

Wisconsin Legislative Council

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Legislative Documents and Procedure

Although the principal function of the Legislature, as viewed by the public, is the enactment of laws through the bill process, there are many more documents that are part of the legislative process other than the 1,500 to 2,000 bills that are introduced in each session. Legislative documents fall into three basic categories:

- **Legislative proposals (bills or resolutions)**, which are considered by the Legislature and may be acted upon by either or both houses of the Legislature and the Governor.
- **Laws and rules**, which include the laws currently in force and administrative rules, which are promulgated by agencies, and have the force of law.
- **Informational documents**, which are prepared to provide information to the Legislature and the public about the daily activities of the Legislature, the activities of the legislative committees, and the rules and procedures by which the Legislature operates.

The process for preparing legislative documents is extremely systematic, so as to reduce, to the greatest extent practicable, errors in this process. The need for precision is most apparent with bills, in which accuracy assures that the legislation, as published, reflects the Legislature's intent at the time of passage.

The informational documents of the legislative process allow legislators, their staff, and the public, to keep track of legislation as it moves through the legislative process. The informational documents also create a record of what the Legislature has done, which is the basis for later research into the Legislature's intent.

Some documents, such as fiscal estimates, are created to provide information so that legislators can understand the consequences of the decisions that they make in connection with the passage of legislation.

**Legislature's
Website:**

<http://www.legis.wisconsin.gov>.

In addition to paper copies, many of these documents are available to the public over the Internet and to members through the Legislature's in-session websites. Another electronic source of many of these documents is the Folio database, which is available to legislators, and available to the public through a "searchable info-base."

The purpose of this chapter is to provide a brief description of the documents that are either considered and acted upon by the Legislature or that are used as part of the legislative process.

Legislative Proposals

Bills: Preparation and Introduction

The Wisconsin Constitution provides, in art. IV, s. 17, that no law shall be enacted except by bill. A bill may originate in either house of the Legislature and when passed by one house, may be amended in the other house. [Wis. Const. art. IV, s. 19.] After being passed by both houses in an identical form, a bill must be presented to the Governor for approval or disapproval. Appropriations bills may be approved in whole or in part by the Governor, subject to certain limitations contained in art. V, s. 10.

Each bill must be prepared for introduction by the Legislative Reference Bureau (LRB). The LRB employs a staff of bill drafters to ensure that bills are drafted in proper form and accurately express the intent of the authors.

A bill may be introduced in either house only by a legislator, a legislative committee of that house, a joint legislative committee comprised of members of both houses, or the Joint Legislative Council or its Law Revision Committee. Most bills are introduced by legislators.

A legislator or committee may introduce a bill at the request of an individual, an organization, or a public official or agency. A "request" bill may be introduced either because the legislator or committee supports the proposal or merely as a courtesy to get the concept into the legislative arena. A "request" bill reflects on its face that it was introduced "by request of" the requester. (For example, 2007 Senate Bill 40 was "Introduced by Joint Committee on Finance, by request of Governor Jim Doyle.")

Contents of Bills

The first page of each bill reflects its date of introduction, the authors and cosponsors, and the committee to which the bill is referred upon introduction. Each bill then lists the statutory sections affected by the bill, followed by a "relating clause" stating the bill's subject. [See sample bill, below.]

Each law is required by Wis. Const. art. IV, s. 17 (1) to begin in the same style: "The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:". This is called the "enacting clause."

The LRB is required, by statute, to prepare an analysis of each bill "in plain language." The analysis is printed as part of the bill when it is introduced. On the printed bill, it appears between the bill's relating clause and the enacting clause. In addition, explanatory notes may be included in certain types of bills, joint resolutions, resolutions, substitute amendments, and amendments.

2001 ASSEMBLY BILL 21

- Date of introduction → January 16, 2001 – Introduced by Representatives ALBERS, SCHNEIDER, FREESE,
- Authors and cosponsors → TURNER, LADWIG, GRONEMUS, OWENS and WADE, cosponsored by Senators
- Committee that the bill has been referred to → BRESKE, SCHULTZ and GEORGE. Referred to Committee on Government Operations.

- Relating clause → 1 AN ACT *to amend* 1.10 (title) and 1.10 (4); and *to create* 1.10 (1m) of the statutes;
2 relating to: designating “Oh Wisconsin, Land of My Dreams” as the Wisconsin
3 state ballad.

