director) | 144.52 |
| Water regulatory board (executive officer) | 31.36 |
| Wisconsin retirement fund (executive director) | 66.912 |

25. ESTABLISHED PRECEDENTS.

25.01 Amendments in 3rd degree.*

(1) Between the two houses. In the 1939 regular session a question arose as to the propriety of a senate amendment to Amendment No. 6, S., to Amendment No. 2, A., to Bill No. 562, S. The president of the senate and some of the senators took the position that the proposed senate amendment to Amendment No. 6, S., was not proper because it was within the 3rd degree and amendments in the 3rd degree are not permitted. No formal ruling, however, was made.

NOTE: See Jefferson's Manual, p. 114, Senate Manual (1939).

Jefferson's Manual specifically provides that the proposed senate amendment would be only in the 2nd degree and not the 3rd degree.

"The originating house agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the 2d and not in the 3d degree; for, as to the amending house the 1st amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating house, therefore, is only in the 1st degree, and the amendment to that again by the amending house is only in the 2d degree, to wit, an amendment to an amendment, and so admissible. Just so, when, on a bill from the originating house the other, at its second reading makes an amendment; on the third reading this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the 2d degree."

NOTE: Jefferson's Manual, p. 185, Senate Manual (1939).

Mason's Legislative Manual, p. 227, states: "An amendment of one house to an amendment adopted in the other house is only an amendment in the 1st degree."

(2) In the same house.

(a) Senate Precedent (57.14). "Substitute amendment held to be of same nature as a bill under the rule prohibiting amendments in the third degree. On August 21, 1935 (page 1902, senate journal), the senate had under consideration No. 504, S; Amendment No. 1, S., to amendment No. 1, S., to substitute amendment No. 1, S., was offered by Senator Callan. Senator Hunt rose to the point of order that amendment No. 1, S., to amendment No. 1, S., to substitute amendment No. 1, S., was not admissible as being an amendment in the third degree. Senator Coakley, presiding, held that as a substitute amendment is a bill complete in itself the amendment was only in the second degree and was admissible."

(b) Assembly Manual § 283. "Member (1951) of the House raised point of order that amendment No. 1, A., to amendment No. 1, A., to substitute amendment No. 1, A., to Bill No. 45, A., was in the third degree and Speaker Rice ruled point of order not well taken because the substitute amendment was the bill."

* Memorandum prepared by Legislative Reference Library, September 1939.

25.02 Relating to amending process. The following letter was sent in reply to an inquiry from C. Stanley Perry, Asst. Corporation Counsel for Milwaukee county.

"This is in reply to your letter of November 2, 1950, requesting information on the permissibility of preparing a bill which would amend only the first sentence of a lettered paragraph.

"Because of my short experience I have had to draw on others for an answer. I am informed by Mr. Brossard, the Revisor of Statutes, that there is nothing in the law or the rules of either house to prohibit such action. He rather favors it from his point of view because it reduces the amount of printing which must be processed and proofread. He feels, however, that there should be enough context to make it obvious what the change does.

"The Revisor of Statutes used this device frequently in correction bills, but obviously in that connection it has more merit than one in which the substantive aspects of the proposal are to be subject to extensive scrutiny by the legislature.

"This matter has been the subject of some controversy in the past in this office. I am informed that on at least one occasion Mr. Ohm resisted an attempt to do it on the ground that the legislature should have the full context in which to evaluate the change, and because it was mechanically less confusing to include a full subdivision.

"There are, however, many instances in which less than an entire section was amended. You refer to some recollection of bills amending the introductory sentence, but I think you will find that they refer to an introductory paragraph. 64, S., (1949) is an example and 67, S. (1949 session), refers to the last paragraph only.

"It may be well to consider paragraph 8 of Joint Rule 7 as well as the examples under paragraphs 3 and 7 which refer to section or designated parts of sections. Unfortunately no place does it define designated part of a section.

"None of these rules apply to an amendment to a bill.

"It is true that a proposal such as yours has the advantage of reducing the time in typing and printing as well as the probability of error in reproducing the words.

"It may, therefore be said that in order to assure the legislators that they have before them a reasonable context in which to consider a change as well as to simplify the mechanics of the amending process, it has been the custom of this office to include not less than a full subdivision in any original bill amending the statutes. There is no statute or rule, to the best of our knowledge, which requires that our procedure be followed, but we are inclined to resist a deviation from our custom unless there is good reason for deviating. From what I can learn there is nothing but a well established precedent in this office to deter you from your proposal."

26. EXAMPLES OF INCOMPLETE OR INCORRECT DRAFTING.

26.01 Incomplete.

(1) Chapter 405 (1951) provided that the tuition for nonresident students in county normal schools be increased from \$5 to \$9. No effective date was given, so the act takes effect upon publication, but the act did not state whether the provisions of the act apply to 1951 costs or 1952. An unnumbered section which would go into the session laws only, or a numbered section which would go into the statutes, stating the year in which these provisions shall apply would have eliminated all doubt.

(2) Chapter 623 (1951) creates an advisory committee of the legislative council to study highway problems, appropriates a sum of money therefor, but failed to state how, when or to whom the committee is to report its findings.

26.02 No appropriation.

(1) Jt. Res. 46, S. (1947) states in the title "Appropriating money for study ..." Money cannot be appropriated except by law, and the Jt. Resolution simply clarifies the purpose for which the appropriation was to be used.

(2) Jt. Res. 63, S. (1947) creates an interim committee and paragraph 5 states "the members shall be reimbursed actual and necessary expenses and may employ stenographic and other assistants and fix their compensation." The actual and necessary expenses incurred can be paid out of legislative appropriation (20,530 (1)) but the salary for stenographic and other assistants would necessitate an appropriation by law, or a specific fund named (moneys already appropriated) from which they would be paid.

26.03 Incorrect references.

(1) Chapter 25 (1951). 40.34 (2) refers to "section 41.03 (1) and (2)"; should be "section 41.03" as subs. (1) and (2) constitute all of s. 41.03. Also in 41.01 (5) reference is made to "s. 74.03 (5) of the statutes". "Of the statutes" is surplus wordage and should be used once in the title and once in the heading of each section only.

(2) Chapter 510 (1951). Working in 72.01 (5) and reference is made to "this paragraph". Should be "this subsection". Also in 72.75 (3) (a) reference is made to "this subsection (a)". Should be "this paragraph".

(3) Chapter 556 (1951). 42.49 (3c) (a)⁴ refers to "3 immediately preceding". Should be "subd. 3". 42.49 (3c) (a) 2 refers to "1. above". Should be "subd. 1".

(4) Chapter 600 (1951). 71.035 (1) (e) refers to "71.035 (1) (a) and (d)". Should be pars. (a) and (d) as 71.035 (1) was the subsection in which they were working.

(5) Chapter 729 (1951). 94.64 (3) refers to "subparagraphs 1, 2, 3 and 4 of paragraph (2) (a)". Should be "sub. (2) (a)". Subdivisions 1, 2, 3 and 4 constitute all of par. (a).

26.03 (cont'd)

(6) Chapter 60 (1951). 66.99 (1) (b) states "Federal Regulations" means the provisions of section 218 of Title II of the Social Security Act enacted by the Congress of the United States and applicable regulations adopted pursuant thereto, and applicable provisions of the U. S. Internal Revenue Code. The reference should be the exact citation, if known or available, or "64 Stat. 514; 42 USC 418."

NOTE: See 9.02, Drafting Manual.

26.04 Incorrect designations.

(1) Chapter 262 (1951). 67.12 refers to "city, village, township or school district". Should be "city, village, town or school district". Township is a surveyor's measure, whereas a town is more fully organized than a village but not incorporated as a city.

(2) Chapter 439 (1951). SECTION 2 refers to "the director of state audit". Should be "state auditor" (s. 15.21, Stats.) or "director of department of state audit".

NOTE: See sec. 24, Drafting Manual.

26.05 Amendments.

(1) Amdt. No. 1, S., to Bill No. 246, S. (1951). "SECTION 2" was added but "SECTION 1" was not so identified. ("SECTION 1" is not shown when a bill contains only one section.)

(2) Amdt. No. 5, S., to Sub. Amdt. No. 2, S., to Bill No. 289, S. (1951). Three separate actions were used when one would have sufficed. The amendment could have simply stated "on page 4, strike out all material after the period in line 15 through the period in line 17."

(3) Amdt. No. 1, S., to Bill No. 293, S. (1951). Subsection (7) states "The provisions of this Bill shall terminate ..." Should be "section".

(4) Amdt. No. 1, S., to Bill No. 301, S. (1949). The amendment reads: "after 'agency' and before 'If' insert ..." Should be after "agency" and before the "period" insert ...

(5) Amdt. No. 1, S., to Bill No. 215, A. (1951). Paragraph 2 adds "Provided, however .." Never begin a sentence with the words "Provided" or "Provided, however".

NOTE: See 2.01 (7), Drafting Manual.

26.06 Surplus wordage.

(1) Bill No. 757, S. (1951). Page 9, lines 18 and 22 both state "... or by both such fine and imprisonment". Should be "or both". "Such fine and imprisonment" are surplus.

