



Wisconsin Briefs

from the Legislative Reference Bureau



Brief 06-10

July 2006

RESEARCHING LEGISLATIVE HISTORY IN WISCONSIN

This brief discusses the sources and methods that are available to research the legislative history of a Wisconsin statute.

Researching the legislative history of a Wisconsin statute involves several practical obstacles. The legislative process in Wisconsin, as in many states, is not geared toward documenting intent. Many of the resources commonly associated with legislative intent research with respect to the United States Congress have no counterpart in the Wisconsin Legislature. There is no verbatim record of floor debates. There are no formal reports of standing committees indicating the reasons why legislation should be enacted. There is no transcript of committee proceedings. Without those resources, documentation of legislative intent must rely on other resources which are not necessarily relevant to intent, are often not useful, and usually must be interpreted in order to be helpful to the researcher at all.

With those limitations in mind, there are a number of steps to follow in researching Wisconsin legislation:

- 1) Determine what session law created the language being researched;
- 2) Examine the bill, its analysis, its amendments, and other associated documents;
- 3) Review the drafting record for the bill;
- 4) Check the procedural history of the bill;
- 5) Locate and review any additional material; and
- 6) Observe certain special steps in researching language originating in budget bills.

STEP 1: DETERMINE WHAT SESSION LAW CREATED THE LANGUAGE BEING RESEARCHED

29.337 Hunting and trapping by landowners and occupants. (1) The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, coyotes, foxes, raccoons, woodchucks, rabbits, and squirrels on the land without a license issued under this chapter or ch. 169 at any time, except as follows:

(a) An owner or occupant may not hunt any of these wild animals during the period of 24 hours before the time for commencement of the deer hunting season in any area where an open season for hunting deer with firearms is established.

(b) Such persons may not hunt coyotes during an open season for hunting deer with firearms in an area that is closed by the department by rule to coyote hunting.

(2) The owner or occupant of any land and any member of his or her family may take beaver, rabbits, raccoons and squirrels on the land at any time by means of live trapping with box traps in areas where the discharge of a firearm is illegal.

History: 1979 c. 142; 1987 a. 27; 1993 a. 246; 1997 a. 27; 1997 a. 248 ss. 433 to 436; Stats. 1997 s. 29.337; 2001 a. 56, 105.

Cross Reference: See also ch. NR 12 and ss. NR 10.13 and 10.145, Wis. adm. code.

Search as narrow a range of statutory language as possible. In the example above, researching the entire section requires the examination of six laws; limiting the search to subsection (2) requires the examination of four laws. Limit the search to the word "beaver" and only one law – 1987 Act 27 – must be examined.

The first step in examining legislative history is determining which act of the Wisconsin Legislature created the language of interest. In doing this, researchers will find it useful to narrow their search immediately by focusing on a particular word or phrase. Avoid trying to research an entire statute section or subsection, as this will usually multiply the number of legislative actions that must be examined.

What is a Session Law? A session law is simply another name for an act of the Wisconsin Legislature, as published biennially in the *Laws of Wisconsin* volumes in order of enactment following each biennial session of the legislature.

Following each section of the Wisconsin Statutes is a history note that lists each act of the legislature since 1971 that affected that section. Another volume, the *Wisconsin Annotations 1970*, lists acts that affected each section of the statutes prior to 1971. One or more of the acts listed created the language being researched. Another publication, *West's Wisconsin Statutes Annotated*, a privately published version of the statutes, provides a complete history note following each section, which encompasses the period 1848 to the time of publication. In this publication, more recent legislative actions may be listed in a "pocket part" at the end of the volume.

If the history note for the section being researched lists only a few acts, it is usually best to examine each act to determine which created the language you are interested in. If the note lists many acts, as is often the case, it is probably better to narrow the search by looking at old editions of the *Wisconsin Statutes*, which are published every two years, to see which edition of the statutes first included a particular provision. By doing so, the researcher can determine the legislative session in which the provision was created. If more than one act for that session is listed in the history note, the researcher can determine which one created the language being researched by looking at the sections affected list at the end of the *Laws of Wisconsin* volumes for that session. The sections affected list is a numerical listing of statute sections created, repealed, amended, or otherwise affected by that biennial legislature, along with which acts of the legislature made each change.

THINGS TO WATCH FOR

There are a number of obstacles researchers may encounter when trying to determine which act of the legislature created the language they are researching.

Renumbering. Statute sections are sometimes renumbered by the Legislature or the Revisor of Statutes in order to facilitate logical and orderly organization. If the statute being researched is more than 30 or 40 years old, there is a good chance that it has been renumbered since its creation. If this is the case, it is important for the researcher to determine the previous number and carry the search further back to the creation of the language under that previous number, even though the origin of the current number has been found.

Repeal and Recreate. Often the legislature finds it useful to repeal an existing statute and recreate it using new language. If a statute is traced back to an act that repeals and recreates it, the researcher must decide whether their interest is in the specific language of the statute, in which case the search is ended, or the concept at issue, in which case the researcher should continue looking for the history of the preexisting language.

Budget Acts. Because of their size and the diversity of their subject matter, budget acts provide unique problems for the researcher. In recent decades, a significant amount of legislation has been enacted through budget acts. The specific techniques and resources involved in researching statutes originating in budget acts are discussed in Step 6.

"Chapter" vs. "Act". A common source of confusion in legislative history research is the designation of session laws as both "chapters" and "acts." Prior to 1983, each session law was known as a "chapter," meaning a chapter of the *Laws of Wisconsin*

allowed for general trail development including bridge construction is \$500 per mile.

2. The maximum amount allowed for general trail development including bridge construction may exceed \$500 per mile if the amount is recommended by the snowmobile recreation council and approved by the department.

Cross Reference: See also ch. NR 50, Wis. adm. code.

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89; 2005 a. 25.

Cross Reference: See also ch. NR 1, Wis. adm. code.

A determination of necessity for condemning lands for conservation purposes is not invalidated by a showing that the board considered the question of whether the

Unofficial text from 03-04 Wis. Stats. database. See printed 03-04

Laws prior to 1983 use "c." for "chapter"; laws from 1983 to the present use "a." for "act".

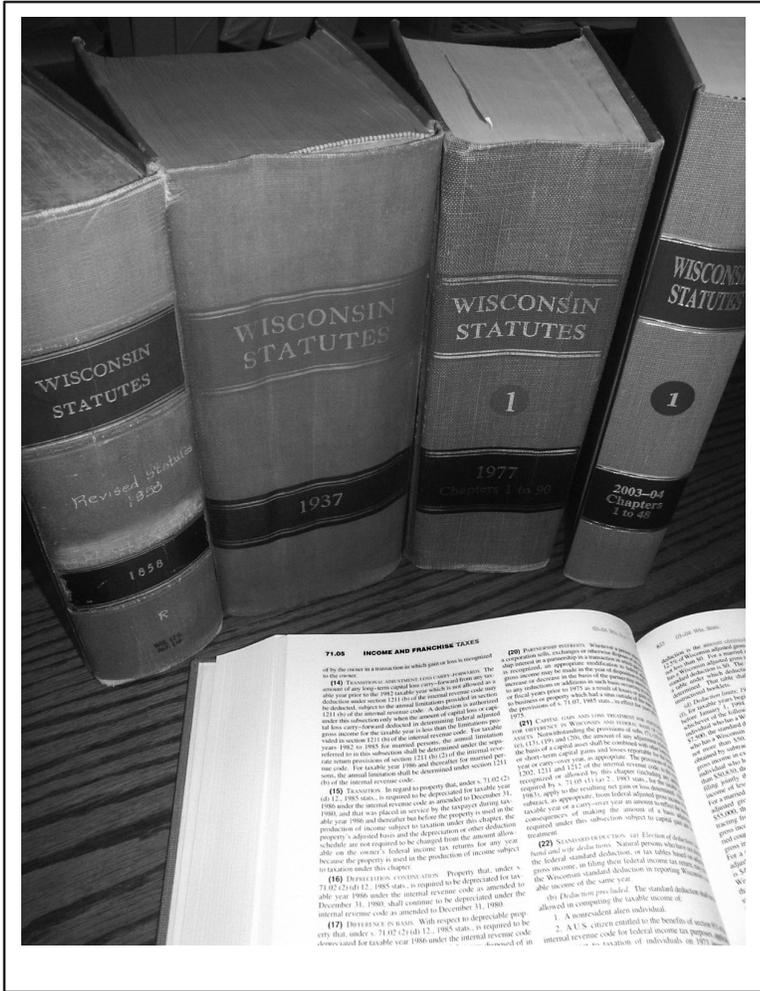
for that session. Because this designation was often confused with chapters of the statutes, the legislature passed a law providing that, beginning in 1983, session laws would be designated as “acts,” a term that had already been used generically to refer to session laws for many years. Observant users of the *Wisconsin Statutes* history notes will notice that the designation “c.” for chapter is used for all laws prior to 1983, while the designation “a.” for acts is used for all acts beginning with 1983.

Examine the Session Law to be Sure It Created the Language Being Researched. Once the researcher has found out which session created the language, it is usually prudent to examine the text of the relevant acts from the session to verify which act actually created the language he or she is interested in. This can avoid wasting time on researching acts that merely renumber or make stylistic changes to a statute. The structure of a session law is similar to that of an introduced bill, which will be discussed in Step 2 of this brief.

RESOURCES

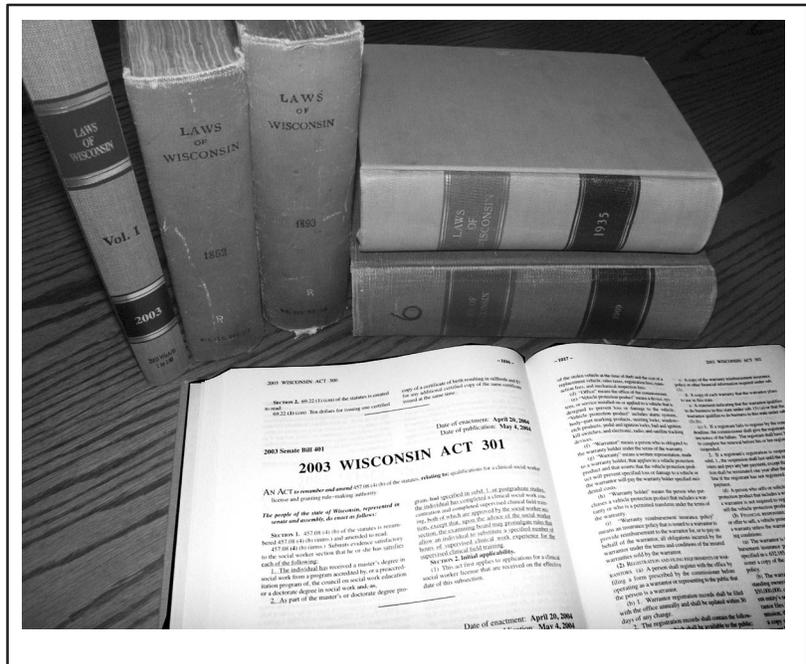
Statutes. The *Wisconsin Statutes* are published biennially by the Revisor of Statutes Bureau. The statutes are a subject compilation of the law, and use a decimal numbering system for organizational purposes. The date of each edition of the statutes reflects the years of the legislature that completed its work immediately prior to publication; therefore, the 2003-04 Wisconsin Statutes are not published until the end of 2004, and incorporate all action of the 2003 biennial session of the legislature. Prior to 1911, the statutes were published irregularly by a special act of the legislature, which usually designated a committee of attorneys to create a complete revision of the statutes. This first occurred during the territorial period in 1839. After statehood, revised statutes were published in 1849, 1858, 1871, 1878, 1889, and 1898. In 1909, the legislature passed a law creating the position of Revisor of Statutes and providing for continuous revision to occur following each biennial session of the legislature. Thus, statutes have been published every other year since 1911.

