



# Wisconsin Briefs

from the Legislative Reference Bureau

Brief 13-8

Updated November 2014

## 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.

**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.

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

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. (See Figure 1-1)

**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.

*Figure 1-1 Search as narrow a range of statutory language as possible. In the example above, research the entire section requires the examination of seven laws; limiting the search to subsection (2) requires the examination of five laws. Limit the search to the word "beaver" and only one law – 1987 Act 27 – must be examined.*

Following each section of the Wisconsin Statutes is a history note that lists each act of the legislature since 1971 that affected that section. 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. A privately published version of the statutes, *West's Wisconsin Statutes Annotated*, 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 Legislative Reference Bureau 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 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. (See Figure 1-2)

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 701a, 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, 166, 286; 2007 a. 20; 2009 a. 276; 2011 a. 148; s. 13.92 (1) (bm) 2.; s. 35.17 correction in (23) (c).

**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 legislature might later decide to use the land for other purposes. *Herro v. Natural Resources Board*, 53 Wis. 2d 157, 192 N.W.2d 104 (1971).

Property acquisition by the department when there is a bona fide intent not to condemn is discussed. 68 Atty. Gen. 3.

Figure 1-2 Laws prior to 1983 use "c." for "chapter"; laws from 1983 to the present use "a." for "act".

**Verify Session Law Created Language.**

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.

**Resources**

**Statutes.** The *Wisconsin Statutes* are published biennially by the Legislative Reference Bureau (LRB). 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 2011-12 *Wisconsin Statutes* are not published until the end of 2012, and incorporate all action

of the 2011 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. In 1909, the legislature passed a law providing for continuous revision to occur following each biennial session of the legislature. Thus, statutes have been published every other year since 1911.

The statutes have been published electronically since 1995 in addition to the printed version.

These are available at the legislative Web site at: <https://docs.legis.wisconsin.gov/archive>. Print versions of the statutes dating back to 1941 have been scanned and are also available in this archive. (See Figure 1-3)

**Archive**

See also the administrative code archive, the drafting files archive, the session archive, and the 1970 Annotations archive. You can also use this listing of law and administrative code archived elsewhere on the internet.

Wisconsin Constitution	Statutes	Statutes Index	Acts	Territory Acts	Joint Resolutions
2011-12	2011-12	2011-12	2011-12		
2009-10	2009-10	2009-10	2009-10		
2007-08	2007-08	2007-08	2007-08		
2005-06	2005-06	2005-06	2005-06		
2003-04	2003-04	2003-04	2003-04		
2001-02	2001-02	2001-02	2001-02		
1999-00	1999-00	1999-00	1999-00		
1997-98	1997-98	1997-98	1997-98		
1995-96	1995-96	1995-96	1995-96		
1993-94	1993-94	1993-94	1993-94		
1991-92	1991-92	1991-92	1991-92		
1989-90	1989-90	1989-90	1989-90		
	1987-88		1987-88		
	1985-86		1985-86		
	1983-84		1983-84		
	1981-82		1981-82		
	1979-80		1979-80		
	1977-78		1977-78		
	1975-76		1975-76		

Figure 1-3 Archived statutes and acts can be found on the Wisconsin Legislative Documents Web site ([docs.legis.wisconsin.gov](https://docs.legis.wisconsin.gov)).

**Laws of Wisconsin.** The *Laws of Wisconsin*, also known as the Wisconsin Session Laws, are published biennially by the 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*. (See Figure 1-4)

Wisconsin acts have been published electronically since 1995 in addition to the print version found in the *Laws of Wisconsin*. These have been archived at <https://docs.legis.wisconsin.gov/archive>. In addition, Wisconsin Acts dating back to 1848 have been scanned and are also available at this archive.

2011-2012 Wisconsin Legislature

## Senate Bill 61

Relating to: multiple trip permits for overweight vehicles transporting granular roofing material. Relating to: multiple trip permits for overweight vehicles transporting granular roofing material.

Status: S-Enacted into Law

### Important Actions (newest first)

Date / House	Action	Journal
5/26/2011 Sen.	Published 6-7-2011	308
5/11/2011 Sen.	Report passage recommended by committee on Transportation and Elections, Ayes 5, Noes 0	267

### Links

- [2011 Wisconsin Act 20 \(PDF\)](#)
- [LC Act Memo](#)
- [Bill Text \(PDF\)](#)
- [Fiscal Estimates](#)
- [Record of Committee Proceedings](#)
- [Record of Committee Proceedings for STRA from 05-11-2011](#)
- [Government Accountability Board information](#)
- [Subscribe to updates via Notify](#)

### History

Date / House	Action	Journal
4/15/2011 Sen.	Introduced by Senator Galloway; Cosponsored by Representatives Petrowski, Seidel, Mursau and Spanbauer	
4/15/2011 Sen.	Read first time and referred to committee on Transportation and Elections	220

Figure 1-4 History Notes of Senate Bill 61. The boxed portion shows that Senate Bill 61 became Wisconsin Act 20.

## 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 usually 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 biennium. 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. (See Figure 2-1) 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 re-

	<p>State of Wisconsin 2011 - 2012 LEGISLATURE</p>	 LRB-0565/2 JK:jld:ph
<h3>2011 ASSEMBLY BILL 1</h3>		
<p>January 14, 2011 - Introduced by Representatives WILLIAMS, STEINEKE, NASS, A. OTT, RIPP, VAN ROY, KAUFERT, TRANEL, RIVARD and KLEEFISCH, cosponsored by Senators HOPPER, DARLING and WANGGAARD. Referred to Committee on Jobs, Economy and Small Business.</p>		
<p>1 2</p>	<p><b>AN ACT to amend</b> 71.07 (3q) (d) 2., 71.28 (3q) (d) 2. and 71.47 (3q) (d) 2. of the statutes; <b>relating to:</b> processing refunds for the jobs tax credit.</p>	
<p><i>Analysis by the Legislative Reference Bureau</i></p>		
<p>Under current law, an employer may claim tax credits based on the wages paid to new employees and on the costs incurred by the employer for certain training activities. Under current law, if the amount of the credits exceeds the employer’s tax liability, the state issues a refund. The credits apply to taxable years beginning on or after January 1, 2010, but if any employer is owed a refund, the employer will not receive it until after December 31, 2011. Under this bill, an employer may claim the credits for taxable years beginning on or after January 1, 2010, and refunds will be paid beginning on July 1, 2011.</p>		
<p>For further information see the <b>state</b> fiscal estimate, which will be printed as an appendix to this bill.</p>		
<p><i>The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:</i></p>		
<p>3 4 5</p>	<p><b>SECTION 1.</b> 71.07 (3q) (d) 2. of the statutes is amended to read: 71.07 (3q) (d) 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under ss. 71.02 and 71.08, the amount of the claim not used to</p>	
<p>Figure 2-1 Structure of a bill.</p>		

2011 - 2012 Legislature - 5 - LRB-2144/2 PJH/jld/ph SECTION 5  
**ASSEMBLY BILL 670**

1 20.550 (1) (q) *Representation related to operating while intoxicated.* From the  
 2 intoxicated and drugged drivers fund, the amounts in the schedule for  
 3 representation under s. 977.02 (2g).  
 4 **SECTION 6.** 20.625 (1) (q) of the statutes is created to read:  
 5 20.625 (1) (q) *Operation costs related to operating while intoxicated.* From the  
 6 intoxicated and drugged drivers fund, the amounts in the schedule for circuit court  
 7 costs under s. 753.19.  
 8 **SECTION 7.** 25.975 of the statutes is created to read:  
 9 **25.975 Intoxicated and drugged drivers fund.** There is established a  
 10 separate nonlapsible trust fund designated as the intoxicated and drugged drivers  
 11 fund, to consist of all moneys received under s. 139.27.  
 12 **SECTION 8.** 46.03 (45) of the statutes is created to read:  
 13 46.03 (45) **INTOXICATED AND DRUGGED DRIVING.** From the appropriation under  
 14 s. 20.435 (5) (q), provide services to persons charged with offenses that are  
 15 punishable under s. 346.65 (2) (am) 1.  
 16 **SECTION 9.** 139.27 of the statutes is created to read:  
 17 **139.27 Revenue distribution.** The first \$10,000,000 collected in each fiscal  
 18 year from the taxes imposed under s. 139.03 shall be deposited into the fund created  
 19 under s. 25.975.  
 20 **SECTION 10.** 165.85 (4r) of the statutes is created to read:  
 21 165.85 (4r) **SOBRIETY CHECKPOINTS.** (a) The board shall promulgate rules for  
 22 administering a sobriety checkpoint program that are consistent with par. (b). No  
 23 local authority may conduct a sobriety checkpoint program that does not comply with  
 24 the rules established under this subsection.

Figure 2-2 The body of a bill is arranged in statute number order.