(2) Bill No. 97, S. (1953). In 42.49 (3d) (a) 4, reference is made to "subd. 3, immediately preceding". "Immediately preceding" is surplus.

26.06 (cont'd)

(3) Sub. amdt. No. 1, S., to Bill No. 705, S. (1951). On page 14, line 81, it states "within the state of Wisconsin". Should be "within this state". "Of Wisconsin" is surplus unless borders or waters or boundaries of the state, etc., are involved.

26.07 Misleading section headings and titles.

(1) Bill No. 54, S. (1953) repeals and recreates 85.13 (1) but subs. (2) and (3) develop in the text which are not mentioned in title or section heading. Action would have been clearer if 85.13 (1) was repealed and then 85.13 (1) to (3) created, which would show clearly what was actually accomplished.

(2) Bill No. 77, S. (1953). 176.05 (21) (a), (c), (d) and (e) are repealed and recreated and (21) (b) renumbered but the text develops (b) and (f) also. Would have been better to repeal (21) (a), (c), (d) and (e), then renumber (21) (b), and create (21) (a) to (f), which would clarify the whole action.

(3) Bill No. 146, A. (1953). 70.46 (1) is repealed and recreated, (1a) and (2) renumbered and (3) repealed. Nothing in the section heading (or title) to indicate that subs. (2) and (3) are developed in this action. Would have been better to repeal (1) and (3), renumber (1a) and (2), and then create subs. (1) to (3).

26.08 Enacting clause.

(1) Jt. Res. No. 29, S. (1953) includes an "enacting clause" as well as "resolving clause". Should be only the resolving clause, and for first consideration must include the statement that the proposed amendment is referred to the next legislature and published for 3 months.

NOTE: See 16.01, Drafting Manual, and 26.16, for section titles in amending the constitution.

(2) Bill No. 493, A. (ch. 435) and the adopted Sub. Amdt. No. 1, S. to Bill No. 423, S. (ch. 511, 1945) had no enacting clause. Bill No. 512, S. (ch. 545) re-enacted these 2 chapters and supplied the constitutional enacting clause to validate the acts. "No law shall be enacted except by bill and every bill shall have an enacting clause."

NOTE: See Art. IV, sec. 17, Const., and Jt. Rule 7.

26.09 Permanent commission based on session law. Chapter 377, laws of 1919, created the Deep Waterways Commission for the purpose of promoting the St. Lawrence waterway, without making a statutory designation. In 1923 - 1929 appropriations were made to this agency and ultimately s. 20.50, which was the appropriation section, appeared in the statutes. The only authority for the establishment and continuation of the commission was the session law of 1919, which authorized the original appointment only and made no provision for filling vacancies. It was not until 1945, by chapter 525, that this gap in the law was filled by the creation of s. 30.22 of the statutes, which provided the procedure for appointment of members of the commission.

This error might have been eliminated by:

(1) Putting the commission into the statutes in 1919; or

(2) Providing all the machinery for the perpetration of the commission in the original session law.

26.10 Unnecessary repeating of section numbers.

(1) Bill No. 334, A. (1953) repeals 151.07 (1) (a) 1 to 8 and 151.07 (7) and amends 151.07 (1) (a) (intro. par.), 151.07 (1) (g), 151.07 (2) and 151.07 (5). It is not necessary to repeat the section number each time when treating subsections or parts thereof by the same action. Should be "to repeal 151.07 (1) (a) 1 to 8 and (7); and to amend 151.07 (1) (a) (intro. par.), (g), (2) and (5)."

(2) Bill No. 596, A. (1953). Working in 176.06 and makes reference to 176.06 (3). Reference should be "sub. (3)".

26.11 Follow the same order when amending.

(1) Bill No. 601, A. (1953) creates 370.01 (50), (51) and (52). 370.01 (rn. 990.01) is set up in alphabetical order. The new subsections should have been (5a), (7a) and (9a) to put them in alphabetical order. The revisor made corrections as authorized by 43.08 (2), Stats.

26.12 Introductory paragraphs.

(1) Bill No. 97, S. (1953) creates 42.49 (3d) thereby setting up par. (a) and subds. 1, 2, 3 and 4. Should have been introductory paragraph of (3d) and pars. (a), (b), (c) and (d).

(2) Bill No. 209, A. (1953) amends 102.11 (1), but pars. (a) to (g) of sub. (1) are not amended. Should have been "to amend 102.11 (1) (intro. par.)".

26.13 Abolishing a state agency.

(1) Chapter 275 (1955) through the process of repeal and recreate abolished the Deep Waterways Commission and established the Great Lakes Compact Commission, but there was nothing in the title of this act to alert one to this fact.

(2) Chapter 392 (1951) through the process of amendment abolished the advisory committee on rules of pleading and practice and created a judicial council to act in this capacity but did not specifically state in the title that the advisory committee was so replaced.

NOTE: Chs. 397 and 511 (1951), and 454 and 627 (1949) indicate in the title just what is being accomplished, either by transfer of functions or by discontinuing the agency.

26.14 Effective date of registration fee. Chapter 683 (1955) repealed and recreated 85.01 (4) (cc) and thereby changed the registration fee for motor vehicles, and in subd. 7 stated the new fees shall take effect January 1, 1956 for certain vehicles and July 1, 1956 for others, which brought up the question of what fees are in effect from the date of publication of the act to the effective date of the new fee.

Possibly the solution to this particular problem would be to state the effective dates in the section heading to that section of the bill and also in the text. Example: (section heading)

"85.01 (4) (cc) of the statutes is repealed and recreated, as of January 1, 1956 for vehicles with a gross weight of less than 8,000 pounds and as of July 1,

26.14 (cont'd)

1956 for vehicles with a gross weight of 8,000 pounds or more, to read:"
(in text)
"85.01 (4) (cc) As of January 1, 1956 for vehicles with a ..."

26.15 References to effective dates in the text of the law. Reference is often made in the text of the law that after the act becomes effective, certain conditions shall or shall not exist, and many of these references are so vague that considerable searching is required to discover just what is meant or when the conditions were to become effective. Every effort should be made to avoid such phrases when drafting a proposal and to clarify such terminology when amending these sections.

A few such phrases are shown below and possible ways of avoiding or remedying them.

"221.08 (4) Any person serving as a director of any bank on the effective date of this subsection, shall be eligible ... if he meets the requirements in force prior to that date." This phrase was inserted by ch. 245 (1935) which act became effective July 17, 1935. This date should be inserted in future amendments to this subsection if it is intended that this same requirement remain.

"20.932 (3) (b) ... shall be applicable on the effective date of this section" which phrase was inserted by ch. 97, 1951. If the phrase "on the effective date of this amendment (1951)" had been used it would have alerted the revisor to insert the proper date when publishing the statutes, under the authority of s. 43.08 (3), Stats.

"83.025 (1) ... heretofore selected by county boards ...," was inserted by ch. 334 (1943). This phrase should read "... selected by county boards prior to June 20, 1943" the effective date of this amendment.

"59.91 (1) (1953 Stats.) ... which now has or may hereafter have according to any state or national census taken, a population of ... of this act." If called upon to amend a section containing such phraseology clarify the language by inserting the proper date. This section was created by ch. 444 (1903), published June 2, 1903, "act" should be "section" and "population" means according to the last census (s. 990.01 (29)) so the phrase "according to any state or national census taken" is superfluous.

"61.32 Salaries heretofore established shall ..." should be "Salaries established before April 26, 1929" the effective date of ch. 43 (1929) and should be amended by inserting this phrase if it is intended that this requirement stand.

Indiscriminate use of the words "act", "section", etc., when drafting proposals can also cause some difficulty when the text becomes a part of the printed statutes.

Hist. note: Inserted in drafting manual for 1957 session, due to suggestion by revisor that draftsmen be alerted to avoid using such indefinite references or whenever possible take remedial action to dispose of those now in the statutes.

26.16 Treating section titles in the state constitution.

(1) Jt. Res. 9, S. (1955) proposed to amend section 3a, Article XI, of the constitution and in so doing amended the title as being within the section. If it is deemed necessary to amend the title it should be inserted before the section designation.

(2) Jt. Res. 24, S. (1945) proposed to amend Article VI by adding a new section and in so doing inserted a title within the section.

It is not necessary to insert a title when creating a new section; to revise the title when amending a section; or to strike the title when amending so as in effect to repeal the section. The revisor will insert or revise titles to fit, and in the case of a repeal the title and section number are retained for identification purposes and history notes.

Examples:

Jt. Res. 10, S., 1955 (to create sec. 24, Art. VII, for 2nd consideration).

Jt. Res. 6, S., 1955 (to amend sec. 3, Art. XI, for 2nd consideration).

Jt. Res. 30, S., 1945 (to repeal sec. 2, Art. XI, for 1st consideration).

NOTE: See sec. 16, Drafting Manual.

Hist. note: Section titles first appeared in the state constitution in 1898, Wisconsin Statutes.