Laws of Wisconsin. The *Laws of Wisconsin*, also known as the Wisconsin Session Laws, are published biennially by the Legislative Reference Bureau (LRB) following final action of the legislative session. The publication consists of each act of the legislature, numbered in the order in which the act was signed by the governor. Each edition also includes selected joint resolutions adopted by the legislature, a list of statute sections affected by the legislature, and a subject index to acts and enrolled joint resolutions of the recently completed legislative session. The *Laws* have been published following each legislative session since statehood in 1848. The organization of the publication has changed little since then, although the sections affected list first appeared in 1899. A few anomalies are worth noting. Prior to 1883, the legislature met in annual session; therefore, the session laws were published annually. Until the 1950s, laws passed in special session were given their own numerical sequence beginning with “1” (e.g., Special Session of 1933, Chapter 1). Laws passed during the even year in special session were often published in the session laws volume of the following legislative session. Beginning in the 1960s, when regular session business began to routinely carry over into the even-numbered year, special session laws were placed in the same numerical sequence with regular session laws. Also at that time, a significant number of session laws began to be passed during the even year. Despite being enacted in the even-numbered year, these laws are all cited using the odd-numbered, or session, year. When the new legislature convenes at the beginning of the next odd-numbered year, the numerical sequence will begin again with “Act 1.” This act will be the first act published in the next biennial *Laws of Wisconsin*.



The Wisconsin Statutes are a subject compilation of the law published biennially.

The Laws of Wisconsin, also published biennially, consist of each law enacted in the order of enactment.



STEP 2. EXAMINE THE BILL AND ASSOCIATED DOCUMENTS

Once the right session law or act as been identified, it is usually useful to examine the bill that created the act. A bill is a proposal before the legislature to create new law, or to modify or repeal existing law.

Finding the Bill Number. Every act of the legislature has the number of the bill that created it in the upper left-hand corner. Bills are numbered sequentially in the order of introduction. Each house numbers bills introduced in that house independently of bills introduced in the other house. Proposals introduced separately in each house will have different numbers even if the text is identical. When a new legislature convenes at the beginning of each odd-numbered year, the bill-numbering sequence begins again with “1” and goes up with each bill introduced throughout the bien-nium. In order to avoid confusion, it is usually prudent to identify the bill number along with its odd-numbered session year, for example, 2005 Assembly Bill 123.

The Structure of a Bill. The top of each bill states the date of the bill’s introduction along with a list of the authors, co-authors, and co-sponsors of the bill. The **Title** of the bill includes a list of the **statute sections affected** by the bill and the **relating clause**, which is a brief statement of the bill’s subject matter. The title is followed by the **Analysis by the Legislative Reference Bureau**, which is a clear and objective description of the bill written in plain language by the attorney who drafted the bill to assist legislators and the public in understanding the bill. The body of the bill is always preceded by the **Enacting Clause**, “The people of the state of Wisconsin, represented in senate and assembly, do enact as follows;,” which is required by Article IV, Section 17 of the Wisconsin Constitution. The **Body** of the bill contains the actual law-making part of the proposal. The body of the bill begins with the changes to **statutory law**, arranged in statute number order, which makes it simple for someone researching a specific section of the statutes to find the provision being researched. The statutory lan-

2005 - 2006 LEGISLATURE

LRB-2566/1
JK:lmk&jld:rs

2005 ASSEMBLY BILL 339

April 15, 2005 – Introduced by Representatives VAN ROY, AINSWORTH, DAVIS, FREESE, GARD, GRONEMUS, GUNDERSON, HINES, JENSEN, JESKEWITZ, KRAWCZYK, KREIBICH, F. LASEE, MURSAU, MUSSEY, NASS, NISCHKE, OTT, OWENS, PETTIS, PETROWSKI, SEIDEL, SHILLING, STRACHOTA, SUDER, TOWNS, VOS, VRAKAS, M. WILLIAMS and WOOD, cosponsored by Senators LEIBHAM, KEDZIE, A. LASEE, REYNOLDS and ROESSLER. Referred to Committee on Small Business. Referred to Joint Survey Committee on Tax Exemptions.

- 1 AN ACT *to create* 70.11 (27m) of the statutes; **relating to:** a property tax
2 exemption for restaurant kitchen equipment.

Analysis by the Legislative Reference Bureau

This bill creates a property tax exemption for machinery and equipment used primarily in the operation of a restaurant’s kitchen to prepare or serve food or beverages, regardless of whether the machinery or equipment is attached to real property.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 70.11 (27m) of the statutes is created to read:
4 70.11 (27m) RESTAURANT KITCHEN EQUIPMENT. (a) In this subsection,
5 “machinery” has the meaning given in sub. (27) (a) 2.

The structure of a bill.

the amount of the credit is equal to 16 percent of the first \$2,500 of rent paid on the person's principal dwelling, or, for married persons filing separately, 16 percent of the first \$1,250 of rent paid on the person's principal dwelling.
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 SECTION 1. 20.835 (3) (bm) of the statutes is created to read:
- 2 20.835 (3) (bm) *Homeowner's tax credit*. A sum sufficient to make the payments
- 3 under s. 79.10 (5m) and (6m) (c).
- 4 SECTION 2. 71.07 (9) (b) 5. of the statutes is amended to read:
- 5 71.07 (9) (b) 5. For taxable years beginning after December 31, 1999, subject
- 6 to the limitations under this subsection a claimant may claim as a credit against, but
- 7 not to exceed the amount of, taxes under s. 71.02, 12% 12 percent of the first \$2,500
- 8 of property taxes or 16 percent of the first \$2,500 of rent constituting property taxes,
- 9 or 12% except that a married person filing separately may claim 12 percent of the
- 10 first \$1,250 of property taxes or 16 percent of the first \$1,250 of rent constituting
- 11 property taxes of a married person filing separately.
- 12 SECTION 3. 74.09 (3) (b) 6. of the statutes is amended to read:
- 13 74.09 (3) (b) 6. The amount of the credit credits under s. 79.10 (5) and (5m)
- 14 allocable to the property for the previous year and the current year, and the
- 15 percentage change between those years.
- 16 SECTION 4. 79.10 (1) (dm) of the statutes is amended to read:
- 17 79.10 (1) (dm) "Principal dwelling" means any dwelling that is used by the
- 18 owner of the dwelling as a primary residence on January 1 of the year preceding the

The body of a bill is arranged in statute number order.

ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 559

October 6, 2005 - Offered by COMMITTEE ON TRANSPORTATION.

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 1, line 2: delete "122" and substitute "11".
- 3 2. Page 1, line 3: after "Tubman" insert "Underground Railroad".
- 4 3. Page 2, line 2: after "Tubman" insert "Underground Railroad".
- 5 4. Page 2, line 3: delete "122" and substitute "11".
- 6 5. Page 2, line 3: delete "at STH".
- 7 6. Page 2, line 4: delete that line and substitute "at I 39/90 in Janesville and
- 8 proceeding westerly to Racine".
- 9 7. Page 2, line 5: delete "County".
- 10 8. Page 2, line 5: on lines 5 and 12, after "Tubman" insert "Underground
- 11 Railroad".
- 12 (END)

Simple amendments are arranged by referring to the page and line number of the bill or amendment being amended.

1 may transfer the excess moneys to the veterans trust fund. The amount transferred
2 under this subsection may not exceed \$16,000,000.

SECTION 9. Nonstatutory provisions.

4 (1) The authorized FTE positions for the department of veterans affairs, funded
5 from the appropriation under s. 20.485 (1) (gk), are increased for fiscal year 2006-07
6 by 1.51 PR positions for the purpose of providing information technology server and
7 network infrastructure staff.

8 (2) The authorized FTE positions for the department of veterans affairs, funded
9 from the appropriation under s. 20.485 (2) (u), are increased for fiscal year 2006-07
10 by 0.71 SEG positions for the purpose of providing information technology server and
11 network infrastructure staff.

12 (3) The authorized FTE positions for the department of veterans affairs, funded
13 from the appropriation under s. 20.485 (3) (s), are increased for fiscal year 2006-07
14 by 1.07 SEG positions for the purpose of providing information technology server and
15 network infrastructure staff.

SECTION 10. Effective date.

16 (1) This act takes effect on July 1, 2006.

17 (END)

*Nonstatutory provisions appear at the end of a bill.
The effective date is often the last item.*

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 447

March 7, 2006 - Offered by Representative GUNDRUM.

1 AN ACT to renumber and amend 895.85 (3); and to create 895.85 (3) (a), 895.85
2 (3) (b) and 895.85 (6) of the statutes; relating to: punitive damage awards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 895.85 (3) of the statutes is renumbered 895.85 (3) (intro.) and
4 amended to read:

5 895.85 (3) (intro.) The plaintiff may receive punitive damages if evidence is
6 submitted showing that the defendant acted maliciously toward the plaintiff or in an
7 intentional disregard of the rights of the plaintiff, did any of the following:

8 SECTION 2. 895.85 (3) (a) of the statutes is created to read:
9 895.85 (3) (a) Acted with the intent to cause injury to a particular person or
10 persons.

11 SECTION 3. 895.85 (3) (b) of the statutes is created to read:

Substitute amendments completely replace the bill being amended.

guage of a bill may be followed by certain **nonstatutory language**, which if passed by the legislature will have the effect of law, but does not merit inclusion in the statutes because it has no continuing application or is very limited in scope. The last item found in a bill is often the **effective date** of the proposed legislation. If no effective date is listed, a law is effective the day after the publication date designated by the secretary of state after enactment.

Amendments. The legislature often finds it necessary to amend bills in order to make the legislation acceptable to a majority of the membership of each house. There are two kinds of amendments. **Simple amendments** modify portions of a bill that are identified by page and line number designations without context. **Substitute amendments** entirely replace the introduced bill. These are offered, often by a committee reviewing the bill, when the changes needed are so comprehensive that it is simplest to create an entirely new document. Substitute amendments usually do not include an Analysis by the Legislative Reference Bureau.

Finding Specific Language and Where It First Appeared. Because the body of the bill is arranged in statute number order, it is fairly simple to find specific language if the statute number is already known, as is usually the case when researching legislative history. If the relevant language is in the original bill, there is usually no need to examine amendments. If the language does not appear in the original bill, it may have originated in a substitute amendment. If it did not originate in a substitute amendment, it may be necessary to look at simple amendments. In reviewing a simple amendment, go to the page and line number of the bill or substitute amendment, note the action of the amendment, e.g., insert, delete, or delete and substitute, and analyze the effect of that action on the proposal.

Fiscal Estimates. Many bills have fiscal estimates printed as appendices. These documents, which first appeared in 1953, are prepared for all bills having a fiscal effect on state or local government expenditures by the agency or agencies affected by the bill. Each fiscal estimate includes a brief description of how the bill would affect the agency, and a summary of the agency's best estimate of how the bill would impact state finances. If more than one agency is affected by a bill, more than one fiscal estimate will be prepared. Fiscal estimates are usually not extremely useful in determining legislative intent.

