

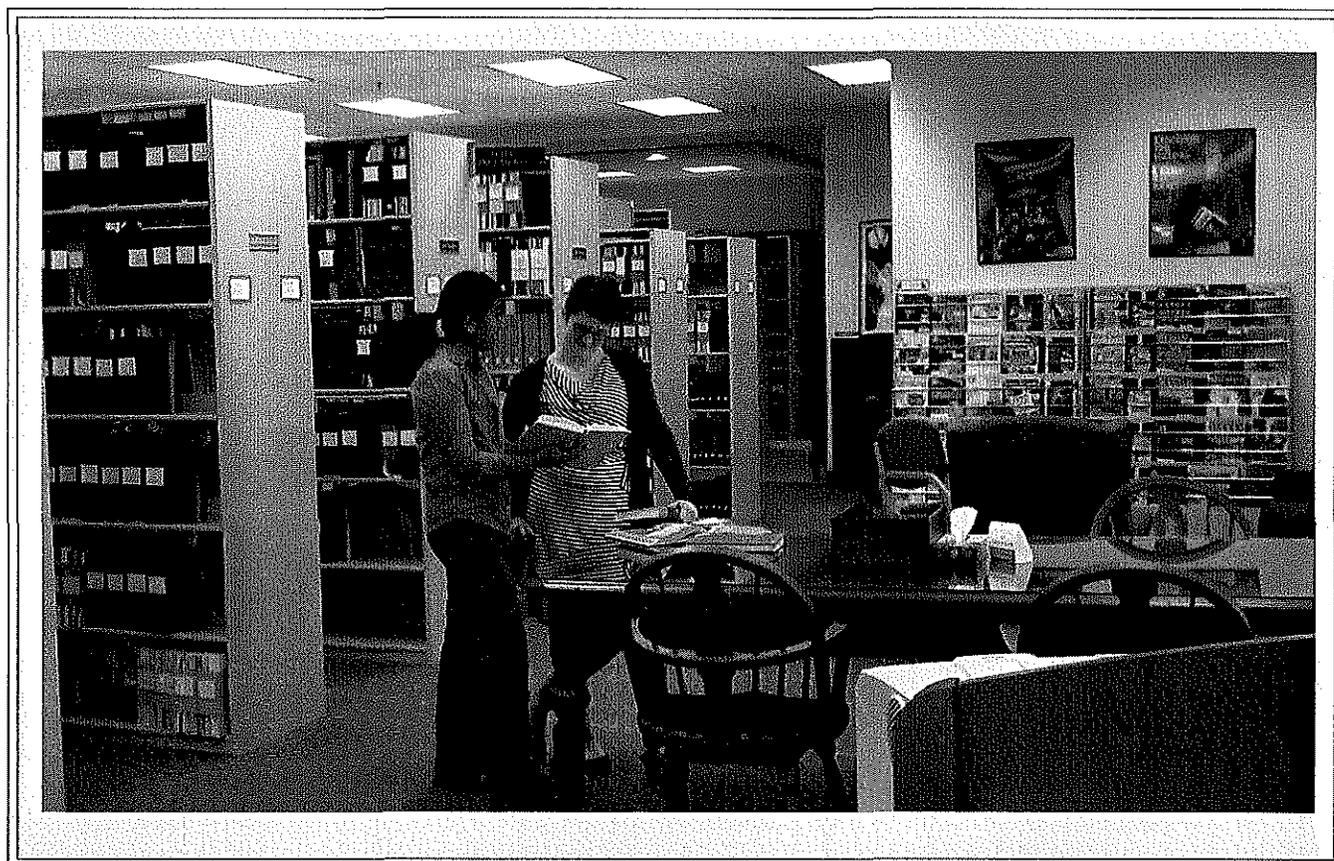
ASK THE LRB



State of Wisconsin
Legislative Reference Bureau
Informational Bulletin 12-4, December 2012

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ASK THE LRB

LRB OFFICE HOURS

7:45 a.m. – 5:00 p.m. Monday through Friday

The Legal Services staff is available to legislators at any time the senate or assembly is in session.

COME IN OR CALL

Main Entrance – One East Main Street, Suite 200

Legal Services – (608) 266-3561; Fax: (608) 264-6948;

E-mail: LRB.Legal@legis.wisconsin.gov

Reference and Research Services – (608) 266-0341; Fax: (608) 266-5648;

E-mail: LRB.Reference@legis.wisconsin.gov

Theobald Legislative Library – (608) 266-7040; Fax: (608) 266-5648;

E-mail: LRB.Library@legis.wisconsin.gov

LRB WEB SITE: www.legis.wisconsin.gov/lrb

Established in 1901, the Legislative Reference Bureau was the first agency of its kind in the nation to provide professional, nonpartisan drafting and research services to a state legislature. Over the years, it has served as the model for similar offices in other states, as well as the Congressional Research Service of the Library of Congress. The bureau oversees all legislative drafting and is Wisconsin's primary source for information about the legislature, the legislative process, and government in general.