27. REVISOR'S CORRECTIONS.

(1) Revisor's correction bills are not restricted as to form by legislative rules, usually have explanatory notes, cannot make substantive changes in the law, often contain repeal of laws which have become obsolete or have been held unconstitutional, reconcile conflicts in prior legislation and correct obvious errors in the law.

(2) The following are typical examples of corrections found in revisor's bills. When amending sections of the statutes that contain similar phraseology draftsmen should remove such obsolete terminology whenever possible in order to further streamline the statutes.

- (a) ... the commission is hereby directed to ...
- (b) ... traffic officers may lawfully direct ...
- (c) ... the statutes of 1858 or 1878, ~~as the case may be,~~ ...
- (d) ... and transfer ~~from time to time thereafter~~ such funds ...
- (e) ... unless it ~~shall appear~~ appears ...
- (f) ~~Provided, however, that~~ any voting machine ...
- (g) ... under the ~~provisions of~~ this section shall be null and void and ~~of no effect~~ ...
- (h) ... whose tuition ~~shall have~~ has been remitted ...
- (i) ... it ~~shall be~~ is unlawful ...
- (j) ... the term ~~shall mean~~ means...
- (k) ... ~~shall~~ are not have been approved ...
- (L) ... the word "transfer" ~~shall be taken to include~~ includes ...
- (m) ... the words "general tax" ~~as used in this chapter shall be taken to mean~~ means ...
- (n) ... ~~the provisions of~~ this subsection shall not apply ...
- (o) ... who fails to comply with ~~any of the provisions of~~ ss. 103.06 to 103.09, ~~inclusive,~~ shall ...
- (p) ... such the district shall ~~immediately proceed to~~ reassess ...
- (q) ... only if such ~~nonresident~~ he ...
- (r) ... may file as provided in ~~the next subsection~~ sub. (12) ...
- (s) ... with all ~~the laws of this state~~ statutes ...
- (t) ... in the general fund ~~of the state treasury~~ ...

- (u) ... as the town board ~~of such town may deem~~ deems ...
- (v) ... ~~provided, that if~~ the parent shall have has made ...
- (w) ... who fails to comply with any ~~of the provisions of~~ ss. 110.01 to 110.05, ~~inclusive, of the statutes of the state of Wisconsin~~ ...
- (x) ... shall be ~~vested with~~ have the power ...
- (y) ... any person, ~~corporation, partnership or business~~ ...
- (z) ... the board shall ~~be empowered, if it sees fit to~~ may ...
- (aa) ... all moneys received ~~from each and every person~~ for services ...
- (ab) ... be governed by ~~and as prescribed under s. ___~~ ...
- (ac) ... shall be ~~deemed guilty of a crime, and, on conviction thereof, shall be punished by a fine of~~ fined not less than \$50 nor more than \$200, or ~~by imprisonment in the county jail for~~ imprisoned not more than 18 months or ~~by both such fine and imprisonment~~ ...
- (ad) ... ~~and for the purpose of this section, it shall also be deemed~~ it is a violation ...
- (ae) ... there is created a ~~board to be known as the~~ "Wisconsin board of ... and ~~it is the duty of~~ each member of the board ~~to~~ shall ...
- (af) ... ~~in the event if~~ the secretary of state shall ~~so find~~ finds ...
- (ag) ... hereinbefore specified in sub. (17) (d) ...
- (ah) ... shall have has the same meaning as defined in ...
- (ai) ... ~~it shall be the duty of~~ the director ~~to~~ shall ...
- (aj) ... means any ~~individual, partnership, corporation or association~~ person ... and shall ~~include~~ includes ... but shall ~~not be construed to~~ does not include ...
- (ak) ... no person ~~by himself, his servant or agent, or as the servant or agent of any other person or as the servant or agent of any firm or corporation,~~ shall ~~sell, offer or expose for sale or have in his possession with intent to sell~~ ... unless the same it ...

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(Revised 1958)

(Numbers refer to sections or parts thereof)

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RULES FOR CLERICAL STAFF

1. GENERAL INSTRUCTIONS.

1.01 General Procedures. Clerical staff, both regular and seasonal, should study the instructions for draftsmen as well as for clerical staff during the early part of the session so as to thoroughly familiarize themselves with the terminology, general drafting policies and procedures, and legislative documents involved.

NOTE: See 1.06, Drafting Manual

(1) The confidential nature of the work cannot be overemphasized and the clerical staff should constantly be on guard so as not to give out confidential information, or allow other than staff members to see work being processed.

(2) When regular proofreaders are not readily available and it is necessary for others to proofread material in a room where typists or other staff members are working, keep voices low so as not to disturb others working in the same room, and when reading confidential material (such as bills) be sure that other than staff members are not within hearing distance.

(3) Be courteous and tactful in all dealings with the public, fellow employees, members of the legislature, and others with whom you come in contact.

(4) Assume an equal share of the workload and take the work as it comes rather than choosing the preferred assignments. Work for the good of the group. The entire force must pull together to enable the Library to continue to give the highest possible type of service.

(5) Do not hesitate to ask for work, or to ask questions when there is the slightest possible doubt as to the proper procedure.

(6) Make accuracy your first consideration. Do your best, keep calm and do not resent having mistakes called to your attention. The drafting process is highly technical work and all drafts must be checked and proofread for accuracy and strict adherence to established procedures.

(7) During the rush hours or deadlines, employees are expected to put in all the time necessary to accomplish the work.

(a) Compensatory time will be granted for necessary extra time put in over and above the regular 40-hour week.

(b) Holidays are not recognized as such during a legislative session but compensatory time will be granted for all hours worked on holidays.

(8) Only members of the staff are allowed in the typists', record clerk's or proofreaders' rooms during the legislative session. Drafting files are considered confidential records and only the original requestor of a bill, or other legislative proposal, is permitted to see the file until after the proposal has been introduced.

NOTE: See 1.01, Drafting Manual, and 1.01 (5) for exceptions to this rule.

1.02 Typing legislative proposals.

(1) Multiple carbon sets. Seven-copy multiple carbon sets are supplied for typing bills, resolutions and substitute amendments. If a double run is required staple 2 sets together and do not remove staples or carbon until after the material has been proofread and corrections, if any, have been made.

(2) Corrections. Do not start with a fresh "set" every time an error is discovered. If an error is made make a light pencil check in the margin on the left hand side, finish typing the page, and then remove set, erase all copies and return set to machine for corrections.

(3) Erasures. Erasures must be just as neat on carbons as on original copy. Use plastic type cleaner before erasing imprint on carbon copies to eliminate smudge, as carbon copies of legislative proposals are used for printer's copy, our "official", and for enrolling and engrossing, so all copies must be as neat and legible as the original copy.

(4) Proofread amended sections. Always proofread all amended sections with the statutes or session laws before typing the material whenever the material is not being typed directly from the statutes or laws themselves. This will eliminate the necessity of retyping the material, in many cases, as the material that is being amended must be written exactly as it appears in the law you are amending. Whenever material has been proofread, whether before or after typing, the proofreaders' initials should be noted on the blue record sheet.

(5) Check draft. When time permits it is advisable to check through draft prior to typing material so that questionable points or instructions can be cleared up.

(6) Redrafts. Do not strike over or "ex" out material in bills or other legislative proposals unless it is an exceptionally rush job. However, if time element is involved and a "First Draft" is to be salvaged and made into a "Second Draft", the designation "First" may be exed out and "Second" substituted, and other minor corrections made in the same manner throughout the bill. Pages having more extensive corrections should be retyped.

When destroying typed or partially typed copies of bills or other legislative proposals, tear through the paper several times before disposing of same.

(7) Additional copies or companion bills. Prepare original and 6 carbons of all measures, unless otherwise instructed by draftsman. Before starting to type a proposal check draftsman's instructions to ascertain whether additional copies are desired, whether the proposal is to be prepared for introduction in both houses, whether correct number has been placed on the draft and whether amended portions have been previously proofread.

(8) Typing instructions. At top of first page, in upper left hand corner, type draftsman's initials, your initials and session year, thus: "MGT/hr/59"; in center "First Draft" or proper designation of draft; and in upper right hand corner type LRL file number. On all subsequent pages type the same initials, year and LRL file number but in center at top of page type the page number. (See examples of typed legislative proposals at end of clerical section of manual)

(a) Drop down several lines and type identification of proposal, in solid caps, in center of page, thus: "A BILL"; "JOINT RESOLUTION NO. , A. (or S.); or "SUBSTITUTE AMENDMENT NO. , A. (or S.) TO BILL NO. , A. (or S.)". (Use the

1.02 (8) (a) (cont'd)

printed amendment forms for all amendments except substitute amendments.)

(b) Drop down 4 or 5 lines, indent 6 spaces and type title of proposal, double spacing between lines throughout, except when typing explanatory or fiscal notes, which should be single spaced. Indent 6 spaces at beginning of each paragraph and keep margins about one inch. Do not try to crowd entire proposal on a single page.

(c) Regardless of length of proposal or whether proposal is one-half page or several pages long, after the last paragraph drop down several lines and write "(End)".

(d) Take one draft at a time from the "copy basket" and after typing same place finished copy in "proofreaders' basket". If a bill is unfinished at the end of the day return all material to the copy basket.