Other Attachments and Appendices. There are certain other circumstances in which information is printed as an appendix to a bill. Each is less common than a fiscal estimate, and is usually of limited interest to those researching legislative intent. Bills relating to the Public Employee Retirement System receive an analysis by the Joint Survey Committee on Retirement Systems; bills relating to tax exemptions receive an analysis by the Joint Survey Committee on Tax Exemptions; bills dealing with lakebed grants require a report by the Department of Natural Resources; bills dealing with the revocation of drivers licenses or creating vehicle weight limit exceptions require a report by the Department of Transportation; bills directly or substantially affecting housing require a report by the Department of Commerce; and bills creating a new crime or revising a criminal penalty may include a report from the Joint Committee on Criminal Penalties.

Constitutional Amendments. The process for adoption of amendments to the Wisconsin Constitution is similar to that for enacting a law, but the differences are significant. A constitutional amendment must pass two consecutive sessions of the legislature and be approved by the electors at a referendum scheduled by the legislature. This is distinct from the manner in which a law passes; a law must be passed only once, but must be approved by the governor or passed over his veto by a two-thirds vote. The governor has no formal role in the adoption of a constitutional amendment.

Unlike a law, a constitutional amendment passes through the legislature as a joint resolution instead of a bill. The form of a joint resolution is similar to that of a bill except for the absence of

Wisconsin Department of Administration
Division of Executive Budget and Finance

Fiscal Estimate - 2005 Session

Original Updated Corrected Supplemental

LRB Number 05-2744/3	Introduction Number SB-320	
Subject Unsolicited electronic mail		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.115(1)(a)		
Agency/Prepared By DATCP/ Jim Rabbitt (608) 224-4965	Authorized Signature Barb Knapp (608) 224-4746	Date 10/18/2005

Figure 8-1a

Fiscal Estimate Narratives
DATCP 10/18/2005

LRB Number 05-2744/3	Introduction Number SB-320	Estimate Type	Original
Subject Unsolicited electronic mail			

Assumptions Used in Arriving at Fiscal Estimate

This bill regulates electronic mail solicitations (Spam) that are sent without consent of the receiving e-mail user. It prohibits messages that contain misrepresentations, use of multiple domain names to mask the identity of the sender, or in other ways falsifying the senders identity in the sending of electronic mail solicitations.

Spam has become one of the most reported consumer problems to state and Federal agencies. This bill attempts to regulate a subset of Spam messages, those that contain certain misrepresentations relating to the identity of the sender.

This bill directs the department to create an internet web site that explains how to file a complaint and enables the consumer to file the complaint electronically. It also requires the department to investigate all instances of spam reported by consumers on the web site.

It is assumed that in Wisconsin there are an estimated 2.1 million households, of those approximately 1.4 have computers and use the internet. In addition it is assumed conservatively that .6 million business professionals use the internet in the workplace for a total of 2 million Wisconsin internet users that would be affected by this bill.

Studies show that internet users receive an average of 30 unsolicited e-mail messages per day. This estimate uses a more conservative assumption of 10 unsolicited e-mail messages per user per day resulting in a total of 20 million unsolicited e-mail messages per day in Wisconsin.

Historically, about 1% of consumers affected by a business scheme file complaints. Therefore, should DATCP receive complaints on just 1% of these messages it would be 200,000 complaints per day. Using a more conservative percentage of consumers filing complaints, such as .1% of the messages would still result in 20,000 complaints per day. Annually that is 7.3 million reports/complaints being filed on unsolicited e-mail messages compared to the Department's current 15,000 complaints per year on other consumer protection issues.

The department assumes that the vast number of these reports will be duplicates. Combining them into investigative files will result in 2,000 distinct investigations annually, and approximately 200 formal enforcement actions annually. Historically, investigations take 100 hours and court cases nearly 200 hour of staff time. This estimate assumes less staff time due to reliance on technology.

Based on the above conservative assumptions, the Department would need 20 FTE Investigators and an Investigative Supervisor at a cost of \$1,290,200. The department would also need to contract with outside vendors to provide software, build and maintain a web site that would collect consumer complaints, and provide the technical expertise necessary to trace messages in spite of the spammer's attempts to mask their identities. It is assumed that this contract will cost approximately \$300,000 annually for a combined annual total of \$1,590,200 and an increase of 21 FTE employees.

Long-Range Fiscal Implications

Figure 8-1b

Wisconsin Department of Administration
Division of Executive Budget and Finance

Fiscal Estimate Worksheet - 2005 Session
Detailed Estimate of Annual Fiscal Effect

Original Updated Corrected Supplemental

LRB Number 05-2744/3	Introduction Number SB-320	
Subject Unsolicited electronic mail		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Desks, computers, telephones, office setup, \$210,000.		
II. Annualized Costs:		
	Annualized Fiscal Impact on funds from:	
	Increased Costs Decreased Costs	
A. State Costs by Category		
State Operations - Salaries and Fringes	\$1,027,700	
(FTE Position Changes)	(21.0 FTE)	
State Operations - Other Costs	562,500	
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$1,590,200	
B. State Costs by Source of Funds		
GPR	1,590,200	
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenue - Complete this only when proposal will increase or decrease state revenue (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev Decreased Rev	
GPR Taxes	\$ \$	
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$ \$	
NET ANNUALIZED FISCAL IMPACT		
	State Local	
NET CHANGE IN COSTS	\$1,590,200 \$	
NET CHANGE IN REVENUE	\$ \$	
Agency/Prepared By DATCP/ Jim Rabbitt (608) 224-4965	Authorized Signature Barb Knapp (608) 224-4746	Date 10/18/2005

Figure 8-1c

The first page of a fiscal estimate (Figure 8-1a) indicates the net fiscal effect of the bill; the narrative (Figure 8-1b) describes the assumptions used in preparing the estimate; and the long-range estimate (Figure 8-1c) gives actual dollar estimates of the bill's immediate and future costs.

statutory language. Constitutional amendments being considered by the legislature the first time include the phrase “(first consideration)” in the relating clause; amendments that have been approved the previous session have the phrase “(second consideration).” Amendments introduced on second consideration must have identical wording within the body of the proposed constitutional amendment as that of the resolution adopted on first consideration the previous session. Second consideration amendments also include a section setting the language of the ballot question and scheduling the referendum. Section 10.01 (2) (c), Wisconsin Statutes, requires the attorney general to prepare a statement indicating the effect of a “yes” or “no” vote. If a majority of the electors voting on a question vote “yes,” the amendment is adopted.

STEP 3: REVIEW DRAFTING RECORDS

Drafting records may contain information regarding the intent of a legislator in introducing a bill. Drafting records are an administrative record of the bill drafting process. They are official records maintained by the drafting agency, the Legislative Reference Bureau (LRB), in systematic, uniform fashion. The maintenance of these records over decades has left us with a unique file for each bill introduced and act passed since 1927, with a few isolated exceptions.

Drafting records have a number of limitations, however, that often leave researchers disappointed. The main weakness of a drafting record in researching legislative history is that, as an administrative record, it is not designed to document intent. The drafting record is primarily designed to document that a bill has been drafted by the LRB in accordance with the instructions of a member of the legislature, and to facilitate the drafting of similar or identical proposals in the future. The resulting drafting file, more often than not, sheds little light on intent. The content of the records can vary considerably. The drafting file for a drafting request that was made in person or over the telephone is usually not very revealing. The drafting file for a drafting request that contains written documentation of the requester’s problem and proposed solution, together with the other background information, can be more revealing, but is far less common. Another weakness is that the arrangement and administrative nature of drafting records can make them daunting to use for researchers unfamiliar with them. It is easy for an inexperienced user to glance right past the revealing documents and focus on lesser items. Drafting records often require expert explanation or interpretation. This is why it is recommended that inexperienced researchers do their work at the LRB’s Theobald Legislative Library, where a number of people on staff can give expert advice on the use of drafting records.



The formats of Drafting Records.

ELEMENTS OF A DRAFTING RECORD

Although the form and organization of drafting records have evolved over the years, recent drafting records generally contain certain elements and are arranged in a uniform fashion.

Enrolling Instructions. Drafting records for acts (bills that have become law) usually begin with enrolling instructions. These are an official statement of which amendments to the bill (if any) were adopted by the legislature in considering the proposal. These instructions are designed to assist LRB staff in compiling the **Enrolled Bill**, a copy of which usually follows the enrolling instructions in the drafting file. An enrolled bill is a special printed copy made of each bill passed by the legislature for presentation to the governor. Enrolling material is usually of little interest to researchers of legislative history.

Procedural History. In drafting records for acts, the enrolling instructions are usually followed by a procedural history of the bill. The procedural history is a tabular chronology of how the bill progressed through the legislature. The uses of procedural histories will be discussed in Step 4 of this brief.

Request Sheet. The request sheet is the fundamental element of a drafting record. It is a part of all recent drafting records, and, as the place where drafting instructions are officially recorded, can be very revealing to the researcher. At minimum, this sheet will contain the identity of the requester, the date of the request, and the identity of the drafting attorney. Occasionally, the sheet will include a brief statement of what the requester was trying to accomplish through the legislation. Sometimes, the sheet will merely refer the researcher to another piece of legislation, or say, "see attached," meaning detailed written instructions will follow the sheet in the drafting record.

Correspondence and Background Information. The materials following a request sheet marked, "see attached," will sometimes consist of correspondence, in the form of memos, letters, or e-mails, and other background information, such as model drafts or laws of other states. This material is usually the most valuable found in the drafting record, as it may include some kind of plain language explanation of what the requester is trying to accomplish. Even then, however, it is rare to find a "smoking gun," or perfect statement of intent. If a lobbying organization or citizen interest group was involved in the drafting of the legislation, it is usually quite evident from the materials found after the request sheet.

Copy of Bill and Earlier Drafts. Drafting instructions are usually followed by a copy of the bill as introduced. This is usually of little interest to the researcher; a thorough researcher will have already examined a copy of the bill. It is often the case, however, that multiple drafts of a bill along with redraft instructions will be present in the drafting record. Comparing the earlier versions of a draft to the version ultimately introduced or enacted can be revealing to the researcher. At the time that the draft is requested, it is assigned an "LRB number" to identify the request until introduction. This number appears in the upper, right-hand corner of each page of the bill (since 1965), "LRB-0123." This is followed by the "slash number," / which indicates the number of drafts the bill has gone through: "/P" means preliminary; "/1" means first draft, "/2" means second draft, and so on. The drafting record usually contains an edited copy of each draft, indicating the changes made in creating the next draft, up to the version introduced.

LRB-4793/1 MGD&CMH:lmk:jf
<i>The LRB number appears in the upper, left-hand corner of each page.</i>

Drafter's Note. If the drafting attorney has written a note to explain or comment upon a draft, it will be included in the file.