- Plain language analysis →

Analysis by the Legislative Reference Bureau

Under current law, “Oh Wisconsin” is the Wisconsin state song, and the Wisconsin Blue Book is required to include that information. This bill designates “Oh Wisconsin, Land of My Dreams” as the Wisconsin state ballad and requires the Wisconsin Blue Book to include that information.

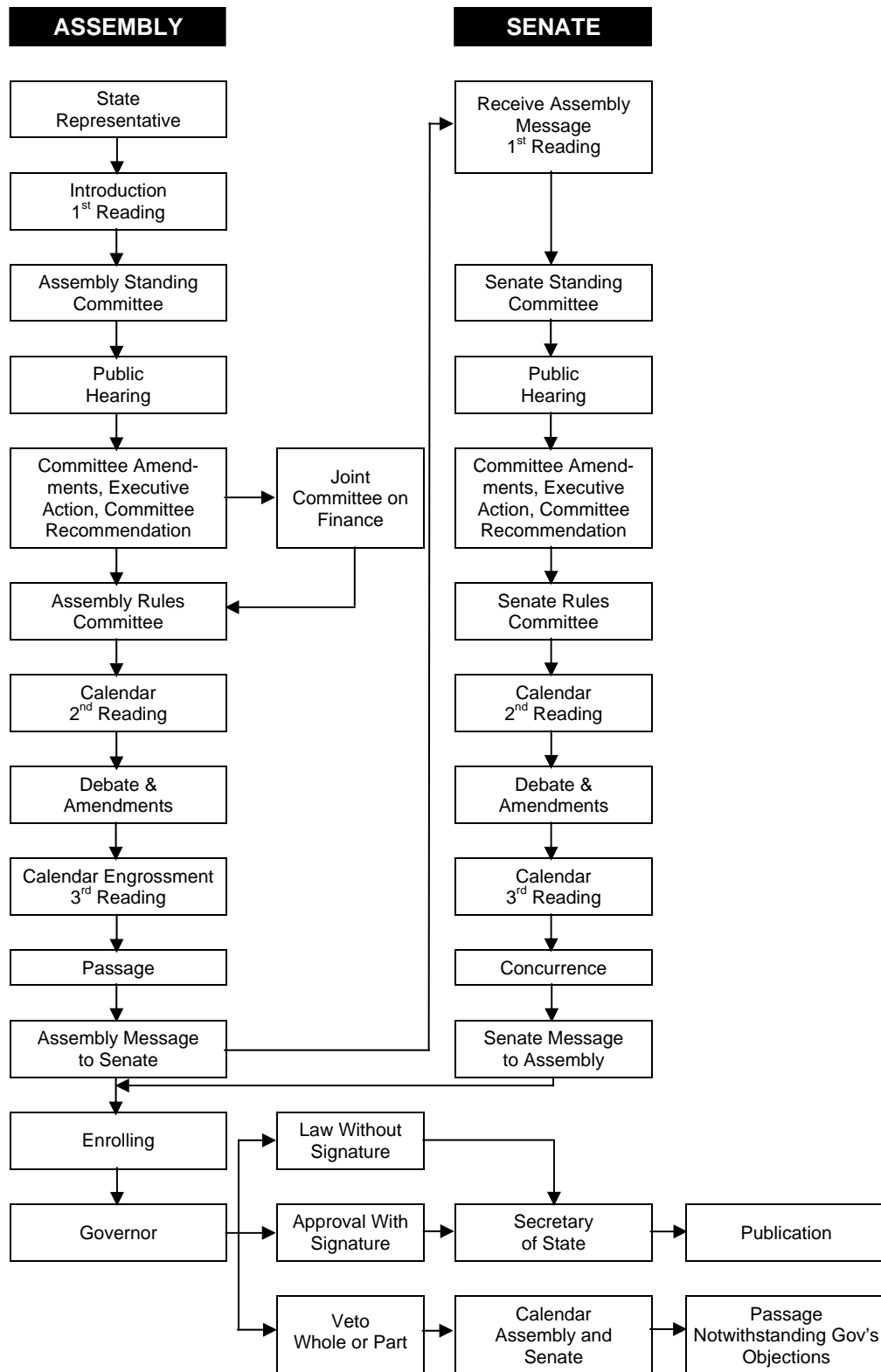
For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

- Enacting clause → *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*
4 SECTION 1. 1.10 (title) of the statutes is amended to read:
5 1.10 (title) State song, state ballad, state dance, and state symbols.