1. Never place drafting material inside desks.

2. Never separate drafting instructions and other pertinent data from in back of blue sheet. Draftsmen will place all material to be typed on top of the blue sheet and material should remain in that order.

(e) After each proposal has been typed, the typist should note her initials on the blue record sheet, as the proposal may be revised or redrafted any number of times.

(f) Typists should keep a running list, by LRL number, of the proposals they have typed, to assist record clerks in locating material while in process.

(g) Typists may be called upon to "split" a bill that is lengthy and wanted in a hurry. As a consequence partially filled pages may appear in the center of a bill. When this happens, using pen and ink and a ruler, make a diagonal line from the last word on the page to the lower edge of the opposite side of the page, thus:

1.02 (cont'd)

(9) Amendments. Use printed amendment forms for typing all amendments using "A" forms for assembly amendments and "S" forms for senate amendments.

Hist. note: Beginning with the 1959 session, the assembly will furnish 7-copy carbon "sets" for preparing assembly amendments.

(a) Check the amendment with the document it proposes to amend so that any questionable points can be clarified before typing same.

(b) "Strike through" means to line through material so as to delete it from the law, and "strike out" means to delete the material from the proposal.

(c) If the amendment inserts new material into the law be sure the new material is either underscored or identified as italicized material, unless the material is created or repealed and recreated.

NOTE: See 8.01 and 8.02, Drafting Manual.

(10) Enacting clause. The enacting clause must follow the title in every bill or substitute amendment to a bill. If the draftsman has failed to include it type it in as follows:

"The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:"

(11) Capitalization. Capitalize only proper names in bills and amendments, but follow ordinary rules for capitalization in resolutions and other typewritten material.

NOTE: See 2.02, Drafting Manual, for exceptions to this rule, and 1.02 (18) and 2.04, Clerical Manual.

(12) Abbreviations. Ordinarily words are not abbreviated in the statutes, but there are a few exceptions to this rule.

(a) Statutory references in the text of a bill may be abbreviated.

Example: "as required in s. 42.01 (1) (d)."

(b) References to other bills or resolutions may be abbreviated.

Example: "Bill No. 315, S." or "Jt. Resolution No. 14, A."

(c) References to federal laws or agencies may be abbreviated.

Examples: "P. L. 651" or "78th congress".

(d) When amending or treating only the introductory paragraph of a section or part thereof of the statutes, the reference to the introductory paragraph may be abbreviated, thus: "(intro. par.)".

NOTE: For other examples see 2.02, 2.03 and 4.01, Drafting Manual.

(13) Arabic numerals. Arabic numerals are used for definite amounts in the statutes and in bills.

NOTE: For detailed instructions for writing numbers, dates, measures, time, etc., see 2.01 and 4.07, Drafting Manual.

(14) Striking and scoring. When amending sections of the statutes, the parts that are to be omitted or changed must be written in first and stricken through and all material that is new or added must be underscored, thus:

1.02 (14) (cont'd)

"Registrations recorded under ~~this section~~ these sections ... " (The new material always follows the stricken material. Never reverse this order.)

When making corrections, such as substituting Arabic numerals for numbers written out, transposing references and dates, etc., it is unnecessary to strike through the material first and score the corrected form of reference, number, etc., since they actually remain unchanged, and the meaning is the same.

NOTE: See 4.07, Drafting Manual.

If there is any change in the reference, number, date, etc., first write the material, in exactly the same form as it appears in the present law, strike through the material and underscore the change, thus:

"... ~~subsection-(1)-of-section-56.17~~ ss. 56.17 (1) and 56.18 (1)".

(15) Section titles. When amending sections, subsections or paragraphs of the statutes, the titles are not typed in unless there is a change or revision of the title itself. If the section title is changed simply type it in as though it was created. Section titles are typed in solid caps, thus: "GOVERNMENT AIDS"; subsection titles with initial cap and double underscore, thus: "Special provisions"; and paragraph titles with initial cap and single underscore, thus: "Breakwaters, piers and dams."

NOTE: See 4.05 and 4.06, Drafting Manual.

(16) Sections of the bill are shown in solid caps, thus: "SECTION 2.", but a section of the statutes, referred to in the text of the bill is written "s. 93.07." If there is only one section to the bill, the section remains unnumbered.

NOTE: See 2.03 (1), Drafting Manual.

(17) Resolutions and Jt. Resolutions. When typing resolutions the first word following the "resolving clause" is initial capped but the first word following the "Whereas" is not, i. e.:

"Resolved by the assembly, That the attorney general ..."

"Whereas, our state institutions are ..." or

"Resolved by the senate, the assembly concurring, That there be ..."

The resolving clause in substitute amendments to joint resolutions retain the same sequence as in the original resolution even though introduced in the second house.

(18) Amending the constitution. Use the same style as is presently used in the constitution and disregard drafting rules for writing numbers, words, etc., when typing Jt. Resolutions amending the constitution.

NOTE: See sec. 16, Drafting Manual.

(19) Correction basket. When a bill or other legislative proposal has been typed and proofread it is returned to "correction basket" if there are any errors, and the typist who originally typed the proposal should make her own corrections, unless of course time is involved, in which case others may be asked to assist.

(20) Typing from statutes. When typing or proofreading a bill that amends the statutes, session laws, or court laws (in annotations), be sure to use the correct numbered volume referred to by the draftsman, as single words or short

1.02 (20) (cont'd)

revisions are often written in, in pencil, by the draftsman.

NOTE: See 1.04 (4), Drafting Manual.

(21) Assist with proofreading. If typing baskets are nearly empty but the proofreaders' basket is full, typists may assist with proofreading, until such time as the typing basket indicates they should return to their typing, or if a proposal is a rush bill and proofreaders also have rush assignments, then typists should proof their own copy with another typist.

(22) Red tickets. Red tickets will be attached to proposals that should be rushed through as fast as possible. Usually draftsmen will note "wanted by 9:30 a.m." or some such information on the draft, and every effort should be made to process these rush assignments within the time stipulated. Check through the typing baskets to pick out the material with red tickets as they sometimes are buried.

(23) Omission or error in draft. Familiarization with various legislative documents, drafting forms and general drafting rules will assist the typists to spot obvious errors in the draft. If an error is apparent consult the chief clerk or draftsman involved, but do not make any changes in draft without first consulting either the draftsman or chief clerk.

(24) Correspondence and reference material. One or more typists will be assigned to watch the correspondence and regular typing baskets. Red tickets will also be attached to this material if time element is involved, and these baskets should be checked at least twice daily in order to meet deadlines.

(25) Related work assignments. Typists are expected to assist wherever workload warrants and should become thoroughly familiar with rules for proofreaders as well as clerical procedures.

1.03 Processing drafting requests. All drafting requests, whether for bills, resolutions or amendments are placed in "request basket" in record clerk's room and should be assigned LRL file numbers and recorded as soon after receipt as possible. The yellow request sheet, prepared by draftsman, should have all the information needed to prepare:

(1) Request card. On numbered white index card (in file folder) type name of legislator, committee or agent making request, giving surname first, then initial or Christian name if 2 or more legislators have the same surname, and in upper right hand corner "S" or "A", depending on whether measure is for member or committee of senate or assembly. (Check legislative directory for correct name of members and committee). In center of card identify the proposal.

If the requestor is not a legislator (or not for legislative committee) consult the list of legal counsel or representatives of departments and agencies who are authorized to have proposals drafted.

(2) Blue and white record sheets. Type short identification of proposal across top of both blue and white sheets; date received and name or initials of draftsman, if known, and any special instructions, on blue sheet; and name of requestor, date received and draftsman, if known, on white sheet.

NOTE: See examples of preparing drafting request forms under (3).

1.03 (cont'd)

(3) Examples for preparing drafting request forms.

(a) Request cards.

1. Request card for a bill

| | | |
|-----------------------------|-----------------|---|
| 432 | Peterson, J. A. | A |
| Semiannual payment of taxes | | |

2. Request card for Jt. Resolution

| | | |
|---|--------------------------------|---|
| 1046 | Finance, Jt. Com. (Lenroot) | S |
| Jt. Res. No. ,S., relating to a joint session | | |

3. Request for an amendment

| | | |
|-----------------------------------|--------------------------------|---|
| 1014 | Budget & Accounts (Giessel) | S |
| Amdt. No. , S. to Bill No. 131, A | | |

4. Request for a substitute amendment

| | | |
|--------------------------------------|----------------|---|
| 1802 | Jones, John A. | A |
| Sub. Amdt. No. , A. to Jt. Res. 4, A | | |

(b) Blue and white record sheets.

1. Blue record sheet

| | | |
|-------------------------------------|-------------|----------------|
| Semiannual payment of taxes | | A |
| Number 432 | Date 1/2/59 | |
| Spec. Instructions (see our No. 39) | | |
| Draftsman | ___ | ___ |
| Typist | ___ | ___ |
| Proofreaders | ___ | ___ |
| Date submitted | | |
| Date delivered | | |
| Remarks: | | |
| (Supplemental Instr.) | | |
| | | Fiscal Data: * |

2. White record sheet

| | | |
|-----------------------------|----------------|---|
| Semiannual payment of taxes | | A |
| Name | J. A. Peterson | |
| Number | 432 | |
| Date Received | 1/2/59 | |
| Draftsman | | |

* Revised form (D-309) Sept. '58

Hist. note: D-309 Revised for 1959 session, to show additional data for required fiscal notes, to replace separate form, previously used.