DRAFTING REQUEST

Date Received 2/15/93
Date Desired _____
Our No. 1337
Subject: Process to take road revenues
Sponsor or source: Reynolds & Belter
Instructions submitted by: _____
In _____ form, by: _____
(Draft, Typewritten, Written, Oral) (Telephone) (Personally)
For: _____
(Member or Committee)

INSTRUCTIONS

*The Com. Dept shall not later within 90 days of the
the rules now under the purview of the Comptroller of the State
any or make any changes to do so without legislative
authority.*

Received by: [Signature]
(Draftsman)
Copies to: _____
LRB-D-311

Figure 11-1a

1993

DRAFTING REQUEST Extra Copies KSJH 1 LRB 2297
Date rec'd 1/15/93 Received by JL Wanted _____ Drafter JL
S ① RETD Jt. Res. Res. Sub.Amdt. Amdt.
SHORT DESCRIPTION Legalize reverse mortgages
FOR Rep. L. Schneiders BY/Representing Will 6-3796
SUBJECT AREA Fin Inst This file MAY BE SHOWN to any legislator _____ (If "yes", SIGN here)
MAY CONTACT Ron Sklansky, L.L. OCB, if needed
INSTRUCTIONS: Make reverse mortgages legal - some think s. 138.056 (5) prohibits reverse mortgages (although Sklansky thinks that it doesn't apply) Instructions: define reverse mortgage and exempt from 138.056 (5) don't sklansky - may want to require committee to promulgate rules, too. SEE ATTACHED

Work/O	/P1	/P2	/P3	1st	2nd	3rd	4th	5th
_____	_____	_____	_____	<u>1/15/93</u>	<u>4/5/93</u>	<u>4/13/93</u>	_____	_____
_____	_____	_____	_____	Drafted	<u>4/13/93</u>	<u>4/13/93</u>	_____	_____
_____	_____	_____	_____	Reviewed	<u>4/13/93</u>	<u>4/13/93</u>	_____	_____
_____	_____	_____	_____	Typist	<u>4/13/93</u>	<u>4/13/93</u>	_____	_____
Original	_____	_____	_____	Proofed	<u>4/13/93</u>	<u>4/13/93</u>	_____	_____
drafter	_____	_____	_____	Submitted	<u>4/13/93</u>	<u>4/13/93</u>	_____	_____
_____	_____	_____	_____	Jacketed	<u>4/13/93</u>	<u>4/13/93</u>	_____	_____

FE sent for Yes
Requested ORIGINAL draft: _____
Received JACKET or stripes: _____
(Please sign here)

Figure 11-1b

LRB-0947
01/05/2005 10:54:27 AM
Page 1

2005 DRAFTING REQUEST

Bill

Received: 11/22/2004 Received By: rnelson2
Wanted: As time permits Identical to LRB: _____
For: Jeffrey Mursau (608) 266-3780 By/Representing: Andy
This file may be shown to any legislator: NO Drafter: rnelson2
May Contact: _____ Addl. Drafters: _____
Subject: Courts - immunity liability Extra Copies: _____

Submit via email: YES
Requester's email: Rep.Mursau@legis.state.wi.us
Carbon copy (CC:) to: _____
Pre Topic: _____
No specific pre topic given
Topic: _____
Actions against forestry operations - nuisances
Instructions: _____
See Attached 03-3047 and a2249
Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	<u>rnelson2</u>	<u>jdjer</u>	_____	_____	_____	_____	_____
	<u>11/22/2004</u>	<u>11/22/2004</u>	_____	_____	_____	_____	_____
/1	_____	_____	<u>chaugen</u>	_____	<u>lemery</u>	<u>shasford</u>	_____
	_____	_____	<u>11/23/2004</u>	_____	<u>11/23/2004</u>	<u>01/05/2005</u>	_____

FE Sent For: _____
(Not Needed) <END>

Figure 11-1c

EARL A. KORTH

Dear Clarence:

It is my suggestion that the joint tenancy and all other statutes applicable to homestead should contain an amendment which would prevent a conveyance, mortgaging or other disposition by either the husband or wife with jointly by the other.

I think an amendment to Section 230.45 under "joint tenancy" substantially in the following manner would cover the protections which seems to me essential for ownerships of that kind, to-wit:

"Section 230.45(4) Joint Tenancy-Homesteads

Provided however, that no homestead owned in joint tenancy between husband and wife may be sold or incumbered by either without the other joining in such incumbrance, sale, transfer or assignment."

Respectfully,

Earl A. Korth

EAK-B

Figure 11-1d

Figures 11-1a, 11-1b, and 11-1c offer examples of drafting request sheets from 1955, 1993, and 2005, respectively. Figure 11-1d, a letter from 1948, is typical of written drafting instructions.

Amendments. Each amendment is drafted separately, and constitutes its own mini-drafting record within the main drafting record of the bill it is amending. These mini-drafting records follow the record for the main bill in amendment number order. Each has its own LRB number – “LRBs0123” for substitute amendments, and “LRBa0123” for simple amendments. They are organized similarly to the drafting file of a bill in that they contain a request sheet and may include correspondence and other background information and earlier draft versions of the amendment.

LRBs0495/1
PG:wlj:rs

LRB number for a substitute amendment

LRBa0346/1
JTK:jld:rs

LRB number for a simple amendment.

Prior Bills. Inexperienced users of drafting records often miss the most important information in the file: the fact that a bill has been drafted based on a previously introduced bill, either in the current session or from previous sessions. This is often indicated by nothing more than a notation, “Redraft AB-123,” on the request sheet. It is an important clue, nonetheless. The request sheet will be followed by a copy of the previous bill edited as necessary for introduction as a new bill. Unless the language the researcher is interested in has been changed in this process, it will be necessary to examine the drafting record for the previously existing bill. Since proposals can be introduced session after session before being enacted into law, it is often necessary to trace an idea back for years before the actual origin of the language is determined. This can require a significant investment of time, and even then there is no guarantee that the ultimate drafting record will pay off with revealing information. There is even the strong possibility that the language will be traced back to a bill draft that was requested, but never introduced, in which case its drafting record is confidential under Section 13.92 (1)(c), Wisconsin Statutes, and not available to the public.

LRB-0840
01/18/2005 03:09:31 PM
Page 1

2005 DRAFTING REQUEST

Bill

Received: 11/16/2004 Received By: mshovers
 Wanted: As time permits Identical to LRB:
 For: Terry Musser (608) 266-7461 By/Representing: Rep. Musser
 This file may be shown to any legislator: NO Drafter: mshovers
 May Contact: Addl. Drafters:
 Subject: Local Gov't - counties Extra Copies:
 Local Gov't - munis generally

Submit via email: YES
 Requester's email: Rep.Musser@legis.state.wi.us
 Carbon copy (CC:) to:

Pre Topic:
 No specific pre topic given

Topic:
 Allow creation of county and city or village law enforcement agencies

Instructions:
 See attached. Redraft 2003 AB 658 (LRB -1267/1), and AA 1 (LRB a1951/1)

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mshovers 11/17/2004	kfollett 12/08/2004		_____			S&L
/1			rschluet 12/08/2004	_____	Inorthro 12/08/2004		S&L
/2	mshovers 12/22/2004	kfollett 01/03/2005	pgreensl 01/04/2005	_____	mbarman 01/04/2005	mbarman 01/18/2005	

This drafting record indicates that the bill is based on a previously introduced bill and amendment.

Constitutional Amendments. Since constitutional amendments must be identical on second consideration to the joint resolution passed on first consideration, the drafting record for the joint resolution proposing second consideration usually contains little beyond a simple instruction to redraft the previous resolution. As with bills, it is sometimes necessary to trace the amendment proposal back many years to find the original drafting instructions.

AVAILABILITY OF DRAFTING RECORDS

Drafting records are available for virtually all bills, resolutions, joint resolutions, and acts passed since 1927. There are no drafting records surviving for bills prior to 1927. Drafting records for proposals that are not introduced are not public records and are generally destroyed after a few sessions.

Legislative Reference Bureau. The LRB is the agency that creates drafting records in its function of drafting bills for the Wisconsin Legislature. Section 13.92, Wisconsin Statutes, outlines the duties of the LRB with regard to drafting records.

The LRB maintains drafting records from the 1927 to 1997 sessions on microfiche. Records from 1999 to the present are scanned and maintained as electronic files. The original paper files for acts passed in recent sessions are available on-site and can be copied at 10 cents per page, with the first 10 pages free. For electronic files from 1999 to the present, the LRB will print a copy of the file at a rate of 10 cents per page, with the first 10 pages free. The LRB may also e-mail electronic files, if their size permits. The LRB will make diazo copies of microfiche records at the rate of \$2.50 per fiche, plus \$5 postage and handling per order for persons ordering off-site. For burning electronic files to a CD-ROM, the copy is \$1, and postage and handling \$5. All copying charges are waived for state employees using drafting records for state business.

Current session drafting files are only available at the LRB. Files for bills that have not been signed into law are generally available only in hard copy, and must be viewed in the LRB library reading room under close supervision. Any patron may make up to 10 xerox copies for free, after which a rate of 10 cents per copy is charged. The LRB Library is open to the public 7:45 a.m. to 5:00 p.m. Monday through Friday.

Other Locations. Drafting records from all but the current legislative session are available at several other libraries in Wisconsin, from 1927-1997 on microfiche, and from 1999 to the most recently completed session, on CD-ROM. These are:

Wisconsin State Law Library – 120 Martin Luther King, Jr. Boulevard, Madison 53703.

Wisconsin State Historical Society – 816 State Street, Madison 53706.

University of Wisconsin Law Library – University of Wisconsin, Law Building, Madison 53706.

Marquette Law Library – 1103 W. Wisconsin Avenue, Milwaukee 53233.

Milwaukee Public Library – 814 W. Wisconsin Avenue, Milwaukee 53233.

Internet. The University of Wisconsin Law School Library has posted drafting files from 1999 to the most recently completed session on its web site at <http://library.law.wisc.edu/%7Edraftin-records/>.

STEP 4: CHECK JOURNALS AND PROCEDURAL HISTORIES

Article IV, Section 10, of the Wisconsin Constitution requires each house of the legislature to keep and publish a journal of its proceedings. The journals of the senate and assembly consist of a simple record of what actions were taken by the house, and what communications have been received by the chief clerk or leadership on behalf of the house. The votes of all members are recorded for questions on which a roll call was taken. Aside from the recording of votes, the journals typically record little of interest to those researching legislative history.

Journals of each house are available online for sessions since 1995. For earlier journals, the LRB Library and a number of other libraries have complete or nearly complete collections of the bound journals of each house for each session since 1848.

A procedural history of a bill is a tabular chronology indicating how a bill progressed through the legislature. It is usually of limited interest to individuals researching legislative intent, but for persons looking into the background of legislation for strictly historical purposes, it can be useful in identifying the dates on which events occurred and the individuals involved. It is particularly useful for persons using contemporary newspaper accounts to learn more about a particular piece of legislation.

No. 12, S.,
 A bill to create sections 2304-1 to 2304-32 of the statutes (to be included in a new chapter of the statutes to be numbered 110a) relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury or death of employes, establishing an industrial accident board, defining its powers, providing for a review of its awards, and making an appropriation to carry out the provisions of this act.