	59	89,500
	60	90,000

1 **SECTION 10. Nonstatutory provisions.**  
 2  
 3 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.  
 4 Notwithstanding section 13.096 (2) of the statutes, the department of transportation  
 5 shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes  
 6 because the department recently completed the Wisconsin Truck Size and Weight  
 7 Study, with a final report dated June 15, 2009, that contained the same or similar  
 8 information that would be contained in a report on this bill under section 13.096 (2)  
 9 and (3) of the statutes.  
 10 **SECTION 11. Effective date.**  
 11 (1) This act takes effect on the first day of the 7th month beginning after  
 12 publication.  
 13 (END)

Figure 2-3 Nonstatutory provisions appear at the end of a bill. The effective date is often the last item.

searching a specific section of the statutes to find the provision being researched. (See Figure 2-2) The statutory language 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

The screenshot shows the Wisconsin State Legislature website with a search bar and navigation links for HOME, SENATE, ASSEMBLY, COMMITTEES, SERVICE AGENCIES, DOCS, OPTIONS, and HELP. The main content area is divided into several sections:

- Statutes:** 1. Table of Contents, 2. Subject Index to the Statutes, 3. Sections Affected by Acts, 4. Statute Cross-References, 5. Wisconsin Constitution
- Administrative Code:** 1. Table of Contents, 2. Administrative Register, 3. Subject Index to Administrative Code, 4. Administrative Code Cross-References, 5. Administrative Code Citations, 6. Clearinghouse Rules (Active Rules), 7. Final Filed Rule Orders, 8. Subject Index to Clearinghouse Rules, 9. Emergency Rules
- 2013-14 Session:** 1. Senators and Representatives, 2. Committees, 3. Bill, Rule, and Appointment Histories, 4. Text of Introduced Proposals, 5. Amendment Text, 6. Acts, 7. Veto Messages, 8. Enrolled Bills, 9. Drafting Files, 10. Votes, 11. Assembly and Senate Floor Calendars, 12. Schedule of Committee Activities, 13. Assembly and Senate Journals, 14. Committee Records (ROCPs), 15. Legislative Rules, 16. All Session-Related Documents
- Bulletin of Proceedings Indices:** 1. Subject Index to Acts, 2. Subject Index to Legislation, 3. Subject Index to Journals, 4. Author Index to Legislation, 5. Subject Index to Clearinghouse Rules, 6. Miscellaneous Budget Documents
- Miscellaneous Documents:** 1. Executive Orders, 2. Rulings of the Chair, 3. Wisconsin Supreme Court Rules, 4. Opinions of the Attorney General, 5. Town Law Forms
- Archives:** 1. Law, 2. Districts, 3. Session, 4. Drafting Files, 5. Admin Code
- Links:** 1. Help, 2. Feeds, 3. Preferences, 4. Feedback, 5. Notification Service

Figure 2-4 Bills from 1995 to present are available at the Wisconsin Legislative Documents Web site.

legislation. If no effective date is listed, a law is effective the day after the publication date designated by the LRB. (See Figure 2-3) Bills from 1995 to present are available at the legislature's Web site. (See Figure 2-4)

**Amendments.** (See Figure 2-5) 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

2011-2012 Wisconsin Legislature

## Assembly Bill 200

Relating to: temporary alcohol beverages licenses issued for fairgrounds and eligibility for state aid for fairs. Relating to: temporary alcohol beverages licenses issued for fairgrounds and eligibility for state aid for fairs.

**Status: A-Enacted into Law**

**Important Actions (newest first)**

Date / House	Action	Journal
3/23/2012 Asm.	Published 4-4-2012	1003
1/12/2012 Sen.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0.	650
10/20/2011 Asm.	Report passage recommended by committee on Homeland Security and State Affairs, Ayes 8, Noes 0	588

**Links**

- [2011 Wisconsin Act 129 \(PDF\)](#)
- [LC Act Memo](#)
- [Bill Text \(PDF\)](#)
- [Amendments](#)
- [Fiscal Estimates](#)
- [Record of Committee Proceedings](#)
- [Record of Committee Proceedings for AHOM from 10-20-2011](#)
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**History**

Date / House	Action	Journal
7/19/2011 Asm.	Introduced by Representatives Bernier, Ballweg, Bewley, Bies, Brooks, Endsley, Nerison, A. Ott, Petrowski, Ripp, Spanbauer, Strachota and Tranel; Cosponsored by Senators Moulton, Schultz, Holperin, Lasee, Lassa and Taylor	
7/19/2011 Asm.	Read first time and referred to committee on Homeland Security and State Affairs	448
7/27/2011 Asm.	Fiscal estimate received	
8/4/2011 Asm.	Fiscal estimate received	
10/12/2011 Asm.	Public hearing held	
10/19/2011 Asm.	Executive action taken	
10/20/2011 Asm.	Report passage recommended by committee on Homeland Security and State Affairs, Ayes 8, Noes 0	588
10/20/2011 Asm.	Referred to committee on Rules	588
10/20/2011 Asm.	Placed on calendar 10-25-2011 by committee on Rules	
10/24/2011 Asm.	Assembly amendment 1 offered by Representative Bernier	597
10/25/2011 Asm.	Read a second time	609

*Figure 2-5 Amendments from 1995 to present and fiscal estimates created since 1999 are available on the Wisconsin Legislative Documents Web site; each can be accessed from "Links" or the procedural history of the bill.*



**Fiscal Estimate - 2011 Session**

Original    Updated    Corrected    Supplemental

LRB Number **11-0635/1**   Introduction Number **AB-0048**

**Description**  
Information about land acquired with stewardship funding

**Fiscal Effect**

State:

No State Fiscal Effect  
 Indeterminate  
 Increase Existing Appropriations  
 Decrease Existing Revenues  
 Increase Existing Revenues  
 Increase Costs - May be possible to absorb within agency's budget

Figure 2-8

**Fiscal Estimate Narratives**  
DNR 3/29/2011

LRB Number **11-0635/1**   Introduction Number **AB-0048**   Estimate Type **Original**

**Description**  
Information about land acquired with stewardship funding

**Assumptions Used in Arriving at Fiscal Estimate**

This bill requires DNR to make available, for a fee, a written directory of all land acquired under both stewardship programs (stewardship land) that is open to the public. Also, DNR must make available a list of stewardship land acquired before October 27, 2007, for which public access has been prohibited or restricted and the reasons for the prohibition or restriction. For stewardship land acquired on or after that date, current law requires landowners to post signs that notify the public which activities are permitted, restricted, and prohibited on the land. The directory and list must be completed within two years after the bill becomes law.

Assumptions

Costs to publish the directory are based on information that was gathered from DNR staff publishing similar documents (DNR Property Master Plan) and staff from other states which have also published a similar directory. Any increase in costs to the Department are anticipated to be offset by corresponding revenue as the bill gives the Department the authority to sell the directory to recoup costs. Existing staff will be directed to work on this directory so there will be no increase in FTE's but there will be an increase in staff costs which will be offset equally with revenues.

State Fiscal Effect--Printing

The cost to develop and publish a useful directory as required by this bill is estimated at about \$10.00 per copy for printing only. The cost estimate is based on information gathered from the State of Missouri and from Department staff currently involved in the printing and distribution of 200 copies of a 170 page master plan printed on 8.5 x 11 paper. We are uncertain what our publication will look like or the volume of production. However the range in printing costs is from \$10.00 (from Missouri) a copy on the low end to \$8.00 a copy on the high end (from WDNR staff). The Department is using \$10.00 per copy for this fiscal estimate as production volume will be considerably higher than the production volume of the DNR master plan (200 copies). Therefore, if 20,000 copies are made at \$10.00 a copy, total costs would be \$200,000.

State Fiscal Effect--Staff

**Fiscal Estimate Worksheet - 2011 Session**  
Detailed Estimate of Annual Fiscal Effect

Original    Updated    Corrected    Supplemental

LRB Number **11-0635/1**   Introduction Number **AB-0048**

**Description**  
Information about land acquired with stewardship funding

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

**II. Annualized Costs:**

	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$15,700	\$
(FTE Position Changes)		
State Operations - Other Costs	111,600	
Local Assistance		
Aids to Individuals or Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$127,300</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>		
GPR		
FED		
PRO/PRS	127,300	
SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS	127,300	
SEG/SEG-S		
<b>TOTAL State Revenues</b>	<b>\$127,300</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>		

Figure 2-9

Figure 2-10

The first page of a fiscal estimate (Figure 2-8) indicates the net fiscal effect of the bill; the narrative (Figure 2-9) describes the assumptions used in preparing the estimate; and the long-range estimate (Figure 2-10) gives actual dollar estimates of the bill's immediate and future costs.

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 Administration; and bills creating a new crime or revising a criminal penalty may include a report from the Joint Committee on Criminal Penalties. Reports of this sort are typically available only in paper at a library that retains the paper text of bills.