1.03 (cont'd)

(4) Filing requests. After preparing cards and other forms (as shown in (3)) note file number (in red pencil) on yellow request sheet and staple to back of blue request sheet, together with any correspondence, drafts or other instructions submitted with request and place all material in file folder, unless draftsman has been assigned; place white request sheet at back of folder; and place folder in file section "To be drafted." File index card in "active" card file under member's, committee's or agency's name.

(a) If the draftsman has already drafted the proposal he will write "Ready" across top of request sheet, in which case prepare request forms as above but place request sheet in back of blue sheet and "draft" on top of blue sheet, and put draft in chief clerk's basket; put white request sheet in folder and file folder in section "Being drafted"; and file card in active card file.

(b) If draftsman has requested that the request be returned to him for drafting, enter request, as above, noting draftsman's name or initials on both blue and white request sheets, return blue sheet and all supporting data, with blue request sheet on top, to the draftsman requesting same; put white request sheet in file folder and file folder in section "Being drafted"; and file card in active card file.

(c) Requests for "title only" should not be processed as regular requests. Draftsmen will prepare one copy of title on form D-312 and place same in request basket. File titles alphabetically, by member or committee name, for each house, but do not otherwise record or prepare file folder until complete instructions for drafting proposal have been received.

(d) When instructions are received for filling title requests the draftsman will prepare yellow request sheet and will make notation on same "instructions for filling title request". Identify request for title on form D-312 from "Subject" on yellow request form and proceed as for regular or new requests, and place original title request in file folder.

1.04 Processing requests. Ordinarily only the Chief assigns drafting requests to draftsman, but in his absence or on particularly rush assignments, the chief clerk may also make assignments. During rush periods drafting requests not assigned should be checked through at least once a day and those requests having a specific deadline date should be given to the chief for assignment.

(1) Being drafted. When a draftsman has been assigned to draft a proposal his name or initials should be shown on both the blue and white request sheets and the blue request sheet together with all supporting data on the proposal given to the draftsman. The file folder containing white request sheet should then be placed in file section "Being drafted." Since the white request sheet is usually the only paper that remains in the file while proposal is being processed, it is most important to have draftsman's name on this sheet to facilitate locating the draft while in process. Never remove entire folder from the files.

(2) Review of draft. After proposal is drafted it is placed in chief clerk's basket for final review before being typed, and a blue check mark or chief clerk's initials on blue record sheet will indicate the proposal has been reviewed.

(3) Being typed. When draft is ready for typing it is placed in "copy basket" in typist's room, together with blue sheet and all supporting papers. After proposal has been typed it is placed in "proofreaders' basket" who in

turn place proposal in "correction basket" if any errors are found in copy. After copy has been corrected it is returned to "proofreaders' basket" as they are responsible for checking corrections and assembling the draft.

(4) Submitting draft. When the draft has been assembled it is returned to record clerk's room and placed in file section "to be submitted". This section should be checked at least once a week, preferably on Thursday or Friday, and oftener when time permits, so that copies of all bills, resolutions and substitute amendments can be submitted to the requestor for approval. Amendments are not usually submitted. If the proposal requires a fiscal note that fact should be noted on the draft as the proposal cannot be prepared for introduction until the "FN" has been obtained and the requestor has approved it. After the copy has been submitted, note the date of submittal on blue request sheet and place folder in "submitted" section.

(5) Fiscal notes. Before submitting a proposal check blue request sheet to see whether or not fiscal note is required; if so stamp "Fiscal note required" on face of carbon copy before submitting same, and "FN" on tab of file folder. When requestor has approved the draft and given instructions to obtain the fiscal note, and then only, send one copy of the draft to Budget and Accounts for the fiscal note and stamp "FN" on member's card. File folder in section "Fiscal notes pending." When fiscal note is returned send notice to requestor (Form D-321), record date received in "checklist" of fiscal notes, put fiscal note in proper folder, and checkmark on member's card to show FN received.

1.05 Preparing measures for introduction. When requestor has approved the draft (and fiscal note, if measures requires same) and requests the measure be prepared for introduction, first ascertain in which house the measure is to be introduced, using blue backs and jackets for assembly measures and white for senate.

(1) Bills. Type complete title on "bill" jacket; back original copy with printed "original" back; 1st carbon with "printer's back"; 2nd carbon with pink "official copy" back, which is our file copy and remains in the folder; note our file number, in red, at upper right hand side of "original" copy, on our "official" copy, and on inside flap of "jacket". Stamp "FN" on upper left hand corner of jacket and staple original, signed copy of fiscal note at end of original copy of draft (if one is required), also at end of printer's copy and onto our "official" copy. On printer's copy of fiscal note strike out any additional material in heading of note, except the words "Fiscal Note"; and at end of note strike out the signature after the name of the department preparing the note.

Place original copy of draft on top, 2 carbons in center, and printer's copy last; staple "set" together with printed "notice" and our "numbered" card on top. (Attach extra carbon on back for assembly measures, if available, for the press.) Insert "set" in jacket, place jacket in file folder and the folder in section "Ready for delivery". Note red "R" on member's card to show measure is ready.

(2) Resolutions. Both joint resolutions and simple resolutions are prepared for introduction in the same manner as bills, except use proper resolution or joint resolution jackets and backs.

(3) Substitute amendments. Substitute amendments do not require jackets but

1.05 (3) (cont'd)

do require proper substitute amendment backs. Back the same as for bills.

(4) Amendments. Simple amendments do not require backing or jackets, but are typed on printed amendment forms, and original and 4 carbons clipped together with our "numbered" card stapled on top.

(5) Petitions. Petitions are simply backed with proper petition backs, after names have been counted and substance of petition typed on petition back. Only one copy is delivered and we do not keep copies or record of petitions.

1.06 Delivery of bills. Bills and other legislative proposals should be delivered only to members for whom they were prepared and signatures must be obtained on blue record sheet to attest delivery. Members frequently send messengers and legislative clerks for their proposals, and if it is definitely known that they are legislative employes, delivery may be made and signatures of agents or representatives obtained on blue record sheet, thus: "Senator _____, by _____" or "Judiciary Committee, by _____."

(1) If proposal requires a fiscal note the measure cannot be "jacketed" or delivered until fiscal note has been approved and blue sheet signed or initialed to show approval of the note.

(2) Persons delivering bills must be instructed to obtain member's signature on blue record sheet to avoid delivery to wrong member. If draftsmen deliver bills and do not obtain member's signature, draftsmen should sign their own name and note date and place of delivery on blue sheet.

(3) After a bill has been delivered, request card is removed from active file and clipped to corresponding folder and placed in the "delivered" basket.

(a) The folder is then checked for completeness of all records, date of delivery noted on blue sheet, number cards checked for legislative number of the proposal, and legislative number noted on both file folder and member's card. Note on "number" card whether it was introduced in senate "S" or assembly "A".

(b) Cards are then filed in member's delivered card file and the number cards filed in numerical order for ready cross reference.

(c) When the measure has been introduced, and the number card has been returned, the folder is filed in delivered bill file by bill or resolution number. All delivered amendments should be filed immediately by bill or resolution number, and the legislative number affixed when number card is returned.

(d) Folders for bills, resolutions, etc., delivered but not identified by their legislative number (except amendments) should be filed in a separate drawer by LRL file number until the measure has been introduced and assigned a legislative number.

(e) When a bill is returned for correction or redraft, request card is returned to active file and corresponding folder also returned to file "Being drafted" or "To be drafted" as the case may be.

1.07 Maintaining statute card index file. After the session has gotten under way the revisor's office prepares (in duplicate) separate cards for each section, or part thereof, of the statutes, prior session laws, and constitution, affected by bills or resolutions introduced (blue cards), enactments (white cards), and recommended or adopted changes in statutory rules of pleading and practice (orange cards). The duplicate copies of these cards are prepared for LRL and should be interfiled upon receipt of same in order to maintain as current a file as possible.

(1) Enactments (white cards) are filed in a separate drawer with decimal numbered sections of the statutes affected filed first, then amendments to the constitution, and lastly amendments to the session laws. File statutory sections affected in numerical order by section number, subsection number and then paragraph; amendments to the constitution by article number and then section number; and amendments to session laws by the year, chapter number and then section number.

(2) Section numbers affected by bills introduced (blue cards) are filed first, then amendments to the constitution, and lastly session laws (same as in (a)).

(3) Changes in statutory rules of pleading and practice (orange cards) are filed with the blue cards until date they become effective (60 days after adoption) and are then interfiled with white cards to show enactment.

(4) After filing each group of cards received, make notation on card file as to last date of bills introduced, covered by cards, or last enactment.

