STATE OF WISCONSIN　　　　　　　　IN THE SUPREME COURT

In re Matter of the amendment of SCR 99.01(4)(e) ,　　　MEMORANDUM
Construction of Supreme Court Rules　　　　　　　　IN SUPPORT
　　　　　　　　　　　　　　　　　　　　　　　　12-06

This rule proposal comes before the court upon the petition of Chief Justice Shirley S. Abrahamson of the Wisconsin Supreme Court. Petitioner proposes that the supreme court amend Supreme Court Rule 99.01(4)(e) to update and correct a statutory citation contained in the rule chapter.

By order dated December 11, 1979, the court adopted a petition filed by the Judicial Council pursuant to which it created SCR Chapter 99, entitled "Construction of Supreme Court Rules". The statutory citation to Wis. Stat. §757.17, Legal holiday, referenced in SCR 99.01 was subsequently moved. In 1983, Wis. Stat. § 757.17 was renumbered section 895.20. 1983 Wis. Act 192, § 257. In 2005, section 895.20 was renumbered section 995.20. 2005 Wis. Act 155, § 33.

The legislature also amended the statute several times since 1979. The 1979-1980 version of Wis. Stat. § 757.17 is set forth below with all of the amendments approved to date indicated by strikethrough and underlining:

> **Legal holidays.** January 1, <u>January 15,</u> the 3rd Monday in February (which shall be the day of celebration for February 12 and 22), the last Monday in May (which shall be the day of celebration for May 30), <u>June 19, which shall be the day of observation for Juneteenth Day,</u> July 4, the 1st Monday in September which shall be known as Labor day, the 2nd Monday in October, November 11, the 4th Thursday in November (which shall be the day of celebration for Thanksgiving), December 25, the day of holding the ~~September~~ <u>partisan</u> primary election, and the day of holding the general election in November are legal holidays. On Good Friday the period from 11 a.m. to 3 p.m. shall uniformly be observed for the purpose of worship. In every <u>1st class</u> city ~~of 1st class~~ the day of holding any municipal election is a legal holiday, and in every such city the afternoon of each day upon which a primary election is held for the nomination of candidates for city offices is a half holiday and in counties having a population of 500,000 or more the county board may by ordinance provide that all county employees shall have a half holiday on the day of such primary election and a holiday on the day of such municipal election, and that employees whose duties require that they work on such days be given equivalent time off on other days. Whenever

any ~~of said days~~ <u>legal holiday</u> falls on Sunday, the succeeding Monday
shall be the legal holiday.

<u>See</u> 1983 Wis. Act 7, § 2; 2009 Wis. Act 91, § 1; 2011 Wis. Act 75, § 131.

Supreme Court Rule 99.01 sets forth guidelines that shall be observed in construing the rules of this court unless the construction would produce a result inconsistent with the manifest intent of the court. SCR 99.01 (intro.). Specifically, Rule 99.01(4)(e) addresses the manner in which time is computed under the rules when deadlines falls on a date designated as a legal holiday under the statutes.

Petitioner proposes that the statutory citation in SCR 99.01 be amended to reference Wis. Stat. § 995.20 in order to reflect the statutory changes.

Respectfully submitted this 29th day of June, 2012.

                                  _____

                                  Shirley S. Abrahamson
                                  Chief Justice
                                  Wisconsin Supreme Court