**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.

2013 Assembly Joint Resolution 17	Tabled	Relating to: the life and military service of United States Army First Lieutenant David Andrew Johnson.
2013 Assembly Joint Resolution 18	State Affairs and Government Operations	Relating to: temporary service by a court of appeals judge in the supreme court in judicial disciplinary proceedings (first consideration)
2013 Assembly Joint Resolution 19	State Affairs and Government Operations	Relating to: a panel of court of appeals judges in disciplinary proceedings involving a supreme court justice (first consideration)
2013 Assembly Joint Resolution 20	Rules	Relating to: University of Wisconsin-Green Bay women's basketball team.
2013 Assembly Joint Resolution 21	State Affairs and Government Operations	Relating to: meeting of the legislature and compensation of members.
2013 Assembly Joint Resolution 22	Rules	Relating to: declaring May 2013 Youth Traffic Safety Month.
2013 Assembly Joint Resolution 23	State Affairs and Government Operations	Relating to: establishing a competitive election criteria for redistricting the legislature (first consideration)
2013 Assembly Joint Resolution 24	Enrolled	Relating to: expressing prayers and condolences to the families, friends of the victims, and the injured from the bombings at the Boston Marathon and praising the first responders who rushed to their aid.
2013 Assembly Joint Resolution 25	Available for scheduling	Relating to: recall of elective officers and a code of ethics for government officials (first consideration)

Figure 2-11 Index to Proposals where constitutional amendments are listed by "first consideration" or "second consideration".

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 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)." (See Figure 2-11) 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. (See Figure 2-12) Joint resolutions since 1995 are available on the legislature's Web site.

Art.	Sec.	Subject	First Approval		Second Approval		Vote			
			Year	Session	Year	Session	Date of Election	For	Against	Total Vote for Governor
VIII	1	Residential property tax reduction	AJR 81	JR 26 1989	SJR 12	JR 14 1991	Nov. 1992	675,876	1,536,975	2,531,114*
I	9m	*Crime victims	SJR 41	JR 17 1991	SJR 3	JR 2 1993	Nov. 1993	861,405	163,087	1,075,382*
IV	24	*Gambling, limiting "lottery," divorce under general law (also amended IV-31, 32)	AJR 1	JR 27 SS 92*	SJR 2	JR 3 1993	"	623,987	435,180	"
I	3	Removal of unnecessary references to masculine gender (also amended I-3, 7, 9, 19, 21(2); IV-6, 12, 13, 23a; V-4, 6; VI-2; VII-1, 12; XI-3a; XIII-4, 11, 12(6))	AJR 121	JR 21 1993	AJR 12	JR 3 1995	Apr. 1995	412,032	498,801	939,670*
IV	24(6)(a)	Authorizing sports lottery dedicated to athletic facilities	SJR 49	JR 27 1993	SJR 3	JR 2 1995	Apr. 1995	348,818	618,377	"
VII	10(1)	Removal of restriction on judges holding nonjudicial public office after resignation during the judicial term	AJR 81	JR 20 1993	AJR 15	JR 4 1995	Apr. 1995	390,744	503,239	"
XIII	3	*Eligibility to seek or hold public office if convicted of a felony or a misdemeanor involving violation of a public trust	AJR 3	JR 19 1993	AJR 16	JR 28 1995	Nov. 1996	1,292,934	543,516	2,196,169*
I	25	*Guaranteeing the right to keep and bear arms	AJR 53	JR 27 1995	AJR 11	JR 21 1997	Nov. 1998	1,205,873	425,052	1,756,014
VI	4(1)(3)	*4-year term for sheriff; sheriffs permitted to hold nonpartisan office; allowed legislature to provide for election to fill vacancy during term	AJR 37	JR 23 1995	SJR 43	JR 18 1997	Nov. 1998	1,161,942	412,508	"
IV	24(3)	*Distributing state lottery; bingo and pari-mutuel proceeds for property tax	AJR 80	JR 19 1997	AJR 2	JR 2 1999	Apr. 1999	648,903	105,976	758,965*
I	(26)	*Right to fish, hunt, trap, and take game	SJR 2	JR 16 2001	AJR 1	JR 8 2003	Apr. 2003	668,459	146,182	800,785*
VI	4(1)(3)	*4-year term for county clerks; treasurers, clerks of circuit court, district attorneys, coroners, elected surveyors, and registers of deeds	AJR 10	JR 12 2003	SJR 2	JR 2 2005	Apr. 2005	534,742	171,037	552,790*
XIII	13	*Marriage between one man and one woman (also amended VII-12)	AJR 66	JR 29 2003	SJR 53	JR 30 2005	Nov. 2006	1,264,310	862,924	2,161,700
V	10(1)(c)	*Constitutional partial veto power	SJR 33	JR 46 2005	SJR 5	JR 26 2007	Apr. 2008	575,582	239,613	830,450*

\*Ratified.  
 \*No election for statewide office. \*Total vote for State Superintendent. \*No number assigned to joint resolution. \*Total vote for Justice of Supreme Court. \*Ratified but declared invalid by Supreme Court in *State ex rel. Owen v. Dowd*, 160 Wis. 2d 1 (1915). \*Special session: July 1948, December 1964, June 1980, and August 1992. \*Ratified but declared invalid by Supreme Court in *State ex rel. Thomson v. Zimmerman*, 264 Wis. 644 (1953). \*Total vote for presidential delegate election. \*Recount resulted in rejection (242,132 to 342,309). However, the Dane County Circuit Court ruled the recount invalid due to election irregularities and required that the referendum be resubmitted to the electorate. Resubmitted to the electorate November 1976 by the 1975 Wisconsin Legislature through Ch. 224, s. 145c, Wis. Stat. 1975. \*\*As a result of a Dane County Circuit Court injunction, vote totals were certified April 7, 1982, by the Board of State Canvassers.  
 Sources: Official records of the Government Accountability Board, *Law of Wisconsin*, 2009 and previous volumes.

SUMMARY - CHANGING THE WISCONSIN CONSTITUTION  
 To amend the Wisconsin Constitution, it is necessary for two consecutive Wisconsin Legislatures to adopt an identical amendment (known as "first consideration" and "second consideration") and for a majority of the electorate to ratify the amendment at a subsequent election. See Art. XII, Sec. 1.  
 Since the adoption of the Wisconsin Constitution in 1848, the electorate has voted 142 out of 192 times to amend a total of 126 sections of the constitution (excluding the same vote for more than one item but including a vote that was later resubmitted by the legislature and two votes that were declared invalid by the courts). The Wisconsin Legislature adopted 156 acts or joint resolutions to submit these changes to the electorate.

Figure 2-12 The "History of Constitutional Amendments" can be found in the Blue Book or the LRB publication of the "Wisconsin Constitution".

### 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 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.

#### *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.

**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 symbol (/),” 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. (See Figure 3-1)



*Figure 3-1 The LRB number appears in the upper, left-hand corner of each page.*

**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.

**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. (See Figures 3-2 and 3-3) 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.



*Figure 3-2 LRB number for a substitute amendment.*



*Figure 3-3 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. (See Figure 3-4) 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 introduced bill.

**LRB-1113**  
01/31/2011 09:09:15 AM  
Page 1

**2011 DRAFTING REQUEST**

**Bill**

Received: **01/19/2011** Received By: **rkite**

Wanted: **As time permits** Companion to LRB:

For: **Erik Severson (608) 267-2365** By/Representing: **A.J.**

May Contact: Drafter: **rkite**

Subject: **Nat. Res. - fish and game** Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Severson@legis.wi.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Expanding bear hunting license privileges

---

**Instructions:**

Redraft 2009 AB 371 (LRB-3166) as originally introduced (i.e., not as amended)

---

**Drafting History:**

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rkite 01/20/2011	jdyer 01/27/2011		_____			State
/1			mduchek 01/28/2011	_____	sbsford 01/28/2011	mbarman 01/31/2011	

---

*Figure 3-4 This drafting record indicates that the bill is based on a previously introduced bill and amendment.*

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.

