

February 13, 2013

To: Members of the Assembly Committee on Government Operations and State Licensing
From: Senator Glenn Grothman
Re: Senate Bill 2

Under current law, the Secretary of State is required to set a publication date for new Acts within ten working days after the date of enactment. The Legislative Reference Bureau (LRB) then publishes the Act on that date, and only then the Act becomes law.

The date of enactment is defined by statute as “approval by the governor, passage over the governor's veto or failure of the governor to act on it.” In other words, a bill has been through the entire legislative process, has been approved by both houses, and has (most likely) been signed by the governor. Therefore, the peoples’ will has been done.

This ten-day cushion of time given to the Secretary of State is an arbitrary amount of time that has nothing to do with enacting the will of the people. In fact, it delays the will of the people unnecessarily, and gives the Secretary of State the arbitrary power to speed Acts into law or delay them, depending on his/her whim.

This bill, Senate Bill 2, does away with this unnecessary provision and directs the LRB to publish each Act on the day after the date of enactment.



Stephen L. Nass
Wisconsin State Representative

2013 Senate Bill 2
Publication and Effective Dates of Acts

Representative Steve Nass
February 13, 2013
Assembly Committee on Government Operations and State Licensing

Chairman August and committee members thank you for the opportunity to testify in favor of 2013 Senate Bill 2. This proposal clarifies the process for publishing the enactment of legislative bills into law. It also prescribes the time when Acts take effect, unless the provisions of the enactment contain a specific effective date.

Currently, the process requires that all bills signed by the Governor or enacted by a veto override be deposited at the Secretary of State's Office. The Secretary of State must, within ten days, set a date of publication. The Secretary of State must then notify the Legislative Reference Bureau, no later than the next working day after deposit, of his or her determination of a date of publication. Current law also requires the Legislative Reference Bureau (LRB) to publish each Act within ten working days of its date of enactment. Under the statutes, all acts must be printed and this can include an electronic format.

Additionally, the Secretary of State must have a notice published in the official state newspaper identifying each Act including its date of publication and how a copy of the Act may be obtained. This newspaper notice must be printed within ten days of the date of publication (as designated by the Secretary of State) of the Act.

Finally, under current law, every act that doesn't prescribe a specific effective date becomes effective on the day after the date of publication (as designated by the Secretary of State).

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Senate Bill 2 streamlines this process by providing that the date of publication of each Act is the day after the date of enactment (signed by the Governor or enacted by veto override). The bill specifically directs the LRB to publish each Act on that date. Senate Bill 2 also dictates that each Act will become effective on the day after its date of publication by LRB, unless the Act's provisions contain a specific effective date.

This legislation eliminates the duplicative bureaucratic role served by both the Secretary of State and the LRB in terms of the legislative publication of each Act. The LRB is better situated to complete this one task in the entire process.

Unfortunately, the current law practice of allowing the Secretary of State to designate a publication date within a ten day window can be abused by that individual for partisan considerations. All laws should be treated the same in terms of the bureaucratic process of publication. Senate Bill 2 will insure fairness by directing the nonpartisan LRB to handle this key part of the process.

It should be noted that Senate Bill 2 still leaves the newspaper notification duties in the Secretary of State's Office and maintains the obligation to notify the public on the procedure to obtain a copy of any Act.

Time lag: State laws in Midwest on when bills signed into law can take effect

State	Effective dates	Details, exceptions and emergency clauses
Illinois	For bills passed prior to June 1, effective date (if not provided in bill) is Jan. 1 of next year; for bills passed after May 31, effective date is June 1 of next year	Effective date of bills passed after May 31 can be earlier upon vote of three-fifths of members in each house
Indiana	Uniform effective date is July 1 of year bill was passed, but effective date can be changed through wording in bill	An act cannot take effect before being published and circulated in all counties, unless legislature declares an emergency
Iowa	Unless otherwise stated in bill, act takes effect on July 1 of year bill was passed	For bills approved by governor on or after July 1, effective date is 45 days after such approval
Kansas	Most common effective date is July 1 of the year bill was passed	Legislature can delay effective date or specify that act takes effect once published in the <i>Kansas Register</i> (published weekly)
Michigan	No act can take effect until expiration of 90 days from end of session in which it was passed	Measure can take effect immediately with two-thirds votes in each house
Minnesota	If effective date is not specified in bill, act becomes effective Aug. 1 of year it was passed	Spending bills take effect July 1
Nebraska	Bill goes into effect three months after Legislature adjourns unless date is specified in bill	Legislature can include emergency clause for bill to take immediate effect; two-thirds vote required
North Dakota	Law generally take effect Aug. 1 of year it was passed	Spending measures take effect July 1; emergency measures take effect immediately with two-thirds votes in each house
Ohio	90 full days must elapse before an enacted law takes effect	Exceptions for certain spending bills and laws needed to preserve 'public peace, health or safety'; two-thirds vote required
South Dakota	If later effective date is not specified, bill takes effect July 1 of year it was passed	Emergency measures can take effect immediately with two-thirds votes in each house
Wisconsin	New laws take effect on day after they are published by secretary of state (unless later date is specified in bill)	Law's publication date must be no more than 10 working days after date of enactment