1-17. S. Int. by SPECIAL COMMITTEE ON INDUSTRIAL INSURANCE. Referred to Special Committee on Industrial Insurance	64
3-23. S. Report Amdts. Nos. 1, S., to 18, S., inclusive. Messrs. Clarke and Frye dissenting as to Amdt. No. 2, S., and passage rec., referred to Finance	300
3-24. S. Report adoption of Amdts. Nos. 1, S., to 18, S., inclusive, and Amdt. No. 19, S., and passage rec. Ordered to calendar	408
3-29. S. Amdts. Nos. 1, S., to 16, S., adopted; Amdts. Nos. 1, S., to 17, S., by Senator Sanborn, adopted; Amdts. Nos. 17, S., to 19, S., adopted; ordered engrossed, 22-3, paired 2; rules suspended; passed, 22-3, paired 2	435
4-6 A. Received from senate; referred to calendar 4-11	538
4-12. A. Amdts. Nos. 1, A., 2, A., 3, A., and 4, A., offered by Messrs. Fisher, Clark, Schwalbach and Roessler. Referred to Com. on Workmen's Compensation	613
4-15. A. Report Amdt. No. 5, A., and concurrence rec.	620
4-16. A. Amdt. No. 5, A., adopted. Amdts. Nos. 6, A., and 7, A., rejected. Amdt. No. 8, A., rejected, 57-32. Ordered to third reading	691
4-21. A. Concurred in, 69-13. Paired 2	761
4-24. S. Recd. from assembly concurred in with Amdt. No. 5, A.	557
4-26. S. Amdt. No. 5, A., concurred in, 16-10	573
5-1. S. Correctly enrolled	610
5-3. S. Approved by the Governor	639

1911

No. 42, A.
 A bill to amend 1.10 of the statutes, relating to state fish.

1-20. A. Introduced by Mr. DILLMAN	57
1-20. A. Read first and second times and referred to committee on Conservation	57
2-10. A. Amendment No. 1, A., and passage recommended by committee on Conservation	179
2-16. A. Amendment No. 1, A., adopted	210
2-16. A. Ordered engrossed and read a third time	210
2-18. A. Committee on Engrossed Bills reports correctly engrossed	232
2-18. A. Referred to committee on Third Reading	232
2-18. A. Report correct	232
2-23. A. Read a third time and passed	258
2-23. A. Ordered immediately messaged	258
2-24. S. Received from assembly	421
2-24. S. Read first time and referred to calendar	421
3-2. S. Read a second time	465
3-2. S. Ordered to a third reading	465
3-2. S. Rules suspended	465
3-2. S. Read a third time and concurred in	465
3-2. S. Ordered immediately messaged	465
3-3. A. Received from senate concurred in	309
3-22. A. Report correctly enrolled	442
3-29. A. Report approved by the Governor 3-24 (Chapter No. 18. Published 3-30.)	505

1955

Assembly Bill 329
 An Act to amend 614.01 (1) (c) 3. of the statutes; relating to the frequency of local lodge meetings.

2003			
05-13. A.	Introduced by Representatives Montgomery, Van Roy, Wiekert, Jensen, Bies, J. Wood, M. Lehman, Weber, Towns, Schooff, Grothman, Ladwig, Cullen, Owens, Hines, McCormick, Plouff, Shilling, Gielow, Stone and Seratti; cosponsored by Senators Schultz, Hansen and Breske.		
05-13. A.	Read first time and referred to committee on Insurance	204	
06-05. A.	Public hearing held		
06-12. A.	Executive action taken.		
06-17. A.	Report passage recommended by committee on Insurance, Ayes 14, Noes 0	251	
06-17. A.	Referred to committee on Rules	251	
06-19. A.	Placed on calendar 6-23-2003 by committee on Rules.		
06-24. A.	Read a second time	278	
06-24. A.	Ordered to a third reading	279	
06-24. A.	Rules suspended	279	
06-24. A.	Read a third time and passed	279	
06-24. A.	Ordered immediately messaged	279	
06-26. S.	Received from Assembly	256	
06-26. S.	Read first time and referred to committee on Agriculture, Financial Institutions and Insurance	257	
07-29. S.	Public hearing held.		
07-29. S.	Executive action taken.		
07-30. S.	Report concurrence recommended by committee on Agriculture, Financial Institutions and Insurance, Ayes 5, Noes 0	276	
07-30. S.	Available for scheduling.		
09-30. S.	Placed on calendar 10-1-2003 by committee on Senate Organization.		
10-01. S.	Senator Welch added as a cosponsor	395	
10-01. S.	Read a second time	398	
10-01. S.	Ordered to a third reading	398	
10-01. S.	Rules suspended	398	
10-01. S.	Read a third time and concurred in	398	
10-01. S.	Ordered immediately messaged	398	
10-01. A.	Received from Senate concurred in	399	
10-09. A.	Report correctly enrolled	425	
10-15. A.	Presented to the Governor on 10-14-2003	431	
10-16. A.	Report approved by the Governor on 10-16-2003	435	
10-21. A.	2003 Wisconsin Act 60. Published 10-30-2003	439	

2003

The format of procedural histories has not changed much over the years.

A bill's procedural history always begins with the title of the bill. The rest of the history is a table consisting of four columns: 1) the date of the action; 2) the house in which the action was taken (always S for senate or A for assembly); 3) a description of the action taken; and 4) the journal page on which the action is officially recorded. Each column offers important information on the history of the bill. The first column gives a chronology; the third column tells what amendments were offered and adopted, what committees had the bill, whether there was a public hearing, and what procedural hurdles were placed in the bill's way. The second and fourth columns together give access to the official record of each action taken on the bill by telling which journal to check (senate or assembly) and what page to go to.

Procedural histories are available online for every bill introduced since 1995 at <http://folio.legis.state.wi.us/>. A procedural history has been prepared for each bill in roughly the same format

since 1907. They are available in printed form as an appendix to the journal of each house (1907-1911); in the index to the journals (1913-1965); and in the bulletin of proceedings of each house (since 1967). These publications can be found in the LRB library reading room. Numerous other libraries have runs of these publications in varying degrees of completeness.

STEP 5: LOCATE AND REVIEW OTHER MATERIALS

There are a few other, less obvious, sources that may prove helpful in researching legislative intent.

LEGISLATIVE COUNCIL MATERIALS

A number of bills introduced each session are the work of the Joint Legislative Council. This is usually indicated on the front page of a bill; instead of a list of authors it will read, "Introduced by Joint Legislative Council." The LRB drafting record of such a bill (known informally as a "Council Bill") usually contains little of interest to a researcher, because the bill is provided to the

2005 SENATE BILL 612

February 20, 2006 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Labor and Election Process Reform.

1 AN ACT to repeal 5.02 (6m), 6.28 (3), 6.55 (7), 6.56 (2), 6.87 (3) (c) and 12.13 (4);

2 to renumber 6.36 (2) (c) 1. a. and b.; to renumber and amend 5.90, 6.22 (4),

3 6.36 (2) (c) 1. (intro.), 6.36 (2) (c) 2., 6.55 (3) and 7.30 (1); to amend 5.35 (6) (a)

4 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.15 (4) (a) to (d), 6.15 (6), 6.21, 6.22 (2) (b), 6.22 (5),

5 6.24 (4) (d), 6.24 (6), 6.25 (1), 6.25 (2), 6.25 (4) (b), 6.26 (2) (c), 6.26 (3), 6.275 (1)

Introduction by Joint Legislative Council is the most obvious indication that a bill originated with the Legislative Council.

LEGISLATIVE BRANCH 289

Special Committee on Election Law Review

Members: SENATOR LEIBHAM, *chairperson*; SENATOR ERPENBACH; REPRESENTATIVES FREESE, SCHNEIDER, WIECKERT; MARILYN K. BHEND, JOYCE BUECHEL, JANICE DUNN, CINDI HESSE, KEVIN J. KENNEDY, KATHY NICKOLAUS, JAMES TROUPIS, MIKE WITTENWYLER.

The special committee is directed to examine the election process and the administration of elections in the state, other than campaign financing law. The special committee shall specifically examine the implementation of the federal Help America Vote Act of 2002, state oversight of elections in Wisconsin, and the recount process. The special committee may also examine other election-related issues such as voter registration and identification, new technologies for voting, the adequacy of staffing at polling places, and the adequacy of training received by poll workers.

Special Committee on Municipal Annexation

Members: SENATOR A. LASEE, *chairperson*; SENATOR BROWN; REPRESENTATIVES GOTTLIEB, KAUFERT, KERKMAN, ZEPNICK; ROGER W. CLARK, GERALD DERR, CHRISTINE JONES, PAT KASTER, WARREN P. KRAFT, J. MICHAEL MOONEY, MIKE PARMENTIER.

Each edition of the Wisconsin Blue Book includes membership lists and descriptions for the Legislative Council special study committees for the biennium.

LRB-3947
02/17/2006 03:56:34 PM
Page 1

2005 DRAFTING REQUEST

Bill

Received: 10/26/2005 Received By: jkuesel

Wanted: As time permits Identical to LRB:

For: Legislative Council - JLC By/Representing: Bob Conlin

This file may be shown to any legislator: NO Drafter: jkuesel

May Contact: Addl. Drafters:

Subject: Elections - miscellaneous Extra Copies:

Submit via email: YES

Requester's email: russ.whitesel@legis.state.wi.us

Carbon copy (CC): to:

Pre Topic:

No specific pre topic given

Topic:

Election administration changes

Instructions:

Per WLC 0266/1.

Drafting History:

Yrs.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Requested
/7							
/P1	jkuesel 11/29/2005	csicilia 11/30/2005					S&L
/P2			jfrantz 12/02/2005		lemery 12/02/2005		S&L
/1	jkuesel 12/05/2005	csicilia 12/06/2005	chaugen 12/06/2005		mbarman 12/06/2005		S&L

"WLC" being listed on the drafting request is another clue.

REVIEW OF FIREWORKS LAW

[A summary of the Special Committee's meetings, materials, and membership, as well as the final report for the Special Committee, are available at <http://www.legis.state.wi.us/lc/studies/FIRE/index.htm>.]

Summary of Committee Activity

The Joint Legislative Council established the Special Committee on Review of Fireworks Law and appointed the co-chairs by a May 15, 2002 mail ballot. The committee was directed to study issues surrounding the sale, possession, and use of fireworks in Wisconsin and to review Wisconsin law regulating fireworks, including the interaction between state and federal law and the impact of the law on fireworks retailers, local units of government, the law enforcement community, the state economy, and the public and recommend improvements to the law.

Membership of the Special Committee, appointed by a July 15, 2002 mail ballot, consisted of one Senator, three Representatives, and 10 Public Members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held four meetings in Madison on the following dates:

- September 12, 2002
- October 23, 2002
- December 4, 2002
- January 23, 2003

Actions of the Joint Legislative Council

At its March 12, 2003 meeting, the Joint Legislative Council voted to introduce the following legislation based on the recommendations of the Special Committee:

- 2003 Assembly Bill 179 and 2003 Senate Bill 75 (companion bills), relating to creating a civil liability exemption for certain municipalities and their agents that issue fireworks permits.

In addition, at its March 12, 2003 meeting, the Joint Legislative Council failed to introduce the following legislation, which had been recommended by the Special Committee:

- LRB-2112/1, relating to the sale of fireworks; fireworks permits and displays; shipping fireworks; fireworks wholesalers licenses; disposition of seized fireworks; fireworks enforcement; granting rule-making authority; making an appropriation; and providing a penalty.
- LRB-2113/1, relating to the sale of fireworks from certain locations, and providing a penalty.

Each study committee's activities are summarized in the Legislative Council's biennial report.

LRB already drafted. The request sheet usually contains a notation, "Council" or "WLC," the numbering system the Legislative Council uses for its bill drafts. Fortunately, the Joint Legislative Council often generates a large volume of documentary material in producing a council bill draft.