**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 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 the 1999 session 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 order-

**DRAFTING REQUEST**

Date Received 6-2-55  
 Date Desired 1-30  
 Request for Contd - 9 Our No. 3494  
 (Bill, Amend., Jt. Res. or Res.) (Filed on by other date)  
 Subject: to Bill 266A.  
 Sponsor or source Mr. Corona  
 Instructions submitted by: \_\_\_\_\_  
 In \_\_\_\_\_ form, by: \_\_\_\_\_  
 (Draft, Typewritten, Written, Oral) (Telephone) (Personally)  
 For: Request by Sub. Welfare Dept.  
 (Member or Committee)  
 INSTRUCTIONS  
Attached  
 Received by Handy Signature [Signature]  
 (Draftsman)  
 Copies to: \_\_\_\_\_  
 LRB-D-311

Figure 3-5

1993

**DRAFTING REQUEST**

Extra Copies \_\_\_\_\_ LRB S 0425  
 Date rec'd 11/30 Received by GF Vented \_\_\_\_\_ Drafter GF  
 S ① Bill Jt. Res. Res. (Sub. Amend.) Amt. \_\_\_\_\_  
 SHORT DESCRIPTION to AB2  
 FOR BALDWIN BY/Representing himself  
 SUBJECT AREA \_\_\_\_\_ This file MAY BE SHOWN to any legislator (If "yes", SIGN here)  
 MAY CONTACT \_\_\_\_\_  
 INSTRUCTIONS: SEE ATTACHED  
Eliminate 939.623  
3rd offense up to 34 mos  
Asside funding/study provision in re treatment  
 Work/Draft/Typed/Proofed/Submitted/Jacketed  
 Wanted by \_\_\_\_\_  
 Drafted [Signature]  
 Reviewed [Signature]  
 Typist [Signature]  
 Original to \_\_\_\_\_  
 Proofed [Signature]  
 drafter \_\_\_\_\_  
 All "P" copies: Submitted \_\_\_\_\_  
 give to drafter \_\_\_\_\_  
 Jacketed [Signature]  
 FE sent for \_\_\_\_\_ FE-S/L RETIRE TAXED LARKED  
 Requested ORIGINAL draft: Received JACKET or stripes:  
[Signature] (Please sign here) [rev: 11/30/92 1993DFO1(m)]

Figure 3-6

01/18/2012 09:31:48 PM Page 1

**2011 DRAFTING REQUEST**

**Bill**  
 Received: 12/14/2011 Received By: jkreye  
 Wanted: As time permits Companion to LRB:  
 For: Mark Radcliffe (608) 266-7461 By/Representing:  
 May Contact: Drafter: jkreye  
 Subject: Tax, Other - sales Addl. Drafters:  
 Extra Copies:  
 Submit via email: YES  
 Requester's email: Rep.Radcliffe@legis.wisconsin.gov  
 Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov  
 Pre Topic:  
 No specific pre topic given  
 Topic:  
 Sales and use tax holiday for March 2012  
 Instructions:  
 See attached  
 Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Reqd.
/1	jkreye 12/14/2011	jdjer 12/15/2011	jfrantze 12/15/2011	_____	sbsford 12/15/2011	lparisi 01/18/2012	State Tax

Figure 3-7

119 East Main Street  
 SPARTA, WISCONSIN

**WISCONSIN LEGISLATURE**  
 ASSEMBLY CHAMBER  
 MADISON  
 Dec 10, 1946

Reference Library  
 State Capitol  
 Madison, Wis

Friend Howard:  
 Please draw three bills for me.  
 1. A bill to permit the teacher colleges, Stouts, and the School of mines to retain the fees they receive from veterans fees in the same manner that the University does.  
 2. A bill to permit the above schools to create building corporations and function in the same manner that the University does.  
 3. A bill to require the Wisconsin National Guard to have its officers of an age suitable for combat. During the war the Army came out with an order that an officer older than a certain age as set up in the schedule could not command combat troops. I am sure you can secure this information from the Adjutant General of the Army.  
 Thanking you I remain,  
 Sincerely,  
[Signature]  
 Note: Bill sent to the bank of records  
 11/18/48 for review

MILK! REAL MILK FROM A COW  
 NATURE'S MOST NEARLY PERFECT FOOD

Figure 3-8

Figures 3-5, 3-6, and 3-7 offer examples of drafting request sheets from 1955, 1993, and 2005, respectively. Figure 3-8, a letter from 1948, is typical of written drafting instructions.

ing 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 photocopies 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 Legislative Reference Bureau posts drafting records for prior sessions from 1999 to present at its Web site, [https://docs.legis.wisconsin.gov/drafting\\_files](https://docs.legis.wisconsin.gov/drafting_files). (See Figure 3-9)

The screenshot shows the website for the Wisconsin Legislative Reference Bureau. The header includes the state name and the bureau's name, with navigation links for Home, Legislative Documents, Publications, Library, Research, and Legal. A secondary navigation bar lists 'LRB Reference & Research Services'. A sidebar on the left contains 'Helpful Links' such as Drafting Files, Video Tutorials, and various guides. The main content area features a search bar, a 'Drafting Files' section with a descriptive paragraph, and a list of 'Drafting File Folders' for various legislative sessions from 1999-00 to 2013-14.

**STATE OF WISCONSIN**  
**Legislative Reference Bureau**

Home Legislative Documents Publications Library Research Legal

**LRB Reference & Research Services**

**Our Mission**  
As an agency supporting the Wisconsin Legislature, the Legislative Reference Bureau offers a broad range of information, research, and analysis. Our legislative analysts and editors, on behalf of the legislature, assist the public in obtaining information on state government and public policy issues. We also compile the Wisconsin Blue Book, the biennial almanac of state government. Our services are:

ACCURATE	Research is comprehensive, reliable, and up-to-date.
IMPARTIAL	Analysis is nonpartisan and objective.
CONFIDENTIAL	Your identity and research are kept confidential.

**Patron Services**  
As the institutional memory of Wisconsin Government, the Legislative Reference Bureau provides a wealth of information for your research. Our library collection and facilities provide a variety of services to our patrons.

GENERAL INFORMATION	Find statistics, historical facts, quotes, history books, encyclopedias, law dictionaries, and more.
BACKGROUND ON LEGISLATION	Look up bill histories, roll call votes, and Assembly Journal entries, and rules for the Assembly.
LEGISLATIVE HISTORY	Trace the origin of statutes, examine the adoption of administrative rules by statute.
LEGISLATION & JUDICIAL DECISIONS	Locate laws, bills, administrative rules, and court decisions.
NEWS ARTICLES	Search our extensive Clippings Collection house clippings database, to find old news articles.
INFORMATIONAL REPORTS	Obtain our concise summaries of recent legislative issues in person or on our website.

**Wisconsin State Legislature**  
HOME SENATE ASSEMBLY COMMITTEES SERVICE AGENCIES

Search everything here Search

**Drafting Files**  
Drafting records are the official, administrative records of the bill drafting process, and are maintained by the Legislative Reference Bureau. Drafting records may or may not be useful in determining the intent of a legislator in introducing a bill. As an administrative record, it is not designed to document intent, but primarily to document that a bill has been drafted in accordance with the instructions from the legislator and to facilitate drafting of similar proposals in the future. The content of individual drafting records can vary widely. It is recommended that inexperienced researchers do their work at the LRB, where staff can give assistance on using drafting records.

Drafting records before 1999 are not available online. Records from 1997 to 1927 are available on microfiche. There are no drafting records before the 1927 session. All records are available at the Legislative Reference Bureau. Please contact the LRB reference section at (608) 266-0341 for their policies on obtaining copies of drafting records from previous sessions.

Before you begin your online search:

- Glossary of drafting terms
- Searching the records
- Budget searches

**Drafting File Folders**

- 2013-14 Drafting Files
- 2011-12 Drafting Files
- 2009-10 Drafting Files
- 2007-08 Drafting Files
- 2005-06 Drafting Files
- 2003-04 Drafting Files
- 2001-02 Drafting Files
- 1999-00 Drafting Files

Figure 3-9 Drafting Records after 1999 are available online at [www.docs.legis.wisconsin.gov/drafting\\_files](http://www.docs.legis.wisconsin.gov/drafting_files).

### 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.

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. (See Figures 4-1, 4-2, and 4-3)

Procedural histories are available online for every bill introduced since 1995 at [https://docs.legis.wisconsin.gov/session\\_archive](https://docs.legis.wisconsin.gov/session_archive). 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.