The LRB staff, headed by the bureau chief, includes 60 full-time permanent positions. The agency functions through:

- Reference and Research Services, staffed by legislative analysts;
- Theobald Legislative Library, staffed by librarians; and
- Legal Services, staffed by attorneys.

The central support staff provides personnel, editorial, word processing, and program services.

I. Reference and Research Services

State law requires the LRB to collect information about government and make it available in the most suitable form to aid “legislators, other public officials, students of government and citizens generally.” It directs the LRB to use its materials to prepare studies and reports about subjects that are or may become items of concern to the legislature. The LRB’s legislative analysts also produce the biennial *Wisconsin Blue Book*, the almanac of Wisconsin government, and assist the legislature in maintaining its Internet site, which includes the LRB’s own Web page, where many of its publications are available electronically.

Assistance to Legislators

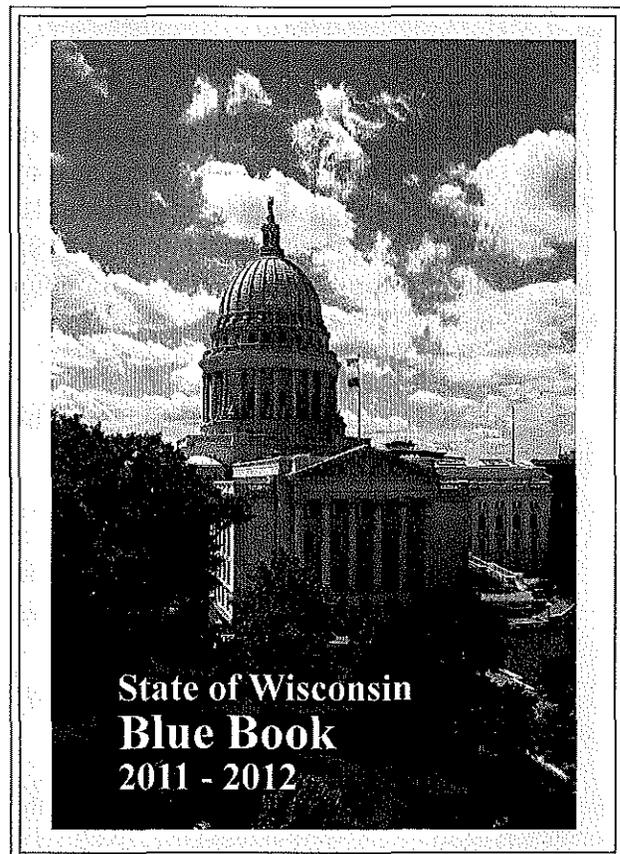
Since the bureau’s founding, the primary focus of the LRB research staff has been to assist the state’s legislators with their lawmaking duties and responses to constituents in their home districts. Each month, the legislative analysts provide immediate responses to dozens of requests from lawmakers’ offices for background information, historical analysis, and summaries of legislation pending in Wisconsin and other states. They gather information from a variety of sources, including daily newspapers and periodicals; materials in the LRB’s extensive library collection; policy experts in Wisconsin and other states; databases maintained by the National Conference of State Legislatures and the Council of State Governments; the LEXIS-NEXIS national database of periodicals and publications; and the worldwide resources available on the Internet. The analysts also assist legislators and their staff in using the LRB library to do their own research.

By law, all requests from legislators to LRB staff are handled in a nonpartisan, confidential manner, and the analysts “perform reference services for all members of the legislature equally and impartially.”

Wisconsin Blue Book

A major service of the LRB is the compilation of the *Wisconsin Blue Book*, the 1,000-page biennial

almanac of Wisconsin government. This unique resource, which is published in the fall of odd-numbered years, provides biographies and pictures of elected state officials in the legislative, executive, and judicial branches, as well as Wisconsin members of the U.S. Congress. It also contains the Wisconsin Constitution and in-depth descriptions of the organization, responsibilities, and history of each state agency. In addition, the *Blue Book* offers approximately 200 pages of basic statistical information about a wide range of topics, such as population, school enrollment, agriculture, industry, elections, local government, social services, and state finance. Each edition includes a feature article on a subject of general interest to Wisconsin readers. The LRB strives to keep the *Blue Book* a useful and up-to-date resource, and welcomes readers’ suggestions and comments.



The *Blue Book* is available in print format and electronic format on the Internet. The LRB publishes study guides for elementary and secondary schools to supplement each edition of the *Blue Book*. The guides are available from the LRB and individual legislative offices.

Each legislator receives a specified number of complimentary copies of the *Blue Book* for free distribution, and copies are sent to all public and private schools in Wisconsin, as well as to public libraries and government officials. *Blue Book* sales are handled by the Department of Administration's Document Sales Unit, P.O. Box 7840, Madison, Wisconsin 53707-7840.