Structure and History of the Council. The Joint Legislative Council was created in 1947 to create and coordinate the activities of special study committees dedicated to conducting in-depth investigations of issues of particular interest to the legislature. From its inception, it has been the Council's practice to create study committees, do research, and report its recommendations to the legislature, often in bill form, on a biennial basis. The Council typically works a session ahead of the legislature, studying an issue one session, with the legislature acting on it the next. If a researcher finds that certain language was created in a certain session from a Council bill, therefore, it is probably best to look for materials from the Council study committee in the preceding session.

Council Committee Mandates and Membership. Each special committee is given its mandate by the full Council, which may create a study committee on its own initiative or in response to a joint resolution adopted by the legislature mandating a study committee. Membership of a study committee usually includes members from both houses of the legislature, and often includes experts from executive branch agencies, academic institutions, local governments, or the general public. Researchers may find it useful to review the stated mandate and membership list of a special committee. These are available from 1998 to the present at the Legislative Council's Web site (www.legis.state.wi.us/lcl), or from 1947 to the present in the various editions of the *Wisconsin Blue Book*.

Council Publications. Council staff often produce formal reports to assist a study committee in making decisions about particular aspects of its topic of study. These can be in the form of brief memoranda or more lengthy informational bulletins. At the end of its two-year cycle, the full council makes a report to the legislature on the activities of each study committee. This report usually includes a discussion

contested action, they would be required to use the new s. 66.0301 (6) or revised s. 66.0307 procedures if the contested action was not an annexation proceeding (i.e., if it were a consolidation, detachment, or incorporation proceeding). Only if the contested action were an annexation proceeding would the parties also have the option of using the s. 66.0225 procedure to enter into a written stipulation to determine the common boundary line that is the subject of the annexation proceeding.

Ms. Offerdahl concluded her summary by describing the parts of the draft relating to alternative dispute resolution, as summarized in Section II. of the draft's prefatory note.

WLC: 0067/1, Relating to Department of Administration Advisory Review of Certain Annexations

Ms. Offerdahl briefly described WLC: 0067/1, and also Chair Lasee's amendment (WLC: 0217/1) to the draft. Chair Lasee explained that, in his view, if a municipality is eager to annex property, they should provide information on the impact of having the new land annexed. He noted that industrial or commercial property does not generally require the services that residential property requires.

Committee members discussed whether a city or village can adequately estimate future tax impact. Chair Lasee stated that a mayor probably has some idea what the city wants to do with the land it intends to annex. Representative Gottlieb asked whether the real question is what is going to happen to the tax levy in relation to what is going to happen to the tax base--i.e., whether the tax base would go up enough to cover additional expenses associated with servicing the annexed land. He recommended changing line 5 of WLC: 0067/1 so that the estimate includes the impact on the tax base, as well as on the taxes levied. Chair Lasee agreed to that change.

Senator Brown noted that annexations often take place a few residences at a time, and suggested only annexations of land in excess of five acres, or with real property value over a certain amount, should be subject to the estimate requirement.

Mr. Mooney speculated whether a TIF plan would need to be completed before a city or village could project the impact on property taxes. Committee members generally agreed that a TIF plan would complicate an estimate, but noted the requirement is for an "estimate."

Representative Gottlieb suggested deleting the words "over the next 10 years" and replacing the language between the word "effect" in the first sentence and the start of the second sentence with the following: "ultimate impact of the proposed annexation on the tax base of the annexing city or village and the territory proposed to be annexed, and on taxes levied by all taxing jurisdictions, including school districts, on real property in the annexing city or village and the territory proposed to be annexed. For purposes of the estimate, the annexing city or village shall assume that undeveloped land in the territory proposed to be annexed will be developed in accordance with the master plan or comprehensive plan of the city or village in effect at the time of the annexation."

Mr. Kraft expressed concern that the average person might consider the estimate to be some kind of commitment that could be used against the local governing body. He noted that a city or village does not influence a school board in deciding whether a new school is needed or where it will be located, so a municipality cannot say with any authority that an annexation of, say, 150 homes will require a new school at a certain location.

Council minutes provide a detailed, but not verbatim record of a special committee's proceedings.

of each issue, an account of study committee activities, and a list of bills introduced and enacted as a result of study committee activity. These materials are available at the LRB Library for each session since 1947, and at the Legislative Council web site for more recent sessions.

Council Study Committee Minutes. Council study committees usually produce detailed minutes of the sort most prized by researchers, but almost unknown in other legislative branch endeavors. These minutes do not generally include a verbatim transcript of committee proceedings, but do usually include a good synopsis of statements made by committee members and invited guest experts. The minutes are organized chronologically by date of meeting, which can make them difficult to use unless the committee organized its proceedings by statute number, as is sometimes the case. The minutes can also serve as a guide to other supporting documents such as reports, memos, and council drafts, that can help give added context to the minutes themselves. The Council has often made audio recordings of study committee meetings. In recent sessions, these have been posted on the Council's Web site. For earlier recordings, it is necessary to contact the Council directly to determine if recordings were made, and if so, whether or not they have been retained. A complete collection of council committee minutes since 1947 is retained by the LRB Library.

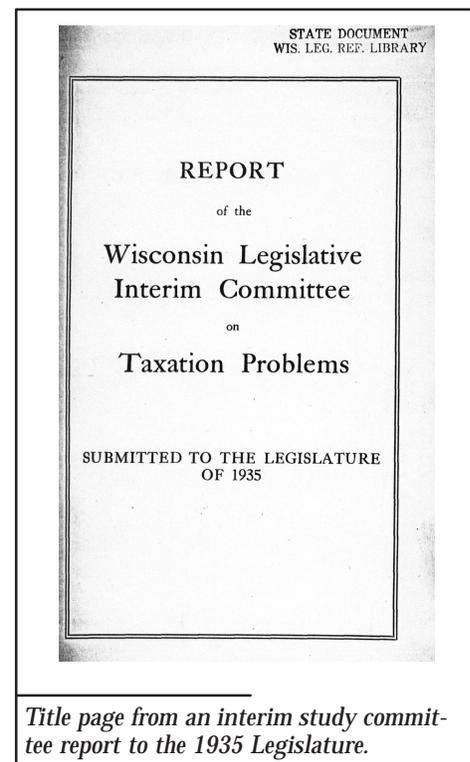
Council Drafts. Attorneys staffing council study committees sometimes draft proposed legislation for the study committee's review and comment. These drafts, in recent decades designated with the prefix "WLC," can provide additional context to the remarks recorded in the committee minutes. Recent WLC drafts are available on the Legislative Council's Web site and copies for earlier years must be obtained through the Legislative Council. The LRB has not systematically collected WLC drafts, but sometimes the WLC draft of an introduced bill may be found in the LRB drafting record of that bill.

Council Notes. Bills resulting from a Council study committee often contain brief notes within the text of the bill explaining why a particular provision is created, amended or repealed. Council notes can be useful to a researcher of legislative intent.

Council activities on Non-Council Bills. Since 1967, Legislative Council staff have assisted standing committees of the legislature in addition to staffing special committees. In performing this role, the Council sometimes produces brief publications on legislation that does not originate in the Council. These publications usually focus on the effect of legislation and are not of particular interest to those studying legislative intent. Documents produced since 1998 are available on the Council's website. Some earlier publications of this type are available at the Legislative Reference Bureau, but have not been systematically collected since 1967.

REPORTS OF SPECIAL STUDY COMMITTEES

Throughout its history, the Wisconsin Legislature has on occasion created special committees to study specific issues of interest to the people of Wisconsin. These committees have been rare, and only a tiny fraction of legislation traces its origin to committees of this sort. Special committees have tended to make narrative reports of their activities and recommendations to the full legislature, a practice extremely rare with regard to standing committees. The LRB Library



Title page from an interim study committee report to the 1935 Legislature.

has endeavored to collect these reports over the years. Those researching Wisconsin legislation may wish to visit the LRB Library or inquire as to whether a particular act was the result of special committee activity, especially for major legislation enacted prior to the creation of the Legislative Council in 1947. The reports of these committees should be considered unique documents and must be used in the LRB Library reading room under close supervision.

JUDICIAL COUNCIL MATERIALS

Section 751.12, Wisconsin Statutes, authorizes the Wisconsin Supreme Court to modify statutes dealing with pleading, practice and procedure by Supreme Court Order. The history note in statutes where the supreme court has exercised this authority will include a citation from the *Wisconsin Reports* instead of a session law, since the statutory change is first published in the *Wisconsin Reports*, usually in the roman-numeral numbered pages preceding the text of recent decisions of the supreme court and courts of appeals. Since these court orders are not the result of legislative action, there is no legislative history as such. The supreme court usually formulates these orders through study by the Judicial Council, an advisory body to the judicial branch. The Council usually designates subcommittees to do intensive study on issues of particular interest.

~~in the manner provided by s. 811.22 for discharging an attachment~~

or by s. 806.19 (1) (a) for satisfying a judgment. An instrument filed before May 1, 1951, but in accordance with this subsection shall be a discharge of the lis pendens described therein.

(4) This section applies to all courts in this state, including United States district courts.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767, 782 (175); 1975 c. 198; Stats. 1975 s. 840.10; 1993 a. 486; 1997 a. 304; 2001 a. 103.

A motion to review a judgment on the grounds that the plaintiff failed to file an amended lis pendens was properly denied. Particularly as between the parties, failure to file a lis pendens is a minor irregularity. *Zapuchlak v. Hucal*, 82 Wis. 2d 184, 262 N.W.2d 514 (1978).

~~A foreign divorce action which filed with the register of deeds of the county in~~

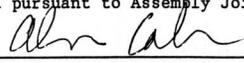
A history note may include reference to a Supreme Court Order, a nonlegislative branch endeavor.

Although there is no legislative action on these provisions, the Judicial Council often generates useful records for researching the background of these statutes. The Judicial Council itself generates minutes, which usually have to do with administrative coordination of the subcommittees. The materials generated by the Judicial Council subcommittees themselves, however, can be of interest to researchers. The State Law Library has by far the most complete collection of Judicial Council materials, including minutes and correspondence of the full Council and its various study committees. In using these materials, it is advisable to determine which subcommittee created the language being researched. This is usually stated along with the text of the Supreme Court Order in the *Wisconsin Reports*. The State Law Library Web site (wsll.state.wi.us) provides a detailed description of their holdings related to the Judicial Council, and advice on the best way to use them.

COMMITTEE REPORTS

A formal report of a standing committee of the Wisconsin Legislature normally consists only of a record of how committee members voted on a bill in executive session, and a statement to the full legislature for or against passage of the bill, without further comment. Committees generally create a public hearing record, indicating who appeared and who registered for or against a proposal at a public hearing, but not including what was said at the hearing. Hearing and committee records since 1997 are available on the legislature's web site. The LRB Library retains records for the 1951-1995 sessions on microfiche. Because of the limited information they provide, these records usually are of little interest to researchers.