<p><b>No. 472, A.</b> A bill to amend section 8 of chapter III of the law 185 of the laws of 1905, entitled "An act to provide tenure of historical museums in cities of the first class and to authorize the levy of a tax to purchase, erect and maintain historical museums in cities of the first class."</p> <p>2-14. A. Introduced by Mr. BERNER. Read and referred to committee on Cities.....</p> <p>3-14. A. Withdrawn from com. on City Living to committee on Cities.....</p> <p>3-31. A. Report Amdt. No. 1, A., and passage</p> <p>4-6. A. Amendment No. 1, A., adopted.....</p> <p>4-6. A. Ordered engrossed and read third time</p> <p>4-8. A. Report cor. eng. and ref. to Com. on</p> <p>4-11. A. Report correct.....</p> <p>4-13. A. Read a third time and passed.....</p> <p>4-17. S. Received from assembly. Referred to</p>	<p><b>No. 450, A.</b> A bill to repeal and recreate 108.06 (1) create 108.06 (1) (schedule) (lines 29 to 30) to increasing maximum wage class for benefits.</p> <p>3-14. A. Introduced by Messrs. HARDY and O'CONNELL.....</p> <p>3-14. A. Read first and second times and referred to committee on Judiciary.....</p> <p>5-1. A. Recalled from committee on</p> <p>5-1. A. Referred to joint committee</p> <p>6-7. A. Report amendment No. 1, A., amended by joint committee</p> <p>6-12. A. Amendment No. 1, A., adopted</p> <p>6-12. A. Ordered engrossed and read a third time</p> <p>6-12. A. Rules suspended</p> <p>6-12. A. Read a third time and passed</p> <p>6-12. A. Ordered immediately message</p> <p>6-13. S. Received from assembly</p> <p>6-13. S. Read first time and referred to committee on Labor, Taxation, Insurance</p> <p>6-26. S. Report concurrence recommended</p> <p>6-26. S. Read a second time</p> <p>6-26. S. Made a special order of business on 6-27</p> <p>6-27. S. Amendment No. 1, S., offered</p> <p>6-27. S. Amendment No. 1, S., adopted</p>	<p><b>Assembly Bill 82</b> An Act to create 29.889 (1) (g) and 29.889 (7m) (at) of the statutes; relating to: wildlife damage abatement assistance and claim payments for damage caused by cougar. (FE)</p> <p>2011</p> <p>04-07. A. Introduced by Representatives Vruwink, Spanbauer, Turner and Ripp; cosponsored by Senators Lassa, Schultz, Kedzie and Taylor.</p> <p>04-07. A. Read first time and referred to committee on Natural Resources ..... 224</p> <p>05-02. A. Fiscal estimate received.</p> <p>10-26. A. Public hearing held.</p> <p>11-03. A. Executive action taken.</p> <p>11-07. A. Report passage recommended by committee on Natural Resources, Ayes 12, Noes 0 ... 675</p> <p>11-07. A. Referred to committee on Rules ..... 675</p>
<p>Figure 4-1 1911</p>	<p>Figure 4-2 1955</p>	<p>Figure 4-3 2011</p>
<p>The format of procedural histories has not changed much over the years.</p>		

**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 reads, "Introduced by Joint Legislative Council." (See Figure 5-1) 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 LRB already drafted. The request sheet usually contains a notation, "Council" or "WLC," (See Figure 5-2) and 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

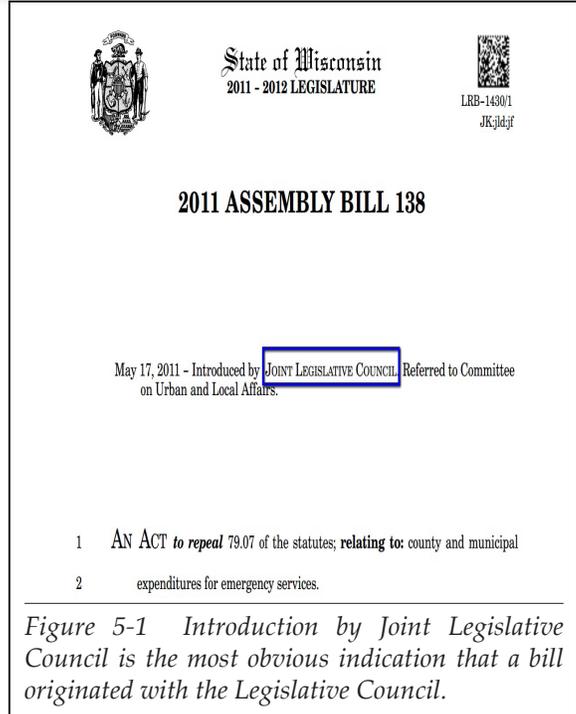


Figure 5-1 Introduction by Joint Legislative Council is the most obvious indication that a bill originated with the Legislative Council.

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, 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

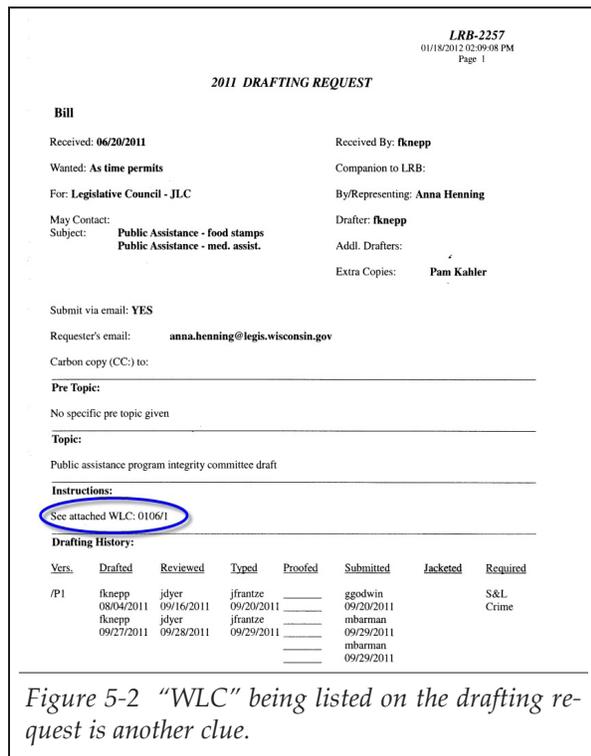


Figure 5-2 "WLC" being listed on the drafting request is another clue.



Figure 5-3 Membership of council committees can be found at the Legislature Web site ([www.legis.wisconsin.gov](http://www.legis.wisconsin.gov))

a special committee. (See Figure 5-3) Recent mandate and membership lists are available on the Legislature’s Web site ([www.legis.wisconsin.gov/](http://www.legis.wisconsin.gov/)), or from 1947 to the present in the various editions of the Wisconsin Blue Book. (See Figure 5-4)

**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 of each issue, an account of study committee activities, and a list of bills introduced and enacted as a result of study committee activity. (See Figure 5-5) These materials are available at the LRB Library for each session since 1947, and at the Legislative Council web site for more recent sessions.

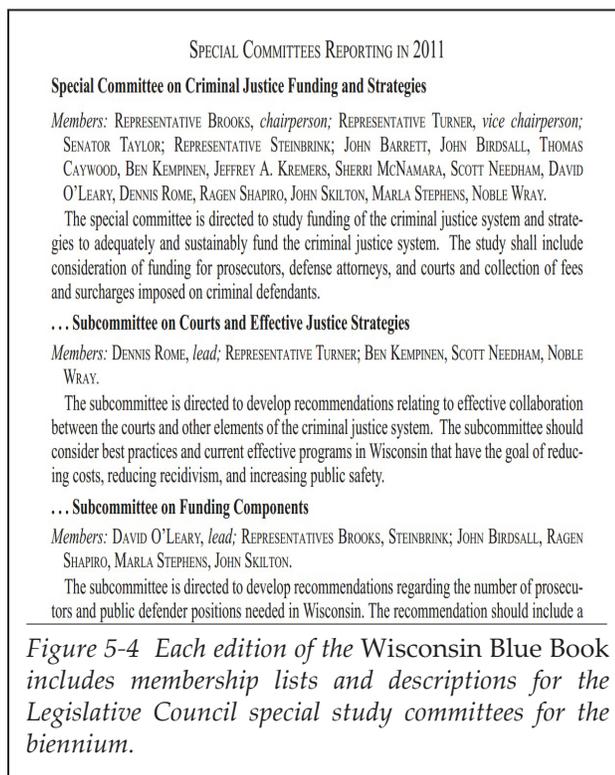


Figure 5-4 Each edition of the Wisconsin Blue Book includes membership lists and descriptions for the Legislative Council special study committees for the biennium.

**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. (See Figure 5-6) 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

4. Delete the two full-time positions authorization and appropriation for DPI.

**WLC: 0059/1, relating to the youth options program and making an appropriation**

Ms. Letzing described the draft. The committee discussed different programs under which high school students may earn high school and college credit, or only one type of credit. Senator Grothman stated that he did not support either option for changing the funding of the Youth Options Program. The committee also discussed whether to require the pupil to describe the connection between a post-secondary course and his or her ACP in the application to the school board or whether to authorize a school board to deny a pupil's request to take a post-secondary course under Youth Options unless the course was connected to the pupil's ACP.

The committee directed staff to make the following modifications to the draft:

1. Delete all sections of the draft relating to creating a new categorical aid appropriation for youth options and relating to authorizing a school district to increase its revenue limit to pay for youth options.
2. Specify that the requirement that a pupil's notification to the school board of the pupils intention to enroll in a post-secondary course under Youth Options must include a description of how the course is connected to the pupil's ACP becomes effective one year after the ACP requirement as provided in WLC: 0054/1 becomes effective.

**Discussion of Youth Apprenticeship**

Ms. Karls-Ruplinger summarized a conference call that Chair Olsen hosted regarding the Youth Apprenticeship program. She stated that employers expressed concerns regarding certain aspects of the program, including the number of hours pupils must complete, pupil safety and employer liability, and the ability of pupils to earn math and science credit for work in the program. She noted that employers currently participating in Youth Apprenticeship stated that the program has become more flexible and has improved the curricula over the past few years, but did suggest some changes. Among changes discussed were removing the \$900 per student funding cap or increasing the cap, providing more emphasis on marketing and awareness, providing more funding to the program, and providing a financial incentive such as a tax credit to employers. She said it was determined that Youth Apprenticeship is a small program with well-defined parameters that best fits employers who want to involve a small number of students at the workplace. Staff from the Department of Workforce Development (DWD) stated that they plan to survey employers regarding barriers in the program.