A bill may create a new statute, modify an existing statute, or repeal particular existing statutes. Each session law may also contain nonstatutory provisions, usually relating to the initial applicability or effective date of a law, or directing an agency to take one-time action. Bills may affect statutes in one or more of the following ways: repeal; renumber; renumber and amend; consolidate and renumber; consolidate, renumber, and amend; amend; repeal and recreate; and create. All of these actions can also be used with respect to any portion of a statute.

How a Bill Becomes a Law

The following chart illustrates the process that a bill goes through in order to be enacted into law. Bills may begin the legislative process in either chamber. This example tracks the path for a bill originating in the Assembly.



Source: How a Bill Becomes Law, Wisconsin Assembly Chief Clerk.

Amendments and Substitute Amendments to Bills

After the introduction of a bill, a legislator may wish to see a portion of the bill changed or eliminated or may want to add provisions to the proposal. This can be proposed by the introduction, by any legislator, of either an amendment or a substitute amendment that is germane to the bill.

An **amendment** (sometimes referred to as a “simple” amendment) affects only a portion of a bill. It may propose one or more changes, deletions, or additions to a bill or any of these in combination.

Amendments may also be amended. Amendments are only allowed to the second degree, i.e., an amendment to an amendment.

A **substitute amendment** is an amendment that proposes to replace the original bill. A substitute amendment is frequently used when the proposed changes to a bill are so numerous or complex that a simple amendment would be confusing. A substitute amendment may be amended by simple amendments. Upon adoption, a substitute amendment replaces the original bill.

If an amendment is adopted by a standing committee or on the floor, the Legislative Council staff prepares an **Amendment Memo**, which explains how the amendment modifies the bill. These memos can be found at the Legislative Council website, <http://www.legis.state.wi.us/lc>.

Amendments and substitute amendments may be offered when a bill is in either house. For example, a Senate amendment may be offered to an Assembly bill after it has passed the Assembly. If that Senate amendment is adopted, however, the bill as amended must return to the Assembly for action (concurrence or nonconcurrency) on the Senate amendment before the bill can be presented to the Governor. This is done so that the identical version of a proposal is adopted by both houses of the Legislature.

Occasionally, when the two houses are unable to agree on amendments to a bill, a conference committee will be appointed. This committee’s report may be accepted or rejected, but it cannot be changed. It may include simple and substitute amendments and may recommend that either or both houses recede from their positions on other specific amendments. The houses act only on the **conference committee report**, not on any amendments contained in the report.

Fiscal Estimates

A **fiscal estimate** is required by statute for any bill that either makes an appropriation, increases or decreases an existing appropriation, affects state or local fiscal liabilities or revenues, or creates or modifies a surcharge under ch. 814, Stats. The fiscal estimate is an estimate of the cost of the bill to the state or, if appropriate, to political subdivisions of the state. It is prepared by the state agency most familiar with or affected by the proposal. It is common for two or more agencies to prepare fiscal estimates on the same bill.

A fiscal estimate must be prepared and available before the Legislature can take any action on a bill, including holding a public hearing or voting on a bill by a standing committee or a vote on the bill by the Assembly or Senate.

The bill’s author receives the agency’s prepared fiscal estimate prior to its publication to allow the author to review the estimate. There is a five-working day delay from the day the bill’s author receives the estimate until the estimate is published unless the bill’s author authorizes earlier publication. If the author disagrees with the fiscal estimate’s accuracy, he or she may request the agency rewrite the estimate. If the agency refuses to rewrite it, the author may request a supplemental fiscal estimate from the Department of Administration or the Legislative Fiscal Bureau (LFB).

Executive budget bills are exempt, by statute, from the statutory fiscal estimate requirement. In addition, bills containing only penalty provisions are exempt from the requirement, but may be referred to the Joint Review Committee on Criminal Penalties, for a report, as described below.