Citizens and interest groups often supply a standing committee with letters, documents, or copies of their oral testimony in order to better inform and influence the committee. In recent years, the LRB has attempted to collect these materials from committee clerks at the end of each

<u>Assembly</u>	<u>Record of Committee Proceedings</u>
Assembly Bill 826	AN ACT relating to extending the coverage of the motor vehicle warranty law to the purchase or lease of new farm equipment. Introduced by Representatives Ourada, Otte, Ainsworth, Wilder, Skindrud, Ott, Springer, Goetsch, Hasenohrl, Owens, Brandemuehl, Olsen, Seratti, Huebsch, Freese, Hutchison, Gunderson, Lasee, Lehman, Boyle, Gard, Ladwig, Musser, Dobyns, Brancel; cosponsored by Senators Rude, Breske, Fitzgerald, Moen, Darling, Chvala.
January 29, 1996	Referred to Committee on Consumer Affairs.
February 15, 1996	PUBLIC HEARING HELD
	Present: (8) Representatives Skindrud, Johnsrud, Coleman, Urban, Kreibich, Hasenohrl, Williams, La Fave.
	Absent: (0) None.
	<u>Appearances For the Bill</u>
	▶ Tom Ourada, State Representative.
	<u>Appearances Against the Bill</u>
	▶ Gary Antoniewicz, Midwest Equipment Dealers Association.
	▶ Gary Manke, Midwest Equipment Dealers Association.
	<u>Appearances for Information Only</u>
	▶ None.
	<u>Registrations For the Bill</u>
	▶ John Ainsworth, State Representative.
	<u>Registrations Against the Bill</u>
	▶ Wayne Corey, Wisconsin Independent Business.
	▶ Nick George, Wisconsin Manufactures & Commerce.
	▶ Jerry Waite, Case Corporation.
March 28, 1996	Failed pursuant to Assembly Joint Resolution 95.
	
	Alan Colvin, Committee Clerk
	Page 1

A typical committee report.

biennial session. The LRB currently has a collection of these materials that is far from complete, mostly for committee activities since 1995. It is recommended that researchers interested in these records call the LRB Reference Desk at (608) 266-0341 before coming in, to make sure that the LRB has records for the committee and bill being researched.

CLIPPINGS

Newspaper clippings can sometimes provide background information for the way in which a bill or a resolution proceeded through the legislature. Whether or not newspaper stories are a useful source can only be decided by the researcher. Individuals conducting legal research usually have little interest in them; those doing historical research may find them very useful. The LRB clippings collection features a series of subject-cataloged newspaper and magazine clippings from around 1905 to the present. Within each subject heading, the clippings are arranged chronologically. Since the LRB has usually subscribed to every newspaper sending a reporter to cover the legislature, the clippings often contain original stories describing debates or controversies about specific pieces of legislation. LRB clippings can only be used on-site at the LRB Library. Since most

of the material in the clippings collection is copyrighted, it is not likely to ever be available to the general public online.

Assembly panel backs welfare 'family cap' bill

JAN 19 1995
By AMY RINARD MIL SEIN
Sentinel Madison Bureau




Madison — Legislation that would cap benefits for women on welfare who have additional children was advanced by an Assembly committee Wednesday.

"This is an idea whose time has come," said Rep. John Gard (R-Peshigo), chairman of the Assembly Welfare Committee, which voted, 9-3, late Wednesday afternoon to recommend the bill be approved by the full Assembly.

Under the "family cap" measure, also known as a benefit cap or "cash cap," women receiving Aid to Families with Dependent Children throughout the state would not see an increase in their AFDC benefits if they had more children. Currently, the monthly AFDC grant is increased about \$100 with the birth of each additional child.

The "family cap" measure is part of a welfare reform package that is expected to be voted on by the full Assembly Jan. 26.

With 55 members of the 99-member Assembly signed on it

co-sponsors of the legislation, the package is expected to easily win approval there and be sent to the Senate, where approval also is expected.

Gov. Tommy G. Thompson advocated such a measure last session when a family cap bill died in committee in the Democrat-controlled Assembly.

Three Democrats voted against the measure in committee Wednesday, arguing that the bill was too important to be pushed through the Legislature.

"This is a major piece of social and economic policy that we're dealing with," said Rep. Antonio Riley (D-Milwaukee), who opposed the measure. "The lives of mothers and children hang in the balance as well as the taxpayers' money."

Riley also argued that a family cap provision should be considered in the context of a broader restructuring of the entire welfare system in Wisconsin, which the Legislature last year committed itself to accomplishing before 1999.

A proposal for a new system is to be introduced in the Legislature by the end of this year.

Republicans say the family cap measure should be implemented before the new welfare system is up and running because it can save taxpayer money now.

Under the legislation endorsed by the committee, the family cap would be implemented later this year.

The Legislation also includes provisions that call for publicizing the names of parents in each county most delinquent in their child support payments, strengthening efforts in each county to help people stay off AFDC and imposing sanctions of AFDC recipients who fail to meet jobs and work training requirements.

The bill allocates \$15 million over five years to pay for implementing the measures, including adding nine workers to the Department of Health and Social Services.

Democrats opposed using taxpayer funds to add more bureaucrats to the department, and said department officials could pay for the additional cost by cutting waste out of their operation.

Welfare reforms on the go

Assembly committee sends bill winging

JAN 19 1995
By Mike Flaherty WTS ST JR
Legislative reporter

The Republican plan to restrict AFDC payments to mothers already receiving welfare passed its first test overwhelmingly Wednesday and is likely on its way to becoming law.

The Assembly Welfare Reform Committee voted 9-3, with two Democrats siding with the Republicans, to pass the measure and send it to the Assembly floor next week.

While the bill will still be debated in the Assembly, the Senate and in the Joint Finance Committee, which reviews all spending measures, the bill is already co-sponsored by 55 of the Assembly's 99 members, and 17 of the Senate's 33 members.

"When you pass a bill like this 9-1, that sends a message," said John Gard, R-Peshigo, the author of the welfare reform measure. "This is a big win for the welfare reform and for taxpayers."

If passed, the measure would prohibit women receiving welfare payments under the Aid to Families with Dependent Children from receiving added benefits if they bear more children while on welfare. Currently, payments increase as women have more children — from \$440 a month for a woman with two children to \$517 for a mother with three, for example. The payments vary depending on the recipient's income, assets and other variables, however.

In addition, the measure requires single parents receiving AFDC to attend "self-sufficiency" training seminars and to look for jobs unless they're attending school.

Women who don't follow the program would have money deducted from their monthly AFDC checks. Finally, the measure would require the publishing and distribution of a county-by-county "most wanted" list showing the names of parents, almost all of them men, who have failed to pay child support.

The Department of Health and Social Services reported this week that the program would save \$137 million in state and federal tax dollars over five years as women have fewer children on AFDC and don't stay as long on the program, a trend that would lower AFDC as well as Medicaid costs.

Gard said the measure was important both financially and symbolically because it eliminates the message that the state will support welfare recipients no matter how poor their child-bearing decisions.

"If people come to us and ask for assistance, we obviously want to help them out," Gard said. "But it's not too much to ask people who are receiving AFDC not to have more children if they cannot afford to support."

Removing signals that encourage people to stay on welfare in Wisconsin "will be the underlying principle of all welfare programs," he said.

Three of the Democrats on the committee, including Rep. Becky Young, D-Madison, strongly opposed Tuesday's proposal. Young noted that the measure doesn't provide an adequate "safety net" for children in a state where the school-aged child poverty rate has risen more than a fourth to 16 percent.

Rep. Barbara Notestein, D-Milwaukee, last year's chairwoman of the committee before the Republicans took control, said the plan will cost money, not save it. Gard's plan calls for \$15 million in new state spending over the next four years and requires nine new state employees.

Rep. Antonio Riley, D-Milwaukee, said he didn't oppose caps on the program, but he said the proposal should be part of the larger, comprehensive reform package that the Thompson administration is supposed to present to the Legislature by the end of this year. Current law requires the elimination of the existing welfare programs by 1999.

3614
WJR

LRB clippings may document the way the press covered a specific piece of legislation.

In using the LRB clippings collection, or in doing a broader search with archived newspapers, it will be useful to know when key events occurred. This can be ascertained by using the procedural history to each bill described in Step 4. Additionally, the list of capitol correspondents in each edition of the *Wisconsin Blue Book* may be useful in determining which newspapers to search for information.

CONTACTING KEY INDIVIDUALS

Depending on the nature of their work, researchers may find it useful to contact individuals involved in formulating legislation. These individuals might be authors of bills, committee chairpersons, legislative leaders, or persons who testified about a bill at a public hearing. Many sources described in this brief can help in identifying these individuals. It is up to the researcher to decide whether the later statements or recollections of individuals would be useful in their research, and whether the events in question are recent enough to make contacting individuals feasible.

STEP 6: RESEARCHING BUDGET BILLS

Recent decades have seen a significant increase in the amount of legislation passed in biennial budget acts or even-year budget review acts. Researchers who find that the language they are interested in was created by a budget bill face significant, but usually surmountable obstacles.

Peculiarity of Budget Bills. The concept of a budget bill in Wisconsin has its genesis in a 1929 law requiring an Executive Budget Bill, which first applied to the 1931 session of the legislature. Prior to 1931, the legislature passed spending legislation as needed, independent of any formal budget process. From 1931 through the 1967 biennial session, the legislature normally dealt with at least four budget bills: one for the general fund (the main budget), one for the conservation fund, one for the highway or transportation fund, and one for other miscellaneous segregated funds. Budget bills during this period usually dealt only with revenues and appropriations, so it is relatively rare for a researcher to trace statutory language back to one of these early budgets. In 1969, the state adopted a system of program budgeting, whereby the legislature dealt with a single budget bill divided into a number of program areas. Around this time, it became common for major program or policy initiatives to be included in the budget act. As a result, researchers often find that statutory language has its origins in a post-1969 budget bill.

Modern budget bills differ from nonbudget legislation in two major respects. First, budget bills tend to be much longer than any other bill in a legislative session. During the 1990s, the governor's budget bill at times exceeded 2,000 pages in length. The other major difference is that budget bills, unlike nonbudget bills, can deal with many different subjects. Because of these peculiarities, budgets are drafted differently by the LRB. Unlike regular bills, which generally consist of a single, individual draft, the budget bill consists of numerous individual drafts compiled into a single bill.

Budget Drafting Records. Researching budget bills adds another step to the legislative history process: determining which "budget draft" created the language being researched. Because of the manner in which budget bills were drafted in past decades, budget drafting records prior to 1981 are very difficult to use. While they may contain useful information, they are not organized in a systematic fashion. It is a problem that became more acute as the size of budget bills increased in the 1970s, when more and more substantive policy changes were being included in the budget. Beginning in 1981, budget bill drafting records were arranged more systematically, and became much more friendly to researchers. Since then, budget drafting records have been arranged with the original Executive Budget Bill first, then the Joint Committee on Finance (JCF) version of the budget (usually Substitute Amendment 1), then simple amendments in numerical order, with the Conference Amendment last (in years when the budget goes to a conference committee). Each of these parts contains its own component drafting files in LRB number order. In budget drafting records, drafts originating in the original bill are part of the regular LRB number drafting sequence (LRB-0123), but the numbers of drafts that are done for amendments to the budget are preceded by a "b" (LRBb0123).

Because it is often important to know where in the budget process particular language first appeared, it may be useful to consult the *Index to the Bulletin of Proceedings of the Wisconsin Legislature*. This publication is a detailed subject index of all legislation introduced during a biennial session. Since the mid-1970s, the index has included more detailed information for budget bills, indicating which sections of the bill relate to a particular subject heading in the *Index*, and which amendments created which sections of the bill under a particular subject heading. This resource, which requires researchers to identify a subject heading where specific statutory language is indexed, allows them to focus on one portion of the drafting record, rather than having to look through the whole large file.