*Figure 5-6 Council minutes provide a detailed, but not verbatim record of a special committee's proceedings.*

**CRIMINAL JUSTICE FUNDING AND STRATEGIES**

[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/>.]

**Summary of Committee Activity**

The Joint Legislative Council established the Special Committee on Criminal Justice and Strategies and appointed the chairperson by May 7, 2010 and January 6, 2011 mail ballots. The committee was directed to study funding of the criminal justice system and strategies to adequately and sustainably fund the criminal justice system. The study was required to include consideration of funding for prosecutors, defense attorneys, and courts and collection of fees and surcharges imposed on criminal defendants.

Membership of the Special Committee was appointed by June 30, 2010 and January 6, 2011 mail ballots. Final committee membership consisted of one Senator, three Representatives, and 13 public members. A list of the committee membership can be found in the *Appendix* to this report.

The Special Committee held three meetings on the following dates:

August 30, 2010  
September 27, 2010  
December 2, 2010

In addition, the following subcommittees were established and met on the following dates:

**Subcommittee on Courts and Effective Justice Strategies:** October 21 and November 8, 2010, and January 3, 2011.

**Subcommittee on Funding Components:** October 22 and November 14, 2010.

**Subcommittee on Justice System Funding, Organization, and Strategies:** October 25, 2010 and January 10, 2011.

**Actions of the Joint Legislative Council**

Because the members of the Special Committee could not reach consensus regarding draft legislation, the chairperson permanently adjourned the Special Committee. The Special Committee made no recommendation to the Joint Legislative Council.

The Joint Legislative Council received the final report of the Special Committee on May 4, 2011.

*Figure 5-5 Each study committee's activities are summarized in the Legislative Council's biennial report.*

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. Legislative Council publications of this type may also be at the Legislative Reference Bureau in the State Documents collection.

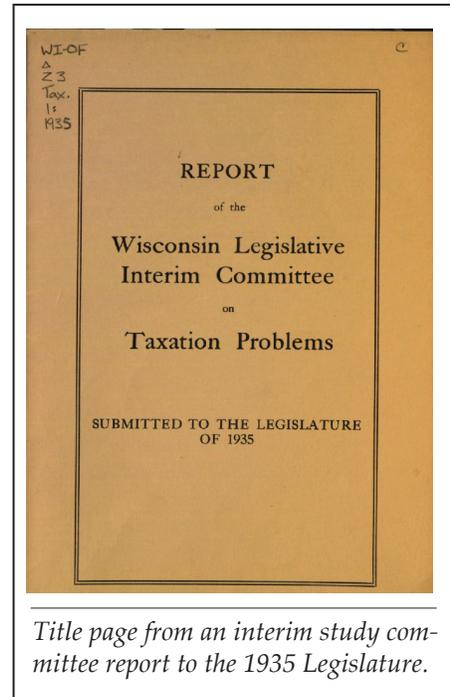
### Reports of Special Study Committees

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 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 Branch 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, (See Figure 5-7) 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.

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



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

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).

Figure 5-7 Statutes originating from a court order are often the work of Judicial Council Subcommittees.

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 ([wilawlibrary.gov/search/jc.html](http://wilawlibrary.gov/search/jc.html)) provides a detailed

description of their holdings related to the Judicial Council, and advice on the best way to use them. (See Figure 5-8)

The Clerk of the Supreme Court also retains a file on each Supreme Court Order, which may contain commentary on the proposal made by members of the bar.

**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. (See Figure 5-9) Hearing and committee records since 1989 are available on the legislature’s web site. (See Figure 5-10) 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.

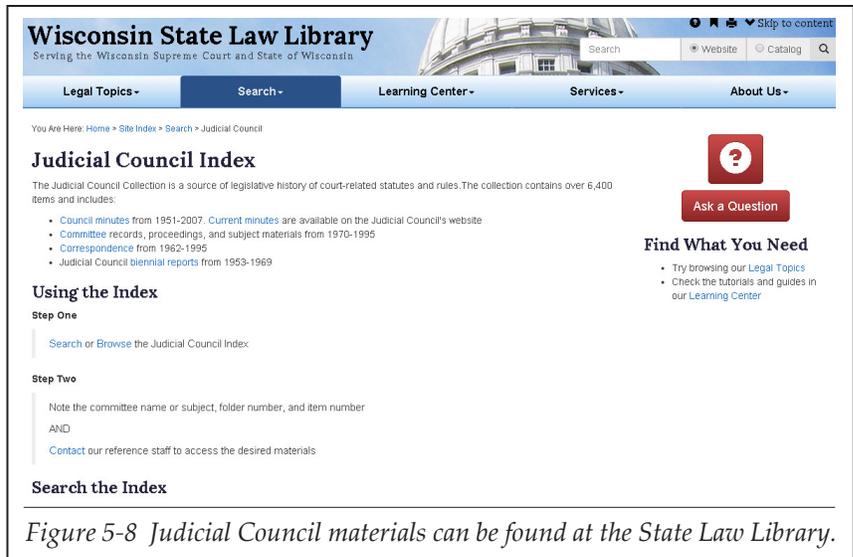


Figure 5-8 Judicial Council materials can be found at the State Law Library.

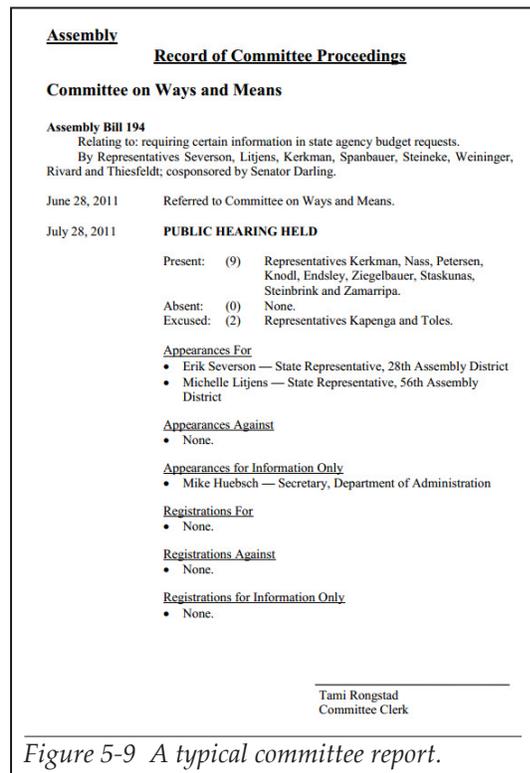


Figure 5-9 A typical committee report.

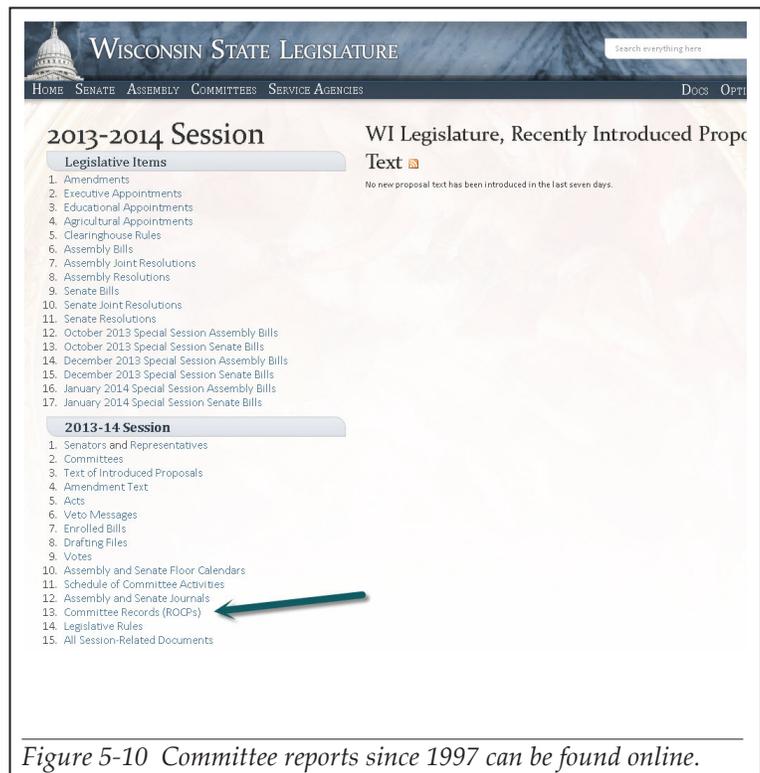


Figure 5-10 Committee reports since 1997 can be found online.

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 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.

The Capital Times March 27, 1998

**Higher child care co-pay under W-2 threatens centers**

**By Pat Schneider and David Colander**  
*The Capital Times*

City-certified child care centers in Madison are in danger of being forced to close their doors unless the state provides money to help low income parents pay their share of the cost, said Mayer Sue Bauman.