Joint Survey Committee Reports

The statutes require that specific information be prepared about bills relating to public retirement laws and tax exemptions. Any bill containing a proposal relating to or affecting one of these areas must be referred to the appropriate statutory committee or committees for the preparation of printed reports. These reports are required even if the retirement or tax exemption provision is only a small portion of a larger bill dealing primarily with other subjects.

Every bill that would modify existing laws or create new laws relating to the public retirement system must be referred, prior to any legislative action on it, to the **Joint Survey Committee on Retirement Systems**. The committee must review the proposal and issue a written report pertaining to three aspects of the proposal:

- The probable costs involved.
- The effect on the actuarial soundness of the retirement system.
- The desirability of the proposal as a matter of public policy.

Every bill that would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments must be referred, prior to any legislative action on it, to the **Joint Survey Committee on Tax Exemptions**. The committee must review the proposal and issue a written report pertaining to three aspects of the proposal:

- An opinion on the legality of the proposal.
- The fiscal effect upon the state and its subdivisions.
- The desirability of the measure as a matter of public policy.

If an executive budget or budget review bill contains provisions affecting the public retirement system or a tax exemption, the bill must be referred to the appropriate joint survey committee for a written report on those provisions.

Every bill that would create a new crime or revise a penalty for an existing crime may be referred by the standing committee chairperson to the **Joint Review Committee on Criminal Penalties**. If the bill is referred to the joint review committee, it must review the proposal and issue a written report pertaining to four aspects of the proposal:

- The costs that are likely to be incurred or saved.
- The consistency of penalties proposed in the bill with existing criminal penalties.
- Alternative language needed, if any, to conform penalties proposed in the bill to penalties in existing criminal statutes.
- Whether acts prohibited under the bill are prohibited under existing criminal statutes.

The reports of joint survey or review committees are printed as appendices to the bill to which they relate and are distributed as are amendments and fiscal estimates to the bill.

Resolutions and Joint Resolutions

Resolutions and joint resolutions are legislative proposals that do not enact laws and do not require the approval of the Governor. They are, nevertheless, formal legislative proposals that may achieve significant results.

A **resolution** is acted upon by only one house of the Legislature. Resolutions proposed in the Legislature are frequently intended to achieve the following:

- Modify procedural rules of the house.
- Ask for an opinion of the Attorney General on the legality of a legislative proposal.

A **joint resolution** must be adopted by the house of its origin and concurred in by the second house. Joint resolutions proposed in the Legislature typically address the following:

- Create the session schedule for each biennial session of the Legislature.
- Propose an amendment to the Wisconsin Constitution. Enactment of an amendment to the Wisconsin Constitution requires the approval of an identically worded joint resolution by both houses in two consecutive legislative sessions and the approval by the electorate in a statewide referendum.
- Ratify an amendment to the U.S. Constitution.
- Adopt joint rules regarding the conduct of business involving both houses.
- Memorialize Congress or the President to take certain actions (or refrain therefrom).
- Direct or request an agency or committee (frequently the Joint Legislative Council) to conduct a study of an issue of public concern.
- Recognize a particular event or occasion, or extend the commendations, condolences, or congratulations of the Legislature to a particular person or group.

Citations

Citations are used by the Wisconsin Legislature to extend the commendations, condolences, or congratulations of the Legislature to a particular person or to recognize a particular event or occasion.

Citations may be issued by Senate or Assembly resolution or by any member or group of members of a house, on behalf of the house. The latter types of citations may be used in place of resolutions and do not require a vote of the members of the house.

Laws and Rules

Acts

After both houses approve the identical form of a bill, the proposal is presented to the Governor for his or her action. The Governor may approve or veto the bill or, unless the Legislature has adjourned, allow the bill to become law without his or her signature by not acting on the bill within six days (Sundays excepted) after the bill has been presented to him or her.

If the Governor approves a bill, if the Legislature overrides the Governor's veto of a bill, or if a bill is allowed to become law without the Governor's approval, the Secretary of State must publish notice of the enactment in the official state newspaper within 10 working days after its date of enactment. The official state newspaper currently is the *Wisconsin State Journal*. Unless the bill otherwise provides, the bill becomes effective the day after its publication.

After a bill is published, it is called an **Act**. The Secretary of State numbers the Acts of each legislative session chronologically in order of their approval by the Governor or their becoming law without such approval. At the end of the legislative session, all Acts are published in one or more hard-bound volumes called the **Laws of Wisconsin**. The Legislative Council staff prepares a memorandum on each Act that is signed into law. These memoranda are available at: <http://www.legis.state.wi.us/lc>.