2. PROOFREADERS.

2.01 Responsibility. During a legislative session a great deal of responsibility falls on the proofreaders, as they must read and check all drafted material prepared by 5 or more draftsmen and 5 or 6 typists; they must also proof and check reference and other material emanating from the library. They must be thoroughly familiar with clerical rules and drafting procedures and must be able to detect errors in spelling or grammatical construction.

Speed is desirable when proofing material but accuracy is more important. Proofreaders must enunciate clearly, differentiate between affect and effect, singular and plural words, must be as alert while being read to as while reading, and must remember numerous detail pertaining to drafting procedures, while reading material, but must not attempt to analyze the text of the material while proofreading.

Since legislative proposals are reviewed before being typed and the proofreaders are responsible for the final checking, it is imperative that the drafting instructions are carefully followed to be certain the typists haven't omitted an insert or misunderstood instructions.

NOTE: See glossary of terms and publications in sec. 1.06, Drafting Manual.

2.02 Material ready for proofing. Proofreaders should constantly check "proofreaders' basket" in typist's room for material ready to be proofread. "Rush" material, identified by a red ticket, should be processed first and promptly returned to "correction" basket, record clerk's room or library. The red tickets should remain on material throughout the process. If a specific time or date is noted on material, every effort should be made to meet such deadline.

2.03 Amending session laws. When proofreading bills that amend the session laws, always proof against the last amending session law. If the draftsman hasn't put the copy with the draft, locate the correct copy in the drafting room, and return all statutes, session laws, and other documents to the drafting room as soon as possible after proofing the material, so they will be available for further use. Always check drafting instructions to be sure you have the correct copy, as draftsman will indicate copy number on the draft.

2.04 Amending the constitution. Amendments to the constitution are written in the same style as it now appears and drafting rules regarding use of Arabic numerals, transposing date, etc., should not be applied.

NOTE: See sec. 8, Drafting Manual.

2.05 Simple amendments. Always check amendments to bills, resolutions, etc., against the bill, resolution or amendment that it proposes to amend. If the printed bill or proposal is not available, check against the typewritten copy, in which case the amendment should indicate "typewritten copy" rather than the "printed copy."

NOTE: See sec. 8, Drafting Manual.

2.06 Corrections. When in doubt as to the correctness of any material in bills, amendments, etc., consult the chief clerk, or proper draftsman, for approval for any changes or corrections. Do not make any changes in the draft without first obtaining approval of the correction.

2.06 (cont'd)

(1) For typists' corrections make small pencil check in margin, very lightly so that it can be easily erased after typist makes the correction and the correction has been carefully checked by proofreaders.

(2) If the correction is very minor, such as inserting a comma or other punctuation, and proofreaders are absolutely sure of the correction, they may make such minor corrections, neatly, in pen and ink, on all copies. For more extensive corrections return all material to "correction" basket so that typists can make corrections on typewriter. If the corrections are extensive enough to warrant retyping the proofreaders may suggest same, but attach a penciled note to draft, or write it in above perforation on carbon "sets", but do not write corrections or suggestions on typewritten copy, as time may not permit retyping.

(3) Proofreaders working evening hours should be very explicit when noting any questionable points or corrections in a draft, as they are seldom available for explanations the next day, when the corrections are being made.

2.07 Assembling material. When using carbon "sets" typists should leave carbon in sets until corrections (if any) have been made and material returned to proofreaders. After material has been corrected proofreaders should check corrections, on all copies if sets have not been used, and then assemble material, stapling each set together in upper left hand corner. Staple draftsman's copy of draft to back of blue request sheet.

NOTE: See 2.08, for order of drafting record.

2.08 Order of drafting record. Ordinarily the typists or proofreaders are not required to go beyond the blue request sheet for material involved in the particular draft they are concerned with, as draftsmen place all instructions for each version of the proposal on top of the blue sheet. However, if the material has become separated and when assembling additional material in back of the blue sheet, the sequence of the material should be as follows:

- (1) Blue request sheet;
- (2) Yellow request sheet;
- (3) Letters or other instructions or material pertinent to 1st draft;
- (4) Complete draftsman's copy of 1st draft;
- (5) Typewritten copy of 1st draft (if there is a subsequent draft);
- (6) Any correspondence or other instructions for 2nd draft;
- (7) Draftsman's copy of 2nd draft;
- (8) Typewritten copy of 2nd draft (if there is a 3rd draft);
- (9) Any correspondence or other instructions for 3rd draft;
- (10) Draftsman's copy of 3rd draft;
- (11) Typewritten copy of 3rd draft (if there is a 4th draft), etc., etc.

Do not destroy additional copies of drafts not used as the files will be checked, and extra copies disposed of, after the close of the session.

2.09 Keep record. Proofreaders should keep a running record of the proposals which they have read. Record the date, our file number, whether proposal was original or subsequent draft, and some notation as to whether material was returned for correction, so that material can be located while in process.

2.10 Related work assignments. Whenever workload warrants, proofreaders are expected to assist with other clerical duties.

3. PETITIONS.

3.01 Procedure. No official entry is made of petitions. Count the total number of names on petitions and give to the Chief or a draftsman, who will prepare a descriptive title for same.

3.02 Forms. Type title on proper petition form, white for senate and blue for assembly, and staple form on back of petition. Fold and place rubber band around petition and place it in front of "Petitions" section of the bill file. NOTE: See 18.04, Drafting Manual, for proper form of Petition.

4. PERMANENT RECORD BILL FILES.

4.01 Uncalled for proposals. After the close of the session check through all pending file drawers and file all uncalled for or undelivered amendments and substitute amendments with the bill or resolution which they amend. File all uncalled for bills and other requests in numerical order in delivered files and make notation "uncalled for" on blue record sheet, as well as on member's card.

4.02 Chapters. Pull bill files (and amendments thereto) for all bills that became law. Check through all drafting records to insure proper order. (See 2.08, Clerical Manual, for order of drafting record). Fasten all instructions for adopted amendments to back of instructions for original measure and "official" copies of adopted amendments to back of "official" copy of original measure; instructions for all rejected amendments together; "official" copies of all rejected amendments together; and instructions and official copies of all those not introduced or not called for, together. Note Bill number and Amendment number on official copies, and the chapter number and session year on tab of folder. (Note SS and year, if for special session).

4.03 Bills not enacted. Follow the same procedure as for bills enacted except write "Bill No. , S (or A) on tab of folder, and year, and file senate bills after the chapters, then assembly bills.

4.04 Resolutions. Prepare joint resolution and resolution files the same as for bills and chapter files and file senate joint resolutions after the assembly bills, then assembly joint resolutions; senate resolutions and then assembly resolutions. The balance of the request files remain in numerical order by our request number.

5. EXAMPLES OF VARIOUS TYPES OF PROPOSALS. See pages 15 to 33 for examples of various types of proposals.

A BILL

To amend 47.095 of the statutes, relating to membership of the advisory committee for visually handicapped persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

47.095 of the statutes is amended to read:

47.095 There shall be created ~~-2-~~ an advisory ~~committees~~ committee of the blind each to be composed of ~~-3-~~ 6 members. ~~One-such~~ Said committee shall act as an advisory committee to the board of public welfare, ~~and the other shall act as an advisory committee to the state superintendent of public instruction.~~ The board of public welfare ~~and state superintendent~~ shall each appoint ~~their committees of 3 members for terms of 2, 4 and 6 years respectively.~~ Thereafter each member shall be appointed for a term of 6 years its committee members for terms of 6 years with 2 members appointed every other year.

(End)

(Example of a bill to amend a section of the statutes but containing only one section)

SUBSTITUTE AMENDMENT NO. , S., TO BILL NO. 444, S.

To repeal 129.05 (3); to renumber and amend 130.065 (6); to amend 130.065 (1), (2) (intro. par.) and (a); and to create 130.065 (6) of the statutes, relating to sales by transient merchants, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 129.05 (3) of the statutes is repealed.

SECTION 2. 130.065 (1), (2) (intro. par.) and (a) of the statutes are amended to read:

130.065 (1) In addition to ~~the requirements of~~ s. 129.05 ...

SECTION 3. 130.065 (6) of the statutes is renumbered 130.065 (12) and amended to read:

130.065 (12) Whoever violates ~~any provision of~~ this section ...

SECTION 4. 130.065 (6) of the statutes is created to read:

130.065 (6) Clerk to notify sheriff and district attorney. When any such license is issued the clerk shall notify the sheriff and district attorney, who shall take all necessary steps to enforce this section.

(End)

AMENDMENT NO. , S.,

TO BILL NO. 183, A.

Offered by _____

Amend the bill, as printed, as follows:

1. In line 10, substitute "\$100" for "\$200", and "\$200" for "\$500".
2. In line 10, strike through "or by imprisonment" and after such stricken material insert "and shall be imprisoned".
3. In line 11, strike through "30" and after such stricken material insert "10".
4. In line 11, strike through "or both".
5. In lines 19 and 20, restore all the stricken material and strike out all the italicized material.

(End)

(Example of a simple amendment to illustrate striking through and striking out material in a one page bill)

AMENDMENT NO. , S.,
TO AMENDMENT NO. 4 , A.,
TO BILL NO. 706, S.

