



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

Prepared by the Wisconsin Legislative Council Staff, 2019

Introduction to the Legislature

Wisconsin has a tripartite form of government with three separate but equal branches—the legislative, the executive, and the judicial. Wisconsin's Constitution creates a separation of powers between the three branches, giving each branch exclusive “core powers,” in which other branches may not intrude. As it relates to the Legislature, the Wisconsin Constitution states: “The legislative power shall be vested in a senate and assembly.”

The Wisconsin Legislature is bicameral, meaning that it has two houses, with the power to create, amend, and repeal laws. The two houses are the Wisconsin State Assembly and the Wisconsin State Senate.

Wisconsin is divided into 33 Senate districts, with roughly equal populations, and each Senate district is divided into three Assembly districts. Thus, the Senate consists of 33 senators and the Assembly consists of 99 representatives. Senators serve four-year terms and representatives serve two-year terms. All 99 representatives are elected in November of each even-numbered year. Senators' terms are staggered, so half of the senators are elected in one legislative election and the other half are elected two years later, in the next election.

FUNCTIONS OF THE LEGISLATURE

LEGISLATION

The Legislature's principal function is lawmaking, which it accomplishes through legislation. The Legislature passes bills to create, amend, and repeal laws. Most of the laws are codified in the Wisconsin statutes, the state's legal code.

In addition to passing bills, the Legislature adopts resolutions, which are used for a variety of purposes, including amending the Wisconsin Constitution. Resolutions are also used to create, amend, and repeal the internal operating rules of the Legislature. In addition, the Legislature uses resolutions to express its views or sentiments on various matters. These include honoring members of the Armed Services killed in action; recognizing individuals who have made exceptional contributions to society; and urging Congress or others to take certain actions or to support certain policies.

OVERSIGHT OF THE EXECUTIVE BRANCH

In addition to making laws, the Legislature exercises oversight of the executive branch, which is empowered to execute and administer laws, programs, and policies created by the Legislature. The executive branch includes various state agencies, special committees, boards, commissions, and councils and is generally headed by the Governor.

The Legislature oversees the executive branch in several ways, including the following:

- Legislative standing committees and the Joint Committee for Review of Administrative Rules (JCRAR) oversee the promulgation of administrative rules by state agencies.
- The Joint Legislative Audit Committee receives and reviews the work of the [Legislative Audit Bureau](#), which conducts both financial audits and performance evaluations of state agencies and state government programs.
- The Legislature sets the budgets for state agencies every two years, and the Joint Committee on Finance, assisted by the [Legislative Fiscal Bureau](#), plays a large role in the biennial budget process. This process ensures that each agency's budget gets a complete review by the Legislature at least once every two years.
- A legislative committee or an individual legislator may ask a state agency to brief the committee or the legislator on programs administered by the agency, especially if there appear to be problems in the program.

LEGISLATIVE SESSIONS

The word “session” is used in various ways with regard to the Legislature. The “biennial session” is the two-year cycle that begins after each general election. A “floorperiod” is a period of one or more consecutive weeks when the Legislature is scheduled to meet. “Floor session” is a meeting of one house of the Legislature, on a particular day.

BIENNIAL SESSION

The Legislature operates on a two-year schedule called a biennial session, or biennium that begins in the first week of each odd-numbered year. The first days of the new session are dedicated to the inauguration of the members and organization of the Legislature. One of the first legislative acts in a new session is the adoption of a joint resolution that establishes the session calendar. Included in the calendar are scheduled floorperiods and committee work periods and the dates by which passed legislation must be sent to the Governor for signature or veto.

In late January, the Governor submits his or her proposed state budget to the Legislature. While the Joint Committee on Finance begins work on the budget, other committees begin work on other legislation. The Legislature will meet several times to act on these bills; however, the focus of the Legislature remains largely on the budget until its passage, usually in late June.

Following a summer recess, the Legislature returns to address the rest of its business for the session. The last floorperiod for enacting legislation is usually in March or April, with one more floorperiod scheduled after this for the limited purpose of considering gubernatorial vetoes of bills the Legislature has passed.

The Legislature does not meet again after the veto review floorperiod unless the Governor calls it into special session, or the Legislature calls itself into extraordinary session, to address legislation on a specific topic.

The period from the veto review floorperiod until the convening of a new Legislature the following January is often referred to as the “interim” or “study” period. The Legislature engages in two activities during the interim. First, it forms study committees to develop legislation for the following session; these study committees are described below. Second, the members return to their districts and run for re-election, after which the biennial cycle starts again.

FLOORPERIODS

As noted earlier, floorperiods are typically two to three weeks long, though some are longer. The Legislature usually meets on Tuesdays, Wednesdays, and Thursdays. However, they do not typically meet all three days in each week of a floorperiod. Rather, they meet when there is enough legislation ready for their consideration to warrant a session, and it is not uncommon that one or both houses will meet only once or twice during a scheduled floorperiod.