Statutes

Biennially, after completion of the legislative session, the LRB must prepare the **Wisconsin statutes**. The biennial statutes incorporate those portions of the just-completed session's laws that create new statutes or modify existing statutes. The statutes also include the Wisconsin Supreme Court Rules that regulate attorneys and provide rules for judicial administration.

Enactments of the Legislature are not always printed in the statutes. Some of these enactments are listed in a table entitled "Special, Private or Local Laws," at pages 2225 to 2348 of **Wisconsin Annotations** (1970). The appendix to the most recent version of the Wisconsin statutes contains a table with the same title, which supplements that found in the Wisconsin Annotations. In addition, nonstatutory provisions, which often contain effective dates or direct an agency to take "one-time" action, are not printed in the statutes.

Administrative Rules

An **administrative rule** is an enactment of general application by an executive branch agency and has the force of law. Rules are issued to implement, interpret, or make specific the laws that are enforced or administered by the agency, or to govern agency procedures. Rules are published in the **Wisconsin Administrative Code**, which is in loose-leaf format, and is also available online at: <http://www.legis.state.wi.us/rsb/code.htm>.

Informational Documents

Electronic Information

Informational documents of the legislative process are available electronically for legislators and staff through a number of different resources, including:

- The legislative service agency websites, providing access to their publications and services. Each website has a rich collection of informational documents that are used in the legislative process. The following highlights some examples:
 - The **Legislative Audit Bureau** website, <http://www.legis.wisconsin.gov/lab>, includes audit reports from 1993 to date, audio archives of Joint Legislative Audit Committee hearings, best practice reviews, their biennial report, and information about the Fraud, Waste, and Mismanagement Hotline.
 - The **Legislative Council** website, <http://www.legis.wisconsin.gov/lc>, includes act and amendment memoranda, informational reports and memoranda describing various areas of the law, the Briefing Book, all study committee records and materials from 1998 to date, Law Revision Committee records, and Administrative Rules and Clearinghouse reports.

- The **Legislative Fiscal Bureau** website, <http://www.legis.wisconsin.gov/lfb>, includes memoranda on areas of the law affected by the biennial budget bill, budget papers that provide plain language analyses of the budget bill, informational papers describing various areas of the law, bill summaries, and revenue estimates.
- The **Legislative Reference Bureau** website, <http://www.legis.wisconsin.gov/lrb>, includes bill drafting records, statutes, the Administrative Code and Register, the Wisconsin Blue Book, budget briefs, budget indices to easily locate subjects within budget bills from 1999 to date, census data, informational bulletins and memoranda, and legislative briefs that give plain language analyses of select acts that transform particular areas of the law, among many other resources.
- The **Legislative Technology Services Bureau**, <http://www.legis.wisconsin.gov/ltsb>, provides a complete range of information technology services. This includes enterprise-level consulting in the areas of office automation, Internet access, payroll and accounting, constituent database support, and demographic and geographic analyses.
- The **Folio** database, containing current statutes, bill histories, journals, Assembly and Senate floor calendars, committee records, Clearinghouse rules, Attorney General opinions, acts, indices to proposals and acts, and archives of those materials from former sessions.
- The **Legislature's Homepage**, available at <http://www.legis.wisconsin.gov>, providing easy access to:
 - A quick-search field for **bill histories**. The bill history gives the relating clause and the list of authors and cosponsors of each proposal and the date on which it was introduced. The bill history also gives a chronological list of each action taken on the measure, with links to the bill text, any fiscal estimates, and any amendment memoranda.
 - The **Searchable InfoBase**, which gives a publicly accessible, searchable database of bills and amendments, statutes, acts, the Administrative Code, and other legislative documents.
 - A **notification service**, which allows tracking of legislative activities on proposals, committees, authors, and subjects. Any selected notification topics will send alerts by email.
 - The **Committee Schedule** link, which provides a calendar for all scheduled public hearings and executive sessions.
 - The Senate Session and Assembly Session links, which access the **InSession** website, give the floor agenda and links to live audiovisual coverage of the floor session.
 - The **legislative service agency** links to each service agency's homepage, for access to their publications and services, as briefly described above.
- **WisconsinEye**, a private not-for-profit enterprise that maintains audiovisual recordings of many (but not all) committee hearings and floor sessions, and campaign coverage. WisconsinEye can be found at: <http://www.WisEye.org>.

