Wendy’s Biggest Editing Mistake—And What She Learned
October 11, 2012, 3:30 p.m.
NCSL SuperPDS LSSS Editors

THE SITUATION
Who: The LRB Legal Section.

What: Manually engross AA 1 to AB 11 into SB 11 to produce CSA 1, which ultimately became 2011 Wisconsin Act 10.

When: NOW! on Friday, March 9, 2011.

Where: The offices of the Wisconsin Legislative Reference Bureau.

Why: To pass a fiscal bill, the Wisconsin Constitution requires a three-fifths quorum, which the senate lacked in order to pass SB 11. The assembly had passed its own version of the bill, AB 11, which included the fiscal items, after 60 hours of debate. To work around the quorum requirement, the senate majority struck the fiscal items from SB 11 and offered to go to conference committee to iron out the differences between the two bills. We engrossed Assembly Amendment 1 to Assembly Bill 11 as part of the conference amendment.

How: We hand-engrossed AA 1 to AB 11 into SB 11 to produce CSA 1. We did this in a hurry.

11. Statutory numbering system
   a. Statutory numbering system of new or renumbered statutory sections must jibe with drafting standards and statutes.
   b. Adhere to outline format.
   c. Be mindful of (title) and (intro.) in action phrases.
      i. An (intro.) must end with a colon. Renumber a statutory unit to be an (intro.) if you strike a period and score a colon.
      ii. If a statutory unit has both a title and an (intro.), the title is part of the (intro.).
      iii. In new statutory provisions, create titles only if the larger statutory unit(s) also has/have titles.

12. Renumering
   a. Renumbered statutes must fit in their new position, and all parts of a new statute must exist, e.g., section title.
   b. When an entire statute is renumbered, in parts, all units must have either been renumbered or repealed.

13. Statutory titles. Include where required.

   a. Alphabetical order.
   b. In proper position in statute?
   c. See sec. 2.01 (1), D-Man.

15. Striking and scoring
   a. Only in amended statutes.
   b. Striking before scoring when both present.
   c. No plain punctuation between striking.


17. Mark for proper components if necessary.

18. Auto-refs. Mark as needed in nonstats, bill section headings, and notes.

19. Initial applicability.
   a. In proper form.
   b. Are all appropriate provisions included?

20. Effective dates.
   a. In proper form.
   b. Do effective dates work for double-drafted or triple-drafted provisions?
   c. Are all appropriate provisions included?
I marked bill Section numbers to automatically flow instead of marking bill Section numbers to remain fixed numbers, as they originally appeared in AA 1 to AB 11. See my marks for # on page 5 to the left.

In Wisconsin, when manually engrossing an amendment into a substitute amendment, we can either mark auto-numbers to flow or mark auto-numbers to remain fixed. However: if the editor changes bill Section numbers, she should also check for cross-references in other parts of the bill.

Note the cross-references to bill Sections in the effective date provision on pages 22 and 23.

So, to fix the cross-reference errors, I wrote the longest chief clerk’s correction in Wisconsin history. See the yellow pages to the right.

Usually, the legislature doesn’t pay much attention to chief clerk’s corrections. But this time, the minority party noticed. See the bill history.

THE LESSON
In times of crisis, take 60 seconds to skim the editing checklist. Even if you think you know the checklist like the back of your hand, take the 60 seconds. It pays.