Bauman sent a letter to Gov. Tony Thompson on March 16, requesting emergency funding for the centers at greatest risk of closing.

High quality child care centers in Madison serving W-2 participants are in serious financial jeopardy," Bauman wrote Thompson. "The centers are losing money. Some may have to close."

Karin Reese, a spokesman for the governor, said today Thompson has asked the Department of Workforce Development, which administers the Wisconsin Works welfare-to-work program to look into the problem of collecting child care co-payments.

He said the department will consider a range of possible solutions. But he said collection problems for child care centers are nothing new, nor are they specific to W-2.

"They've always had that problem, and it existed before W-2," Reese said.

Losses by centers ranged from \$450 to \$14,000 in 1997, with a median shortfall in income of \$5,000.

Dorothy Conruff, child care supervisor, said the city is in the process of surveying certified centers to get a precise reading of the situation.

"We think it's serious, said Conruff. I think some centers are in danger of closing their doors. The city supervises the care program in some 60 centers and provides small subsidies to parents not otherwise eligible for state-funded child care assistance.

With the institution of W-2, families with higher income became eligible for child care subsidies.

But the co-payment required families also increased significantly.

"The co-payment was made affordable to a fairly large group," said Conruff.

Sandra Briesath, director of Central Crèches Child Care Co-op, 6402 Havensley Rd., said collecting co-payments is a problem.

Some 25 to 30 percent of children at the southwest-side center from low income families receive funding through County and have trouble making co-payments which can be \$130 a week, said Briesath.

The center has uncollected payments of \$6,500 in 1997.

"That puts tremendous financial pressure on small agency operators," said Briesath.

"We are able to work with rights now, she said. But I know it will be able to with it three years from now.

The center is licensed by state for 85. Enrollment cuts is 63.

The state more than tripled spending on child care to W-2, to some \$180 million a year.

"We're putting an increase amount of money into child care," she said.

**Arnesen: Economy, deficit hit poor too**

**By Kathryn Alfari**  
*The Capital Times/Medial News Service*

WASHINGTON — An economic recession and state budget deficit mean more funding is needed for assistance programs, said Anne Arnesen, executive director of the Wisconsin Council on Children and Families of Madison.

Arnesen was attending a conference on state welfare programs Thursday.

"I think what people don't realize is that there is a problem with child poverty in Madison," she said, adding that the federal Temporary Assistance to Needy Families has not "been a solution for getting people out of poverty."

The program, enacted in 1996, must be reauthorized by September 2002.

The poverty rate for minority children had the highest rate of poverty among Asian Americans.

However, Rachel Bittner, spokeswoman for the Wisconsin Department of Workforce Development, disagreed with Arnesen, saying that Wisconsin has low numbers of children living in poverty compared to the rest of the country.

"Wisconsin constantly ranks among the lowest in children living in poverty," Bittner said. She also said she did not expect reductions in funding for the program.

Arnesen

grant project, sponsored by the W.K. Kellogg Foundation, that involved six states, including Wisconsin, in an effort to examine health care and welfare reform efforts. The other states are Florida, Mississippi, New York, Montana and Washington.

"States face budget shortfalls of between \$20 billion and \$30 billion," said William Richardson, president and chief executive of the foundation.

Bittner said that Wisconsin Works has a two-year limit on the amount of time that people can be on welfare, but there were a provision for extensions.

Bittner said that the program was working well. There has been an increase in the number of people participating in the program.

Figures 5-12 and 5-13 LRB Clippings help document the way the press covered a specific piece of legislation.

*News Clippings Collection*

Newspaper clippings can sometimes provide background information about legislation such as the way in which a bill or a resolution proceeded through the legislature. (See Figures 5-12 and 5-13) 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. Whether or not newspaper stories are a useful source can only be decided by the researcher. The LRB clippings collection features newspaper and magazine articles from around 1905 to the present. Articles are searchable from 2002 to the present via

the legislative network or the LRB library kiosks. Articles prior to 2002, are grouped by subject in the original clippings books and can be found in the library stacks or on microfiche.

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).

**LRBb0222/1**  
**CMH:cjs:rs**

Figure 6-1 The LRB number for a budget draft.

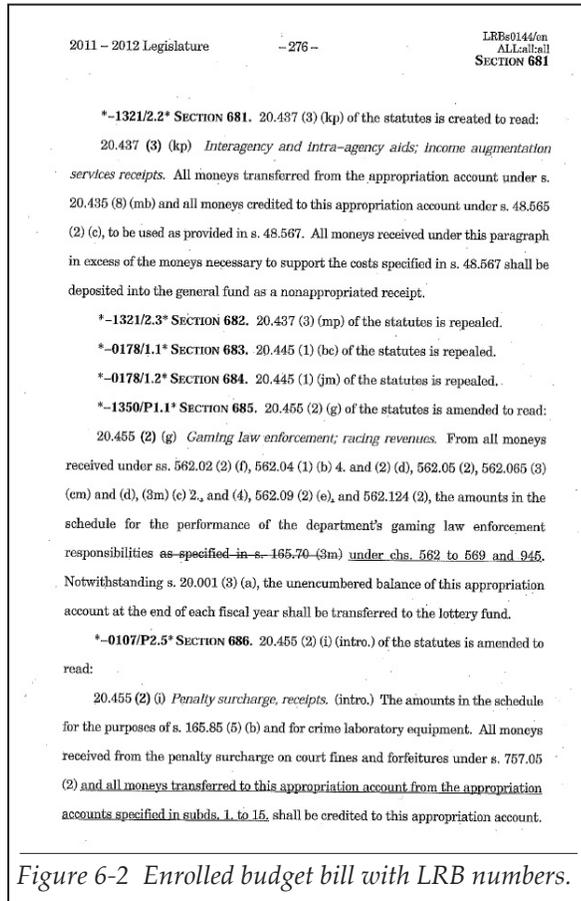


Figure 6-2 Enrolled budget bill with LRB numbers.

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). (See Figure 6-1)

Drafting materials for budget bills since 1981 are accompanied by a specially printed copy of the enrolled bill (that is, the bill as passed by the legislature, but prior to gubernatorial vetoes) that includes at each section the number of the LRB draft in which the language originated. (See Figure 6-2) This is the drafting file or files that the researcher should examine.

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.

When using microfiche or paper copies of drafting records at the LRB, you will be provided with the specific file or fiche that contains the record you are interested in. When using drafting records online, you will have to locate the appropriate file by navigating to the right folder. Typically, when you find the folder corresponding to the right legislative document, whether original bill, substitute amendment, or amendment, there are a number of folders to choose from. The folder labeled "compile drafts" is usually the one that contains the folders for the individual drafting records. (See Figure 6-3)



Figure 6-3 The phrase “w/ compile” indicates the location of the budget’s individual compile drafts.

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. (See Figure 6-4) 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 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,” sheets of paper that describe the effect of the current motion before JCF. If a motion passes,

**DEPARTMENT OF PUBLIC INSTRUCTION  
2011-13 BIENNIAL BUDGET  
DRAFTING REQUEST TO THE LEGISLATIVE REFERENCE BUREAU**

Draft for Possible 2011-13 Budget Bill Introduction (Agency Decision Item No. xxxxx)

**Subject:** Repeal of Appropriations and Statutory Language for Grants to School Districts, Global Academy, Distance Learning

