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MEMORANDUM

To: 2007 Legislative Staff Training Program Attendees

From: Gordon M. Malaise, Senior Legislative Attorney

Subject: Submitting Drafting Instructions, Overview of Drafting Process, and Jacketing a Bill

I. Submitting Drafting Instructions

A. Formulating drafting request

1. Identify the problem
2. Identify your solution
 - a. Focus—on central purpose, not on tangents
 - b. Reality check—consequences of proposed solution
 - i. Is solution workable?
 - ii. Does solution solve problem?
 - iii. Will solution create unintended consequences???
3. Research
 - a. Current law for precedent and to spot possible conflicts and limitations
 - b. Law of other states, federal laws, and model laws for ideas
 - c. Experts in the field
4. Contact Legislative Reference Bureau (LRB) or Legislative Council (LC) staff for assistance
 - a. Contact LRB Research Section for background information
 - b. Contact appropriate LRB or LC attorney for help in analyzing problem and developing solutions

- c. Invite us to meetings at which decisions are being made to raise legal issues before language is agreed to instead of after

B. Making drafting request

1. Consult LRB Subject Areas Directory to find attorney who drafts in the area of your proposal—in binder or at www.legis.state.wi.us/lrb
2. Fill out bill request form; call, e–mail, or write LRB attorney who specializes in the area of your proposal; or, if complicated, request meeting to explain instructions
3. In making request:
 - a. State name of legislator and your name
 - b. Describe problem and solution
 - c. Provide persons for attorney to contact for more information, *e.g.*, constituent, lobbyist, state agency staffer, or local government official
 - d. Provide background information, *e.g.*, correspondence; previous drafts; relevant statutes or court cases; or model laws, federal laws, or laws of another state on which draft is based
 - e. Indicate whether you wish to waive confidentiality
 - f. Indicate priorities and time constraints, *i.e.*, whether draft is urgent or needed by a certain time

II. Overview of Drafting Process

A. Identify problem and solution

B. THINK!!!

1. Focus
2. Reality check
3. Research

C. Counsel requester—in light of research and analysis, raise issues, present options, and advise regarding best way to solve problem

D. Devise legislative solution, *i.e.*, how to amend current law or create new law to solve problem

E. Organize the draft

F. Draft

G. Redraft

H. Draft ready for jacketing

III. Jacketing a Bill

A. Definitions.

1. “Jacket” (n) means a large manilla envelope that contains the official copy of the bill and all action taken on the bill
2. “Jacket” (vb) means to prepare a bill for introduction by placing it into a jacket or to prepare an amendment or substitute amendment for introduction by attaching stripes to the amendment or substitute amendment
3. “Stripes” means a striped cover sheet (red for senate, black for assembly) attached to an amendment or substitute amendment when it is jacketed

B. Easiest way—return to e-mail that contained the pdf of the draft and click appropriate jacketing button (assembly/senate)

C. May also:

1. Call LRB Legal Section program assistants at 266–3561
2. E-mail program assistants at LRB.Legal@legis.state.wi.us
3. Write memo to program assistants

D. Amendments and substitute amendments are automatically jacketed (stripes)

IV. For More Information Attend LRB Seminars

A. Tuesday, February 6: Making the Most of LRB Research and Library Services

B. Thursday, February 15: Bill Drafting I Making Drafting Requests and Drafting Mechanics

C. Tuesday, February 20: Bill Drafting II The Bill Analysis, Drafter’s Notes, Fiscal Estimates, Drafting Records, and Amendments

D. Thursday, February 22: Using the *Index* to Locate Legislation and Bill Histories

E. All seminars at 10:00 a.m. in 412E, Capitol