A Citizen's Guide to Participation in the Wisconsin State Legislature

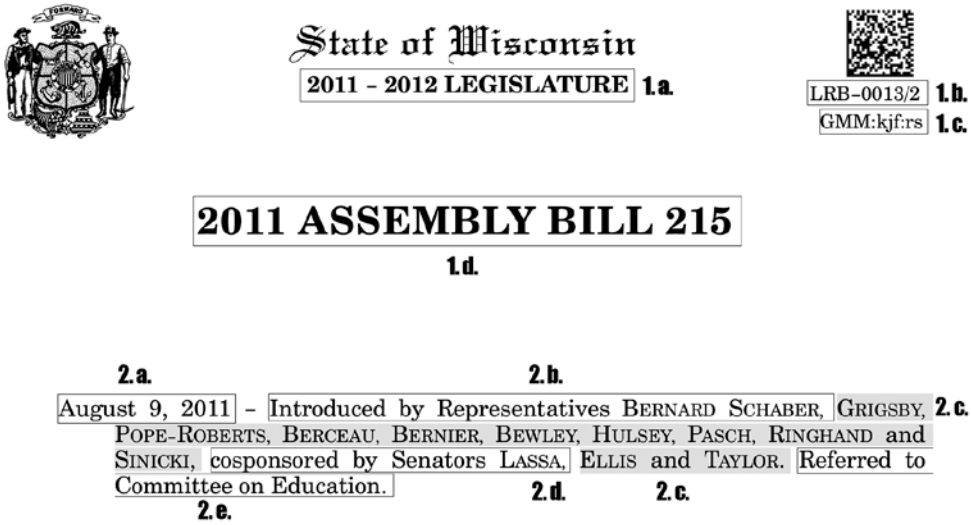
Prepared by the Wisconsin Legislative Council Staff, 2017

How to Read a Bill

In order to better understand the legislative process, it is important to learn the vocabulary used in the Legislature. This is a necessary component of learning how to read legislation, which this chapter of the Citizen's Guide will introduce to you.

ANATOMY OF A BILL

Before being introduced, all legislative proposals are prepared by the drafting attorneys at the Legislative Reference Bureau (LRB). The drafter puts the requester's ideas into a standard format. The following figure shows the parts of a bill. The parts are identified in the key that follows.



Supporting Effective Lawmaking Since 1947

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3.a.

1 AN ACT ***to amend*** 48.65 (2) (b); and ***to create*** 48.65 (2) (bm) of the statutes;

2 3.b. **relating to:** requiring a private school that provides child care for children
3 under three years of age to be licensed to operate a child care center.

Analysis by the Legislative Reference Bureau

4.a. Under current law, no person may for compensation provide care and supervision for four or more children under seven years of age for less than 24 hours a day unless that person obtains a license to operate a child care center from the Department of Children and Families. Certain persons, however, including parochial schools, are exempt from this requirement. This bill requires a private school that provides such care and supervision for children under three years of age to obtain a license to operate a child care center.

4.b. For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

4 5.a. **SECTION 1.** 48.65 (2) (b) of the statutes is amended to read: 5.b.

5 5.c. 48.65 **(2)** (b) A public ~~or parochial~~ school or a tribal school.

6 5.a. **SECTION 2.** 48.65 (2) (bm) of the statutes is created to read: 5.b.

1 48.65 **(2)** (bm) A private school, as defined in s. 115.001 (3r), unless the private
2 school provides care and supervision for children under 3 years of age. 5.c.

3 5.a **SECTION 3.** **Initial applicability.** 5.b.

4 (1) CHILD CARE LICENSING OF PRIVATE SCHOOLS. This act first applies to a private
5 school, as defined in section 115.001 (3r) of the statutes, that provides care and 5.c.
6 supervision for a child under 3 years of age on the effective date of this subsection.

7 **(END)**

6

KEY TO THE ANATOMY OF A BILL:

1. Header Information.

    a. Legislative session in which the bill is introduced.

    b. LRB draft number. The four digits before the slash are a unique draft number; the numbers after the slash identify the version of that draft.

c. LRB drafter's initials (in capitals).

d. Bill number.

2. Author and Co-Sponsors

a. Date of introduction.

b. Author. The author is the first name listed.

c. Co-sponsors.

d. Principal co-sponsor. The principal co-sponsor is the first co-sponsor listed in the second house.

e. Committee the bill is referred to in the first house.

3. Relating Clause.

a. List of statutory sections affected and their treatment.

b. Statement of bill subject.

4. LRB Analysis.

a. Summary of how the bill changes current law.

b. Other information relating to required legislative procedures.

5. Bill SECTIONS.

a. SECTION number. (To avoid confusion between the sections of a bill and the sections of the Statutes, the word "section" is written in small capital letters when referring to a bill section.)

b. Treatment clause or title.

c. Text.

6. (END). Marks the end of the bill.

READING A BILL

HEADER AND RELATED INFORMATION

Much of the material at the beginning of a bill is technical in nature. The parts that are most likely to interest you (apart from the bill number) are the statement of the bill's subject in the relating clause and the names of the principal author and co-sponsor.