**Request Date:** September 15, 2010

**Agency Contact:** Mike Bornett, 266-2804

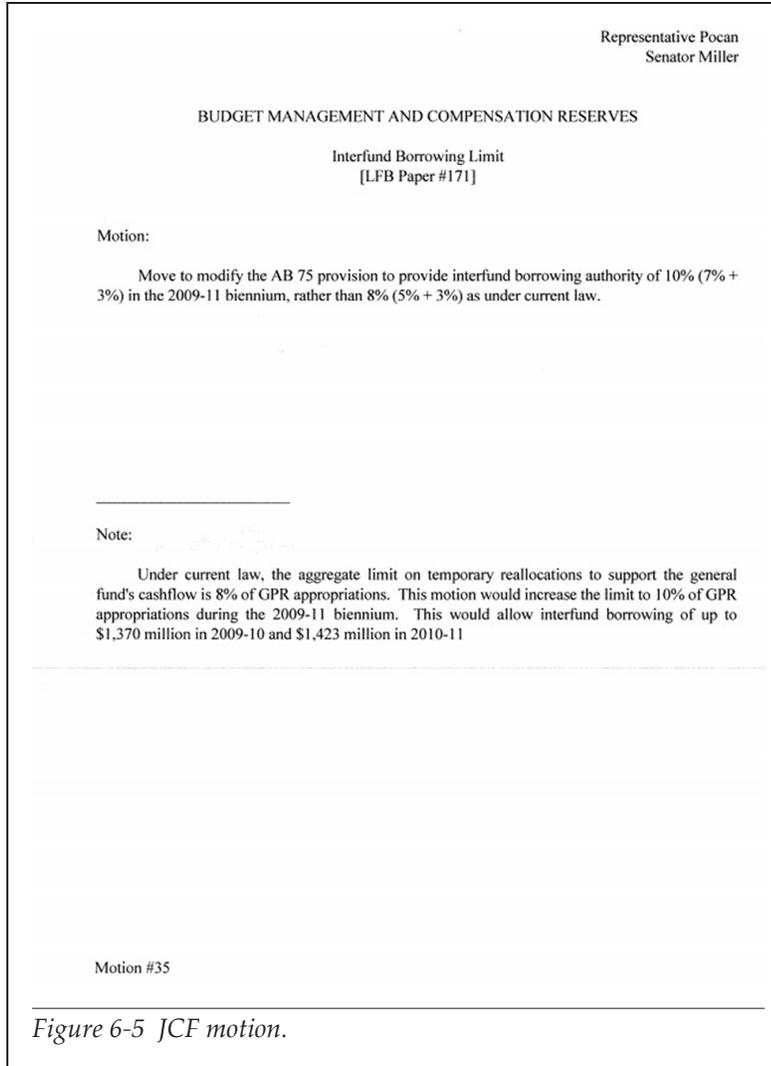
**Brief Description of Intent:**  
The department requests to repeal the appropriations and statutory language created in 2009 Wisconsin Act 28 regarding grants to Global Academy, distance learning, and school districts. Act 28 created the following language:

20.255 (2) (de) to pay \$60,000 to each of the following school districts for the specified purposes: (a) Pepin Area, for technology improvements and technology to install a distance learning lab, (b) Cochrane-Fountain City, for transportation, class-size reduction, and comprehensive education, and (c) Plum City, for transportation and specialized instruction.

20.255 (2) (er) to award a \$50,000 grant to the consortium of 7 school districts in Dane County known as the Global Academy to support planning and development.

20.255 (2) (es) to award a \$50,000 grant to the Chequamegon School District for a distance learning lab.

Figure 6-4 A document typical of those generated by the executive branch to facilitate the drafting of the budget bill.



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. (See Figure 6-5) 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 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.

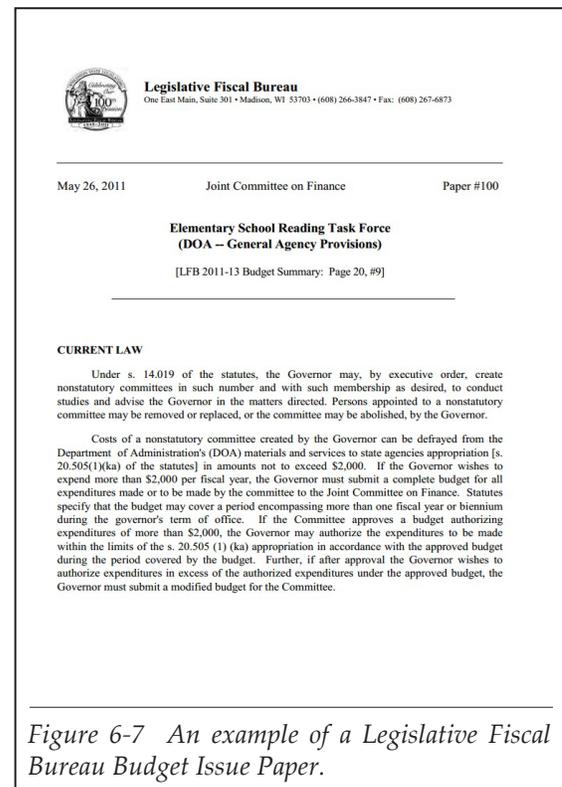
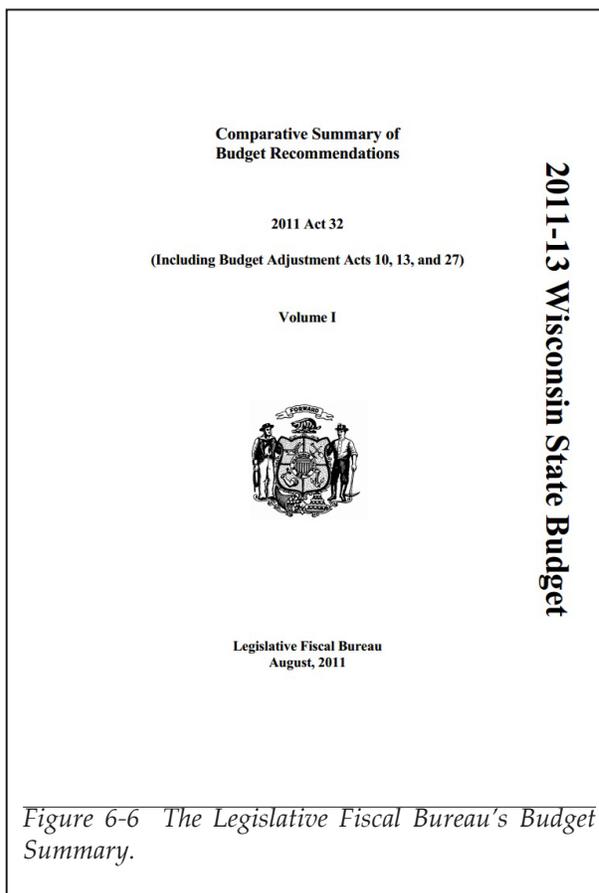
***Other Materials Specific to Budget Bills***

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. (See Figure 6-6) 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. They also exist for even-year budget adjustment bills. LFB summaries can be found on the LRB Web site back to 1995.

**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. (See Figure 6-7) 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. These papers appear on the LRB Web site back to 2001.

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.



**Governor's Executive Budget Bill — Index Report — By Subject**

Component Subject	Component Topic
Agriculture - other	Changes to agricultural development and diversification program
Agriculture - other	Eliminate farmland preservation conversion fee and purchase of agricultural elements
Agriculture - other	Eliminate the buy local program
Agriculture - other	Soil and water resource management bonding
Children - abuse and neglect	Alternative responses pilot program
Children - child welfare	Income augmentation appropriation
Children - child welfare	Social services block grant funds
Children - juvenile justice	Allow counties that are not contiguous or adjacent and counties with population more to combine to provide joint social and human services
Children - juvenile justice	DJC Daily Rates
Children - juvenile justice	Delete the Southern Oaks Girls School and the Ethen Allen School as "juvenile facilities" under s. 16.99, stats.
Children - juvenile justice	Juvenile Correctional Services Deficit Reduction
Children - juvenile justice	Mendota Juvenile Treatment Center Reestimate
Children - juvenile justice	Youth Aids Funding
Children - juvenile justice	Youth diversion funding reductions
Correctional System - com crctns	DJC Daily Rates
Correctional System - com crctns	Juvenile Correctional Services Deficit Reduction
Correctional System - misc	Appropriation 101 to biennial
Correctional System - misc	Youth Aids Funding
Courts - costs and fees	Appropriation for monies received for court materials and services
Courts - miscellaneous	Appropriation for monies received for court materials and services
Courts - miscellaneous	Authorize municipalities to combine protective service departments
Courts - miscellaneous	Discretionary legal settlement funding
Criminal Law - miscellaneous	Change Structure for Allocation of Justice Information Fee Revenues

*Figure 6-8 The LRB's Budget Index Report.*

**Budget Index Report.** The LRB 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. (See Figure 6-8)

**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.

**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. (See Figure 6-9) The governor's veto message is printed in the journal of the bill's house of origin.

**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.



**SCOTT WALKER**  
OFFICE OF THE GOVERNOR  
STATE OF WISCONSIN

P.O. Box 7863  
MADISON, WI 53707

To the Honorable Members of the Assembly:

I have approved Assembly Bill 40 as 2011 Wisconsin Act 32 and deposited it in the Office of the Secretary of State.

This budget reflects a return to the bedrock principles of our state's constitution - frugality and moderation. It's a budget that is, for the first time in many years, balanced - now and in the future - with a structural surplus of over \$300 million in the 2013-15 biennium. It avoids relying on accounting gimmicks, fund raids and one-time funds. With this budget, we have begun to put our state's financial house in order and make our finances more transparent. And this budget is enacted before the start of the new biennium - with the earliest signing date since 1967.

Last March, I introduced a budget based on those fundamental values in our constitution. My budget brought spending in line with revenues - now and in the future - it did not raise taxes; it provided local governments with the tools to reduce costs and maintain essential services; and it set priorities on job creation and economic development. The budget I sign today, with limited vetoes, remains consistent with those goals and values. I want to commend the Legislature for its work in completing the budget on time. Together we have put Wisconsin back on a course toward job creation and prosperity. True economic growth requires a robust

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*Figure 6-9 The beginning of the governor's veto message for the 2011 budget.*