Offered by _____

Amend the typewritten amendment No. 4, A., as follows:

1. On page 1, strike out all of paragraphs 1 and 2.
2. On page 1, in the second line of paragraph 3, strike out "139.51 (9)" and in lieu thereof insert "71.18".
3. On pages 2, 3 and 4 strike out all of the material in paragraph 6 and in lieu thereof insert:

"SECTION 2. 71.18 of the statutes is created to read:

71.18 EMERGENCY INCOME TAX. (1) There is levied and there shall be assessed, collected and paid, in addition to all other tax ...".

(End)

(Example of an amendment to amend an amendment adopted in the 2nd house)

RESOLUTION NO. , S.

Requesting an opinion of the attorney general as to the time and manner in which the amendment to article XI, section 3, of the constitution, will take effect.

Resolved by the senate, That the attorney general is requested to render an opinion to the senate at an early date in regard to the time and manner in which the amendment to article XI, section 3, of the constitution, will take effect. The attention of the attorney general is directed to the paragraph on page 3, lines 15 and 16 of Joint Resolution No. 18, A., (1955) which provides that the change contemplated shall take effect with the assessment made May 1, 1955, which paragraph is apparently not part of the amendment and is not part of the statutes; and specific inquiry is made as to whether such paragraph is a nullity; and, be it further

Resolved, That specific inquiry is made as to whether a school district may forthwith borrow on the basis of the equalized value as last established; and if not, what steps must be taken before such borrowing may be based on the equalized value.

(End)

(Example of a simple resolution, the desire of one house only.)

SUBSTITUTE AMENDMENT NO. , S., TO JOINT RESOLUTION NO. 2, A.

To amend article VI, section 9, of the constitution, relating to filling vacancies in the offices of supreme court justice and circuit judge.

Resolved by the assembly, the senate concurring, That section 9 of article VI of the constitution be amended and that ... to read:

(Article VI) Section 9. When a vacancy shall happen in the office of judge of the supreme or circuit courts, such vacancy shall be filled ~~by an appointment of the governor~~ as provided in section 27 of this article. Be it further

Resolved, That this proposed amendment be and it is hereby referred to the legislature to be chosen at the next general election, and that the same be published for 3 months previous to the time of holding such election.

(End)

(Example of a substitute amendment in 2nd house, to amend the constitution, and for first consideration.)

JOINT RESOLUTION NO. , S.

To amend article XI, section 3a, of the constitution, relating to the powers of certain subdivisions to acquire land for special purposes.

Whereas, at the general session of the legislature in the year 1955 an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the 2 houses, which proposed amendment read as follows:

"(Article XI) Section 3a. ACQUISITION OF LANDS BY STATE AND CITIES SUBDIVISIONS. The state or any of its counties, cities, towns or villages may acquire by gift, dedication, purchase, or condemnation lands for establishing, laying out ...". Now, therefore, be it

Resolved by the senate, the assembly concurring, That the foregoing amendment to the constitution is agreed to by this legislature; and, be it further

Resolved, That the foregoing proposed amendment be submitted to a vote of the people at the election to be held on the first Tuesday in April 195_, and if a majority of the voters voting thereon approve this amendment, it shall become a part of the constitution of the state; and, be it further

Resolved, That the question of the ratification of the foregoing amendment be stated on the ballot as follows:

"Shall section 3a of article XI of the state constitution be amended so that counties, towns or villages may acquire ..."

(End)

(Example of a joint resolution to amend the constitution, and for second consideration)

JOINT RESOLUTION NO. , A.

To amend article VIII, section 10, of the constitution, relating to internal improvements, so as in effect to repeal said section.

Resolved by the assembly, the senate concurring, That section 10 of article VIII of the constitution be amended to read:

(Article VIII) Section 10. ~~The state shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, --- as determined by the last preceding state assessment.~~ Be it further

Resolved, That the foregoing proposed amendment be published for 3 months preceding the next general election, and is hereby referred to the legislature to be chosen at such election.

(End)

(Example of a joint resolution to amend the constitution so as in effect to repeal said section, and for first consideration)

A BILL

To create 100.05 of the statutes, relating to the licensing and bonding of cheese dealers, and to increase the appropriation in 20.140 (1) of the statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The appropriation in 20.140 (1) of the statutes, as affected by the laws of 1959, is increased by adding the following amounts:

| | | 1959-60 | 1960-61 |
|----------------------------|--------|-----------|-----------|
| Agriculture, department of | 20.140 | | |
| General administration | (1) | (\$9,600) | (\$9,840) |
| Personal services, bonus | S | 1,680 | S 1,680 |
| Personal services, basic | | 5,820 | 6,060 |
| Materials and expense | | 2,100 | 2,100 |

for the purpose of providing funds for the administration of section 100.05 of the statutes.

SECTION 2. 100.05 of the statutes is created to read:

100.05 CHEESE DEALERS; LICENSING. (1) "Cheese dealer" is any person who purchases cheese from the manufacturer thereof for the purpose of ...

SECTION 3. SECTION 1 of this act shall take effect July 1, 1959 and SECTION 2 shall take effect October 1, 1959.

(End)

(Example of a bill to increase the amount of an existing appropriation, and also create a new section of the statutes; includes effective date of act)

A BILL

To amend 20.005 (2) (a) (line 879) and 20.850 (11); and to repeal and recreate 41.21 (1) (b) of the statutes, relating to state aids for schools of vocational and adult education, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (2) (a) (line 879) of the statutes is amended to read:

| | | |
|---|----------------|----------------|
| 20.005 (2) (a) | 1957-58 | 1958-59 |
| 879. State aid, voc. and adult education (11) | 420,000 | 420,000 |
| | <u>975,000</u> | <u>975,000</u> |

SECTION 2. 20.850 (11) of the statutes is amended to read:

20.850 (11) Annually, beginning July 1, ~~1944, \$420,000~~ 1957, \$975,000
for state aid for schools of vocational and adult education established and maintained pursuant to s. 41.15 ...

SECTION 3. 41.21 (1) (b) of the statutes is repealed and recreated to read:

41.21 (1) (b) If it appears from such report that such school has been maintained pursuant to law, in a manner satisfactory to the state board ...

NOTE: State aid to schools of vocational and adult education in 1913-14 was approximately 32 per cent of total disbursements and 58 per cent of the cost of instruction. In 1954-55 state aid was approximately 5 per cent of total disbursements and 9 per cent of the cost of instruction.

(End)

(Example of a bill that amends the appropriation section and the schedule and also carries an explanatory note)

A BILL

To create subchapter IIIA of chapter 15 (title), 15.535, 20.005 (1) (b) (lines 155a to 155d) and 20.02 (9) of the statutes, relating to the division of economic development and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A subchapter is added to chapter 15 of the statutes to be numbered and entitled:

SUBCHAPTER IIIA

DIVISION OF ECONOMIC DEVELOPMENT

SECTION 2. 15.535 of the statutes is created to read:

15.535 DIVISION OF ECONOMIC DEVELOPMENT. (1) Creation. There is created a division of economic development in the executive department in charge of a director.

(2) Director. The director shall be appointed by the governor for an indeterminate term and shall be paid ...

SECTION 3. 20.005 (1) (b) (lines 155a to 155d) of the statutes are created to read:

| 20.005 (1) (b) | | 1955-56 | 1956-57 |
|----------------|--------------------------------------|------------|------------|
| 155a. | Division of economic development (9) | (\$28,880) | (\$41,460) |
| 155b. | Personal services | 23,580 | 36,160 |
| 155c. | Material and expense | 4,800 | 4,800 |
| 155d. | Capital outlay | 500 | 500 |

SECTION 4. 20.02 (9) of the statutes is created to read:

20.02 (9) Division of economic development. On July 1, 1955, \$28,880 and on July 1, 1956, \$41,460 for the execution of ...

(End)

(Example of a bill carrying an appropriation and creating a new subchapter)

A BILL

To repeal 14.78 and subchapter IIIA of chapter 15; to renumber 100.01 to 100.13; to amend chapter 100 (title); and to create 100.01 and chapter 350 of the statutes, relating to the abolition of certain functions of various agencies and the creation of a state department of commerce and economic development.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 14.78 of the statutes is repealed.

SECTION 2. Subchapter IIIA of chapter 15 of the statutes is repealed.

SECTION 3. Chapter 100 (title) of the statutes is amended to read:

CHAPTER 100.

~~MARKETING-WAREHOUSES,~~ TRADE PRACTICES.

SECTION 4. 100.01 to 100.13 of the statutes are renumbered 94.81 to 94.93.

SECTION 5. 100.01 of the statutes is created to read:

100.01 DEFINITIONS. As used in this chapter:

(1) "Department" means the department of commerce and economic development.

...

SECTION 6. Chapter 350 of the statutes is created to read:

CHAPTER 350.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT.

350.01 PURPOSE. The increased emphasis on the economic development of the state necessitates that the state functions which facilitate such ...