The materials and information described below are each available electronically through the Folio database or through the Legislature's homepage.

The Calendar

Each house must print a daily **Calendar** covering each day on which the house meets. The matters to be considered by the house on that day are set out and serve as an agenda for the business of the day.

If a bill has been considered by a standing committee or joint legislative committee, the report of the committee appears on the Calendar with the notation of the bill. All amendments offered to the bill prior to the printing of the Calendar also appear, following the committee report.

The rules of each house specify the order in which legislative matters are to be considered. After a Calendar for a specific day is printed, a proposal contained on it may be scheduled for a prior or subsequent day; may be removed from a Calendar and taken up immediately; or may be placed in a committee. In these instances, the Calendar is not reprinted. It is up to the individual legislator to keep his or her Calendar current.

The Floor Calendar is maintained in the Folio database and is available through the InSession website.

The Journal

The Wisconsin Constitution requires each house to keep and publish a **Journal of Proceedings**. These Journals contain a daily record of the actions of the house and are generally available to members before the next daily meeting of the house.

The daily Journal of each house is prepared under the direction of the Chief Clerk of each house. The printed Journals constitute the official record of each house.

The Journals reflect actions on bills, resolutions, and joint resolutions and on amendments and substitute amendments to these proposals. They also record roll call votes, committee assignments and reports, procedural motions, messages from the other house, and executive communications.

The Senate and Assembly Journals are maintained in the Folio database.

Weekly Schedule of Committee Activities

In order to provide the public with reasonable notice of public hearings, a **Weekly Schedule of Committee Activities** for the two houses is prepared in advance and published in the official state newspaper. The Weekly Schedule lists the time and place of the legislative committee hearings and the proposals scheduled to be heard at each hearing. Meetings of Joint Legislative Council study committees are also listed in the Schedule.

The rules of each house require that each committee chairperson, by Monday at 12:00 noon, file with the Chief Clerk of his or her respective house a list of the public hearings on proposals before his or her committee which are to be held during the following week. An "Advance Notice" may be published for a hearing to be held on a date later than the following week.

The Weekly Schedule is also maintained in the Folio database, and is available through the Legislature's homepage.

For more information on providing the public with reasonable notice of public hearings, see the Briefing Book chapter, "Open Meetings Law."

Bulletin of Proceedings

The **Bulletin of Proceedings** is a cumulative summary of the status of each proposal before the Legislature.

The Bulletin contains the relating clause and the list of authors and cosponsors of each proposal and the date on which it was introduced. It also gives a chronological

list of each action taken on the measure up to the date of the Bulletin's publication. All information in the Bulletin is cross-referenced to the page in the daily Journals at which the details of the Legislature's action are noted.

The Bulletin also contains a separate booklet on all administrative rules submitted to the Legislative Council Rules Clearinghouse. The booklet contains a chronological list of actions taken on a rule by legislative committees.

The Bulletin is published four times during each biennium, and is available through the LRB.

Bill histories are maintained in the Folio database and are available through the Legislature's homepage quick search field.

Committee records for attendance and votes are maintained in the Folio database. Committee materials that were distributed at public hearings are available through the Legislative Council's website, if provided by the witness.

The Blue Book

The **Wisconsin Blue Book** is a biennial publication compiled, edited, and prepared in each odd-numbered year by the LRB. The Blue Book was issued annually from 1853 to 1884. Thereafter, it has been prepared biennially. It is an encyclopedia of information regarding Wisconsin state government.

Each Blue Book contains at least one major article on some aspect of Wisconsin government of special current interest. In addition, it contains a wealth of information about Wisconsin, including the following:

- Biographies and pictures of state-elected officials and the officers of each house.
- A copy of the State Constitution, along with the history of amendments that have been proposed and added.
- A description of the framework of Wisconsin state government.
- Descriptive materials and data relating to the organization of each branch of Wisconsin state government.
- Information on Wisconsin political parties and party platforms.
- Information on recent elections in Wisconsin.

The Blue Book is available online through the Legislature's homepage, at: <http://www.legis.wisconsin.gov>.

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