LRB ANALYSIS

The LRB analysis is a brief description of how the bill changes current law. In preparing a bill analysis, the drafter attempts to include all provisions of the bill, large and small. However, it is not practical to describe every detail of a bill. Note that the analysis does not interpret the bill, but only describes it.

Many people rely solely on the bill analysis to understand a bill. However, to fully understand a bill, it is necessary to read on.

STATUTORY SECTIONS

The majority of laws the Legislature creates are codified in the Wisconsin Statutes, and the majority of most bills deal with changing the statutes. There are three main ways in which bills treat statutes:

1. ***Amend.*** When a bill amends an existing unit of the statutes, it strikes through words it is deleting and underscores words it is adding. With the treatment clause, it looks like this:

   SECTION 1. AA.BB of the statutes is amended to read:

   AA.BB It is not really hard to read a bill~~. All you have to do is~~ <u>, as long as you</u> read carefully and pay attention to details. <u>In addition, you must read a bill in context with existing statutes.</u>

2. ***Create.*** When a bill creates a completely new numbered unit of the statutes, it shows the new text as created, without underscoring. The figure, above, shows an example of a bill SECTION that creates new statutory provisions.

3. ***Repeal.*** When a bill repeals an entire numbered unit of the statutes, it does not show the text that is being repealed. It looks like this:

   SECTION 2. XX.YY (z) of the statutes is repealed.

In addition to these treatments, bills frequently ***repeal and recreate*** statutes. In this case, the repealed language is not shown, and the new language is shown, without underscoring.

A bill shows only the statutory text that is being changed. It does not show the surrounding text. Sometimes, the text shown in a bill is not even a complete sentence. Clearly, you cannot get a complete understanding of a bill by reading it in isolation. To understand a bill in context, you must read the bill side-by-side with the current statutes. This is particularly true in the case of a repeal or a repeal and recreate, since the repealed text is not shown in the bill.

NONSTATUTORY SECTION

Some parts of the law are not put in the statutes. These nonstatutory provisions are placed at the end of a bill. There are two types of such provisions. The most common relate to the

mechanics of implementing the new law, such as specifying the date when the new law takes effect.

Other nonstatutory provisions relate to one-time requirements or actions that take place within the same legislative session in which the bill is enacted. Examples of this are changes in an agency's appropriations or position authorizations and requirements that an agency conduct a study of a certain topic or report specified information to the Legislature.

AMENDMENTS

There are two kinds of amendments. A simple amendment specifies precise changes to a bill. Rather than having sections, a simple amendment consists of a numbered list of "items." Each item specifies that, on a certain line of a certain page, the bill is changed as specified in the amendment. To read the amendment, you must read the bill, following the instructions in the amendment. It is often helpful to mark the changes in your own copy of the bill. The following figure is an example of a simple amendment.

State of Wisconsin
2011 - 2012 LEGISLATURE

LRBa1630/1
GMM:kjf:rs

ASSEMBLY AMENDMENT 1,

TO 2011 ASSEMBLY BILL 215

October 18, 2011 – Offered by Representative KNUDSON.

At the locations indicated, amend the bill as follows:

1. Page 1, line 2: delete "a private" and substitute "an unaccredited private".

2. Page 2, line 2: delete "age." and substitute "age and is not accredited by an accrediting agency specified in s. 118.60 (2) (a) 7.".

3. Page 2, line 6: after "age" insert "and that is not accredited by an accrediting agency specified in section 118.60 (2) (a) 7. of the statutes".

(END)

A substitute amendment, as the name suggests, substitutes a complete new text for the text in the bill. It is drafted in the format of a bill and read the same way that a bill is read. To determine how a substitute amendment changes a bill, it is necessary to read the two documents side-by-side.

THINGS TO KEEP IN MIND WHEN READING LEGISLATION

Reading legislation is tricky. It is easy to make a mistake and come away with a very incorrect understanding. Here is some advice on how to avoid the common pitfalls in reading a bill:

- ***Read a bill in the context of the statutes.*** As described earlier, the bill may show only a portion of the statute that is affected, and may contain references to other statutes that affect the effect and meaning of the provision.

- ***Don't overlook repeals***. A repeal is just one small line, but it may be the most important provision of a bill. Read every line of a bill.

- ***Don't overlook nonstatutory provisions***. Since they are often obscurely worded and don't appear to affect the statutes, it is tempting to ignore nonstatutory provisions. But they are there for a reason. Read them, too.

- ***Distinguish between current law and new law.*** A bill may show the text of a long paragraph of the statutes, making only a small and inconspicuous change to it. This may look like the bill is creating new text, but it is not. Read the treatment clause; if it says "amend," then all text that is not underscored is existing law.

- ***Follow cross-references.*** These often are crucial to understanding a bill.

- ***Distinguish between substantive and technical changes.*** Often, creation of a new paragraph in the statutes requires the renumbering of other statutes and revising cross-references located elsewhere in the statutes. In other cases, what seems to be a simple cross-reference change may, in fact, change the effect of a law. Check the effect of each change to know whether a provision is substantive or technical.