350.02 DEPARTMENT CREATED. There is created a department of ...

350.03 ADVISORY COMMITTEES. There are created the following advisory committees:

(1) Advisory committee on industrial development. To advise the ...

(End)

(Example of a bill showing various treatments of chapter titles)

SUBSTITUTE AMENDMENT NO. , A., TO BILL NO. 42, S.

To repeal 13.52 and 16.352 (2); to amend 6.29 (1) and 15.15 (7), as amended by chapter 53, laws of 1959, of the statutes; and to create section 23m of chapter 139, laws of 1951, for the purpose of clarifying the language, reconciling conflicts and supplying omissions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 6.29 (1) of the statutes is amended to read:

6.29 (1) Each county clerk shall send the ballots printed pursuant to his order to the proper town, village and city clerks in his county, so as to ...

SECTION 2. 13.52 of the statutes is repealed.

SECTION 3. 15.15 (7) of the statutes, as amended by chapter 53, laws of 1959, is amended to read:

15.15 (7) Receive, examine, determine and audit claims, duly certified ...

SECTION 4. 16.352 (2) of the statutes is repealed.

SECTION 5. Chapter 139, laws of 1951, section 23m, is created to read:

(Chapter 139, laws of 1951) Section 23m. The deputy clerks of the said superior court shall subscribe to the oath of office prescribed in the constitution. They shall serve at the will of the clerk of said court and be subject to removal by said clerk, with the approval of the judge of said court.

(1) The clerk or deputy clerk shall make and keep the records ...

(2) The deputy clerks shall have the power to administer oaths, ...

(End)

(Example of a bill containing statutory sections, treatment by prior acts of the same legislature and treatment of a session law of a prior year.)

A BILL

To amend 45.35 (1), as amended by chapter 532, laws of 1959, 45.35 (5a) (intro. par.), as repealed and recreated by chapter , laws of 1959 (Bill No. 347, S.), 45.352 (1), 45.37 (9), as renumbered and amended by chapter 498, laws of 1959, and 45.396 (3) of the statutes, relating to clarification of the definition of veterans and their benefits.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 45.35 (1) of the statutes, as amended by chapter 532, laws of 1959, is amended to read:

45.35 (1) The legislature declares that it is the policy ...

SECTION 2. 45.35 (5a) (intro. par.) of the statutes, as repealed and recreated by chapter , laws of 1959 (Bill No. 347, S.), is amended to read:

45.35 (5a) (intro. par.) "Veteran" as used in this chapter, except ...

SECTION 3. 45.352 (1) of the statutes is amended to read:

45.352 (1) "Veteran" as used in this section and s. 45.353 has the ...

SECTION 4. 45.37 (9) of the statutes, as renumbered and amended by chapter 498, laws of 1959, is amended to read:

45.37 (9) Each member of the home, regardless of the date of his ...

SECTION 5. 45.396 (3) of the statutes is amended to read:

45.396 (3) Any honorably discharged veteran, upon completion of ...

SECTION 6. This act shall not apply to any veteran who has filed his ...

(End)

(Example of a bill to amend sections of the statutes, which have been treated in previous enactments by the same legislature.)

A BILL

To repeal chapter 518, laws of 1947, section 3 (TOTAL) and section 5; and to create chapter 518, laws of 1947, section 3 (new paragraph), relating to additions to the state trunk highway system.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 518, laws of 1947, section 3 (new paragraph) is created to read:

(Chapter 518, laws of 1947) Section 3 (new paragraph)

From the intersection of STH 73 and CTH "D" Taylor 27.0

in Taylor county east to the intersection

of STH 13 and CTH "D" at Westboro which

shall be a continuation of STH 102.

SECTION 2. Chapter 518, laws of 1947, section 3 (TOTAL) is repealed.

SECTION 3. Chapter 518, laws of 1947, section 5 is repealed.

(End)

(Example of a bill that amends a prior session law and contains state and county trunk highway designations.)

A BILL

To amend chapter 518, laws of 1947, sections 3 (approximate mileage) (TOTAL) and 5, as amended by chapters 369 and 371, laws of 1955, relating to clarifying the total mileage authorized under prior enactments and restoring a certain limited mileage which may be added to the state trunk highway system.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 518, laws of 1947, section 3 (approximate mileage) (TOTAL), as amended by chapters 369 and 371, laws of 1955, is amended to read:

(Chapter 518, laws of 1947) Section 3 (approximate mileage)

| | | |
|-------|-------------------|---------------|
| TOTAL | 873.28 | <u>930.17</u> |
|-------|-------------------|---------------|

SECTION 2. Chapter 518, laws of 1947, section 5, as amended by chapters 369 and 371, laws of 1955, is amended to read:

(Chapter 518, laws of 1947) Section 5. In addition to the mileage specified in section 3, the state highway commission is authorized to add to the state trunk highway system additional mileage to a total of not to exceed ~~138.23~~ 145 miles, making a total addition of not to exceed ~~1,000~~ 1,064 miles.

(End)

(Example of a bill amending a prior session law where descriptive headings are involved.)

A BILL

To establish a municipal court for Ozaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. NAME OF COURT; MAINTENANCE AND RECEIPTS. There is hereby created and established a municipal court in and for Ozaukee county. The court is to be known as the "Municipal Court for Ozaukee County" and shall ...

SECTION 2. COURT OF RECORD; SEAL. The court shall be a court of record and shall have an official seal, of such design as the first judge ...

SECTION 3. POWERS; DUTIES; JURISDICTION. The court and the judge are vested with all powers and charged with all duties of a court of record ...

(1) Actions arising out of contract wherein the amount claimed does not exceed \$5,000.

(2) Actions on instalments as they become due on any written ...

(3) Actions of attachment and garnishment under chapter 304 of the statutes where the amount claimed does not exceed \$5,000.

(a) A garnishee summons shall be issued and signed by the judge.

(b) The garnishee or his authorized agent may answer by letter directed ...

(c) Section 267.22 (5) and (6) of the statutes shall apply to ...

SECTION 4. ISSUANCE OF SUMMONS. The summons shall be signed ... Docket fees shall be charged therefor as provided in SECTION 5.

SECTION 5. SERVICE. Any summons or other legal process or paper shall be served as follows:

(1) By service on individuals or corporations as provided by sections 262.08 and 262.09 of the statutes ...

(2) By mailing in the manner following ...

(End)

(Example of a bill creating a new court, containing statutory references and references to another section of the bill)

A BILL

To amend 252.06 (Nineteenth Circuit); and to create 252.06 (Twenty-third Circuit) of the statutes, relating to creating the twenty-third judicial circuit comprising Eau Claire county, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 252.06 (Nineteenth Circuit) of the statutes is amended to read:

252.06 NINETEENTH CIRCUIT. In the county of Rusk on the second Monday in May and the first Monday in November; in the county of Sawyer on the first ... and-in-the-county-of-Eau-Claire-on-the-third-Monday-in-March.

SECTION 2. 252.06 (Twenty-third Circuit) of the statutes is created to read:

252.06 TWENTY-THIRD CIRCUIT. In the county of Eau Claire on the third Monday of March and the third Monday in September.

SECTION 3. A judge for the twenty-third judicial circuit shall be elected in the several election precincts of Eau Claire county on the first Tuesday ...

SECTION 4. All laws or parts of laws conflicting with any of the provisions of this act are, insofar as they conflict with this act and no further, superseded by the provisions of this act.

SECTION 5. The appropriation in 20.260 (1) of the statutes, as affected by the laws of 1957, is increased by adding the following amount:

| | | | |
|--------------------------|--------|---------|---------|
| | | 1957-58 | 1958-59 |
| Circuit courts | 20.260 | | |
| Judges and reporters | (1) | \$ | \$ |

for the purpose of compensating the personnel of the twenty-third circuit.

(End)

(Example of a bill involving designation of judicial circuits and increasing existing appropriation)

A BILL

To create 20.285, 20.930 (1) (a) (line 15m) and 253.032 of the statutes, relating to additional jurisdiction of the county courts, additional jurisdiction and related matters, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.285 of the statutes is created to read:

20.285 COUNTY COURTS. (1) Judges. There are appropriated from the general fund such sums as may be necessary for salaries and expenses of the county judges, upon vouchers duly verified and certified by said judges, and filed with the director of budget and accounts.

SECTION 2. 20.930 (1) (a) (line 15m) of the statutes is created to read:

20.930 (1) (a)
 15m. County judge \$12,000

SECTION 3. 253.032 of the statutes is created to read:

253.032 ADDITIONAL JURISDICTION. (1) The county court has jurisdiction concurrent with and equal to the jurisdiction of the circuit court of the county in all civil actions, proceedings, appeals and reviews whether in law, equity or by statute, except where jurisdiction is given a specified circuit court ...

(2) The county court has jurisdiction in illegitimacy actions and in all ...

SECTION 4. All additional jurisdiction, civil or criminal, or both, given county courts or the judges thereof, by special or local act, is withdrawn, and the acts under which they operated as to such additional jurisdiction are ...

SECTION 5. This act shall take effect July 1, 1957.

(End)

(Example of a bill treating sections of the statutes, a section that does not go in the statutes, and contains an enabling clause.)