ACTIVITIES OF THE LEGISLATURE

STANDING COMMITTEES

Each house creates its own standing committees at the beginning of the biennial session, each with a specific area of jurisdiction; Senate committees generally combine several topic areas. These committees have three principal functions related to legislation:

- To determine what legislation will advance through the legislative process. This is a power exercised largely by the committee chair, who decides what bills to schedule for committee consideration.
- To present information to committee members about the bills. Committee members become the experts in the Legislature on the bills that come before their committees.
- To prepare bills for consideration by the full house.

Standing committees hold two kinds of meetings: public hearings and executive sessions. At a public hearing, committee members learn about bills in the committee through testimony presented by the author, experts, lobbyists, and members of the public who have an interest in the bills. At executive sessions, committees prepare bills for consideration on the floor by voting to recommend adoption of amendments they consider necessary and to recommend passage of the bills they want to see advance in the process.

Standing committee meetings are generally required to be open to the public, and anyone can testify at public hearings on legislation. Many standing committee meetings may be viewed online on the public affairs network, WisconsinEye, which also may be available through your cable service.

FLOOR SESSIONS

Bills that have been passed by a standing committee or by the other house are debated and voted on in a floor session. The public may observe these sessions from the galleries in the Senate and

Assembly chambers or on television or the Internet using the Legislature's home page or the WisconsinEye public affairs network.

STUDY COMMITTEES

During the interim period between the final veto review floorperiod until the convening of a new Legislature the following January, study committees, appointed by the [Joint Legislative Council](#), meet to develop legislation for the following biennial session. They are formed to study and develop legislative solutions for issues that are difficult to resolve in the regular course of legislative business or that legislators feel require further consideration prior to the introduction of legislation. They consist of legislators with an interest in the subject and members of the public selected based on their interest or technical expertise in the subject. While many states use study committees, Wisconsin is one of the only states where members of the public sit on the committees as full, voting members. The study committees develop legislation that they recommend for introduction in the next biennial session. If the Joint Legislative Council votes to introduce bills developed by study committees, those bills are referred to standing committees and move through the legislative process just like any other bill.

WHO'S WHO IN THE LEGISLATURE

FLOOR SESSIONS

In the Assembly chamber, members sit in two blocks of seats divided by an aisle. Republican representatives sit on the side nearest the windows; the Democrats sit across the aisle from them. The Senate chamber has two concentric rings of seats. The majority party members sit in the outer ring, and the minority party members sit in the inner ring.

The most prominent legislator in the room during floor sessions is the presiding officer, who stands at the podium in front of the members. In the Senate this is the President; in the Assembly it is the Speaker. In front of the presiding officer is the Chief Clerk, who helps the presiding officer run the session and, with his or her staff on either side, records the events of the session and formal actions of the body.

The next most prominent legislators in the chamber are the majority leader and minority leader, who have seats facing the presiding officer. These individuals guide the session by making motions on behalf of their caucuses, such as asking for adoption or rejection of amendments, passage, or tabling of bills.

The Sergeant-at-Arms ensures decorum and security in the chamber and supervises pages who deliver messages to and run errands for the legislators.

STANDING COMMITTEES

At a standing committee meeting, the committee chair sits at the head of the table. To one side of the chair is the committee clerk. This person is a member of the chair's personal staff. The clerk helps the chair plan, organize, and run the hearing, and prepares a committee report afterward.

To the other side of the chair is the Legislative Council staff member assigned to the committee. This person's job is to answer questions from the chair and committee members regarding legal

and policy matters, as well as committee procedures. The Legislative Council staff are nonpartisan, and assist all members of the committee.

The Republican members of the committee are seated on one side of the hearing table and the Democratic members are on the other. Seated behind each committee member, usually, is a person from that member's personal staff. In cases when the legislator is absent or temporarily out of the room, this staff member takes notes and collects written testimony for the legislator.

Seated or standing near the door is a page. The page collects hearing registration slips from people wishing to testify or register in favor of or against a bill and delivers them to the committee clerk, distributes written testimony to committee members, runs errands, and performs other services at the request of the committee chair and members.

BEHIND THE SCENES

Many other people work behind the scenes to make the Legislature function. All legislators have personal staff who perform many functions for them, including running their Capitol offices, researching ideas for legislation, preparing them for committee meetings and floor sessions, and responding to contacts from constituents. The entire Legislature is also served by nonpartisan legislative staff in five agencies:

- The [Legislative Reference Bureau](#) (LRB) provides bill drafting, research, and library services.
- The [Legislative Fiscal Bureau](#) (LFB) provides fiscal analysis of legislation and staffs the Joint Committee on Finance. The LFB has a particularly important role in the development of the biennial state budget.
- The [Legislative Council](#) (LC) works with standing committees and study committees and provides research and other services to the committees and to individual legislators and their staff.
- The [Legislative Audit Bureau](#) (LAB) conducts audits and performance evaluations of state agencies and programs.
- The [Legislative Technology Service Bureau](#) (LTSB) develops and supports the technology used by the Legislature.