LRBb0498/1
CMH:lmk:pg

*The LRB number for a
budget draft.*

Budget drafting record contents are often different than regular bill drafting records. Once the

correct file has been identified, the first item is generally a request sheet. Because the governor's original bill originates in the state budget office in the Department of Administration (DOA), drafting records for provisions in the original bill usually contain communications from that office. These can be in the form of letters, memos, or e-mails, and at times can be quite revealing because they tend to include plain language descriptions of what the requester was trying to accomplish. As with other drafting records, contents can be disappointing if the communications between the budget office and the LRB were oral.

After introduction, the budget is referred to JCF, which reviews the bill in detail and produces a substitute amendment that constitutes the legislature's version of the budget. This document, usually called "Senate" or "Assembly Substitute Amendment 1," is informally known as the Joint Finance or JCF version of the bill. The drafting records for this substitute

September 21, 2004
Page 15 of 18

Attachment 7

**DEPARTMENT OF CORRECTIONS
2005-2007 Biennial Budget
Statutory Language Request**

Topic: Sex Offender Management Appropriation

Current Language

None

Proposed Change

Create a continuing PR-O state operations appropriation at §20.410(1)(gd) that will be used by the Department to deposit revenues from a new sex offender registration fee and provide statutory authority for the Department to charge a fee to those persons required to register on the sex offender registry.

§20.410(1)(gd) *Sex offender management.* All moneys received from sex offenders who are required to pay the annual sex offender registration fee as prescribed by rule in accordance with s. 301.133 [new statutory site], for the supervision of probationers, parolees and persons on extended supervision.

§301.133 (1) In this section "sex offender" means a person in the custody of the department who meets any of the criteria specified in s. 301.45(1g).
(2) The department may require a sex offender to pay an annual \$50 fee to partially offset the costs of monitoring probationers, parolees and persons on extended supervision.

Effect of the Change

This change will create a new PR-O appropriation for the Department that will be used to offset the costs of monitoring probationers, parolees and persons on extended supervision, including those on the sex offender registry.

Rationale for the Change

The number of sex offenders on the sex offender registry has increased considerably over the years, which requires increased staff time in the Department's Sex Offender Management Unit and the Monitoring Center. The Department is requesting to collect a \$50 annual offender registration fee to offset the costs of staff providing services in these units.

Desired Effective Date: Upon Passage of Bill
Agency: DOC
Agency Contact: Bob Nikolay
Phone: 240-5405

ch. 990 → DHFS → Doc
971 ?
No

A document typical of those generated by the executive branch to facilitate the drafting of the budget bill.

amendment use the prefix "b" and often contain communications from analysts at the Legislative Fiscal Bureau (LFB), the agency that provides fiscal analysis to the legislature. Some files may contain "motions," single sheets of paper that describe the effect of the current motion before JCF. If a motion passes, these sheets, prepared by the LFB for the convenience of JCF members, are often provided to LRB drafting attorneys with instructions to draft a provision reflecting the action of JCF in passing the motion. The main virtue of these documents is that they state the effect of the motion in plain language. They do not, however, explore the underlying intent of the committee or any individual member.

It is usually not possible to attribute a budget provision to an individual legislator, since they are generally the result of collective action – either the state budget office or JCF, or the legislature as a whole. At times, however, the drafting record for an item will indicate that it was drafted to insert an existing, stand alone bill into the budget bill. This leads the researcher not only to the

Senator Fitzgerald

ADMINISTRATION -- GENERAL AGENCY PROVISIONS

Appointment and Duties of the State Cartographer
[LFB Paper #102]

Motion:

Move to delete the provision of the bill that would require the University of Wisconsin System Board of Regents to seek the advice of the Department of Administration in the appointment of the State Cartographer. Further, delete the provision of the bill that would require the State Cartographer to undertake his or her duties in coordination and consultation with the Department of Administration.

Note:

Under current law, the UW System Board of Regents is authorized to appoint certain positions including the State Cartographer. Currently, the Board of Regents must seek the advice of the Land Information Board in appointing the State Cartographer. The bill would replace the sunseting Land Information Board's role with that of DOA. This motion would delete the requirement that the Board of Regents seek the advice of DOA in appointing the State Cartographer.

Also under current law, the State Cartographer must undertake his or her statutory duties in coordination and consultation with the Land Information Board. These duties are as follows: (1) cataloging current and historical maps available in various government agencies relating to this state; (2) promoting communication among government mapping agencies and surveyors to facilitate the coordination and exchange of information on mapping activities; (3) keeping abreast of the progress made by mapping agencies; (4) collecting and disseminating information on innovations in cartographic techniques and mapping procedures and such other matters as will facilitate an effective cartographic program for the state; (5) publishing special maps and information as will promote the mapping of the state; and (6) assisting the DNR in its work as the state representative of the U.S. Geographic Board. The bill would replace the sunseting Land Information Board's consulting and coordinating role with that of DOA. This motion would delete the requirement that the State Cartographer undertake his or her statutory duties in coordination and consultation with DOA.

MOC 1/12
 Landon X
 Darling X
 Johnson X
 Cramer X
 Lamm X
 Olsen X
 Decker X
 Taylor X
 Kallert X
 Hader X
 Meyer X
 Stone X
 Riedinger X
 Posen X
 Olson X
 16-0

Motion #412

JCF motion.

author of the proposal, but to the drafting record of the bill, which may include materials shedding light on intent. It is usually prudent to check the *Index to the Bulletin of Proceedings* to see if a specific budget provision was also introduced as a stand alone bill, either in the same biennial session, or a session or two prior to its appearance as part of the budget.

OTHER MATERIALS SPECIFIC TO BUDGET BILLS

Because of the unique nature of budget bills, there are a number of other supporting documents available that may be of interest to researchers.

LFB Summaries. The LFB produces a summary of the budget at each stage of its progress, detailing the changes made at each step. Known collectively as the LFB Summaries, they generally provide a good, thorough comparative summary of each provision. These summaries began to appear in primitive form in 1971, and have grown in length and sophistication over the years as the budget process has evolved. These summaries also exist for even-year budget adjustment bills.

Other LFB Materials. The LFB produces a series of brief publications known collectively as Budget Issue Papers, which provide a brief summary of a single program, the governor's proposed changes to that program, and discussion points and alternatives for JCF to consider in its budget deliberations relating to that program. These papers often give a detailed summary of the current state of a program, along with a brief discussion of its history. They do not give a strong statement of legislative intent, though they may give some rough idea of the reasons for changes in a particular governmental program.

The LFB also produces numerous irregular publications, either by request of a member of the legislature or a legislative committee, or by virtue of its role as staff to JCF. Some of these publications go into considerable detail in discussing the pros, cons, and implications of a piece of proposed legislation. The odds that such a publication exists for a given piece of legislation, however, are remote.

Budget Index Report. The LRB Theobald Library produces a *Budget Index Report*, which includes tables that can assist researchers in finding which LRB draft created a specific part of the budget. The Report may also help researchers identify which parts of the budget are associated with each other in the bill drafting process.

Executive Budget and Budget in Brief. These publications by the Division of Executive Budget and Finance in DOA each provide summaries of the governor's budget as introduced. They may give some policy context to items included in the original budget bill.

2005-07 WISCONSIN STATE BUDGET

Comparative Summary of Budget Provisions

Enacted as 2005 Act 25

Volume I

LEGISLATIVE FISCAL BUREAU

ONE EAST MAIN, SUITE 301
MADISON, WISCONSIN

The Legislative Fiscal Bureau's budget summary.

The LRB's budget index report.

Governor's Executive Budget Bill - Index Report - By Subject			Page 3
Component Subject	Component Topic	LRB No.	
Criminal Law - law enforcement	Transfer from TIME terminal charges appropriation to appropriation for background checks for handgun purchasers	-1037/2	
Criminal Law - sentencing	Earned Release Program; alternatives to sentencing for non-violent offenders	-1660/3	
Criminal Law - sentencing	Probation for misdemeanors	-1554/3	
Criminal Law - sex offenses	Fee for certain registered sex offenders	-0251/1	
Dom. Rel. - miscellaneous	Domestic abuse program funding	-0284/2	
Dom. Rel. - miscellaneous	Replace TANF with GPR for Brighter Futures and Tribal adolescent services and domestic abuse services grants	-1635/3	
Econ. Development - bus. dev.	Allow Commerce to contract directly with entity assisting grantee: BEST and gaming funds	-0470/P2	
Econ. Development - bus. dev.	Eliminate cap on enterprise zones	-0718/P3	
Econ. Development - bus. dev.	Streamlining the Wisconsin Development Fund	-0774/P4	
Econ. Development - bus. dev.	Super employment and economic development zone grant program	-1272/P1	
Econ. Development - bus. dev.	Training assistance grant program	-1614/P3	
Econ. Development - housing	Low-income home energy assistance program funding	-0738/2	
Econ. Development - housing	WHEDA lapse	-1225/1	
Econ. Development - misc.	Additional money for Forward Wisconsin	-1212/1	
Econ. Development - misc.	Rural economic development study	-1925/1	
Econ. Development - misc.	Transfer manufacturing extension program to technical college system	-1594/P2	
Econ. Development - tourism	Create appropriation in Department of Tourism for tourism marketing	-1227/1	
Education - handicapped ed.	High-cost special education	-0423/3	
Education - handicapped ed.	Special education aid reimbursement for school counselors	-0395/2	
Education - miscellaneous	American Indian issues initiative	-0370/1	
Education - miscellaneous	Four-year-old kindergarten	-0425/4	
Education - miscellaneous	Repeal of state-owned housing appropriation	-0421/3	
Education - miscellaneous	SAGE appropriation consolidation	-0422/1	
Education - miscellaneous	Strengthening SAGE	-0420/2	

Veto Message. Like all appropriation bills, the budget is subject to the governor's partial veto authority. The governor's veto message provides the governor's stated reasons for vetoing language in a bill, and may give some idea of the way the governor, at least, viewed the purpose or functioning of a certain program. The governor's veto message can be especially useful in determining the meaning of what statutory language remains after a partial veto.

STATE DOCUMENT		
	JIM DOYLE Governor State of Wisconsin	DR. H. RUPERT THEOBALD LEGISLATIVE LIBRARY WISCONSIN LEGISLATIVE REFERENCE BUREAU 100 N HAMILTON P.O. BOX 2037 MADISON WI 53701-2037
<p>To the Honorable Members of the Senate:</p> <p>I have approved Senate Bill 44 as 2003 Wisconsin Act 33 and deposited it in the Office of the Secretary of State.</p> <p>Budgets reflect choices. When times get tough, budgets reflect tough choices. This budget – a very tough budget, more difficult than any in memory, perhaps more difficult than any in Wisconsin's history – should nonetheless rest firmly on the values Wisconsin has always stood for. It should reflect the priorities that Wisconsinites hold dear. Above all, this budget should embody the choices – the tough choices – that I told the people of Wisconsin I would make when they elected me as their Governor.</p> <p>The following are the values, the priorities and the choices that should define Wisconsin's 2003-05 budget.</p> <p>First, no state tax increases – in order to grow Wisconsin's economy.</p> <p>Second, control state spending – in order to bring the budget into balance, both now and in the future.</p> <p>Third, protect the state's core mission – educate our children; provide health care to our elderly and disabled and working families; support our police officers, fire fighters and other providers</p> <p>Room 115 East, State Capitol, P.O. Box 7863, Madison, Wisconsin 53707 • (608) 266-1212 • FAX (608) 267-8983</p>		

The beginning of the governor's veto message for the 2003 budget.

Budget Message. The governor's budget message, usually published by DOA and in the Senate Journal, can give additional political context to a specific budget item.