LRB on the Internet

In addition to supporting the legislature's site and editing its *Spotlight* on current happenings in the legislative branch, the LRB maintains a Web page on the Internet at www.legis.wisconsin.gov/lrb. The LRB site describes the bureau's services and contains links to LRB publications back to 1996, which are offered in portable document format (PDF) and ePub format. The library catalog is also available on the Internet at lrbcat.legis.wisconsin.gov. Patrons may contact the LRB via e-mail for help in locating information about Wisconsin and the activities of the legislature.

Services for All Patrons

Although the principal mission of the LRB is to serve the Wisconsin Legislature, the research staff also responds to questions posed by constituents and the general public. Each day, legislative analysts handle numerous requests for information about Wisconsin state government, other state governments, and congressional matters. They also make periodic presentations to professional organizations, civic groups, and students to keep them updated on the legislative process, LRB research services, and the LRB library collection.

Services for Attorneys and Legal Researchers

Attorneys often ask the LRB for assistance in determining the legislative history of particular sections of the Wisconsin Statutes. Although legislative analysts do not interpret the law and cannot engage in extensive research on private requests, the bureau does have various records that researchers may find helpful. Attorneys are encouraged to visit the LRB and become acquainted with the resources available for researching the legislative history of statutes. The LRB also offers training sessions for attorneys, law clerks, and law librarians on the basic elements of the legislative process.

The screenshot shows the homepage of the State of Wisconsin Legislative Reference Bureau. At the top, there is a navigation menu with links for Legislative Documents, Publications, Library, Research, and LRB. Below the menu is a welcome message and a search bar. The main content area features a large banner for the 'Home of the Wisconsin Blue Book' with a sub-header for 'The 2011-2012 Edition State Budget Edition'. Below the banner is a section for 'Wisconsin Legislative District Almanac' and a 'New & Noteworthy Information' section. The 'New & Noteworthy Information' section contains a table with the following data:

| Title | Publication | Number |
|---|------------------------|---------|
| Selected Legislative Cases | Wisconsin Brief | 124-130 |
| Administrative Code Register 2012 | Executive Actions | EP-11 |
| 2011-2012 Legislative Session and Calendar Manual | Informational Bulletin | 1283 |

At the bottom right of the page, there is contact information for the LRB, including the address: One East Main Street, Suite 200, Madison, WI 53702, and phone number: 608.266.6182.

- Reports by the Joint Legislative Council, Judicial Council, and governors' task forces relating to legislation introduced at the request of these bodies.
- Meeting minutes for Joint Legislative Council committees and the Judicial Council.
- Names of persons appearing or registering at legislative committee hearings since 1953.
- Newspaper clippings related to the subject matter of the bill.

Some information that patrons request does not exist or cannot be provided:

- Floor debates on bills before the Wisconsin Legislature are not recorded in either verbatim or summary form.
- Oral testimony at legislative committee hearings and committee discussion usually is not recorded in either verbatim or summary form. (However, records of names of persons testifying for or against a bill are available.)
- Drafting records are not available for legislation considered before 1927.
- Summaries of a legislator's voting record cannot be supplied by the LRB because of time constraints and the fact that the most significant vote may not be on the question of final passage. The bureau cannot supply extensive voting records, such as the votes of all legislators on a number of proposals or of a particular legislator on all measures for a session. Similarly, it cannot fill broad requests for voting records on "all important measures" or "all measures relating to schools." The research staff will, however, assist patrons in using legislative documents to locate this information for themselves.

Bill Drafting Records

As the legislative attorneys prepare bill drafts, they keep records reflecting each step of the process. Once a proposal is introduced, its drafting record is open to public inspection. These records may contain

useful background information about the source or purpose of a particular piece of legislation. The LRB maintains a complete set of all drafting records for bills introduced and acts passed since 1927. The records are on microfiche except for recent sessions, which are electronic scans.

Contents of drafting files vary. Some files have only minimal information. Others may contain correspondence suggesting the purposes of a proposal, notes about the nature of the drafting request, copies of earlier bills that were used as models for the final version, records of the sponsoring group or individuals, and clues about who requested the legislation or the objective in proposing the measure.

Drafting records are identified by bill or act number. Records for bills that were introduced but not enacted are filed by bill number. Drafting records of bills enacted into law are filed by their respective session years and their chapter or act numbers. (Prior to the 1983 legislative session, new laws were called "chapters" when enacted and numbered in sequential order, e.g., Chapter 42, Laws of 1965. Since January 1983, the term "Wisconsin Act" has replaced "chapter," e.g., 1997 Wisconsin Act 27.)

If it is not possible to identify the specific session law, the requestor can help the research staff by indicating the statutory sentence or phrase in question and the approximate date the language was changed.

Persons conducting legal research may inspect and copy drafting records in the LRB reading room. Complete copies of the drafting records, other than the current sessions, are also available at Marquette University Law Library, Milwaukee Public Library, the State Law Library (Madison), the State Historical Society of Wisconsin (Madison), and the University of Wisconsin-Madison Law Library. Drafting records from the 1999 through 2011 sessions are available online.

II. Theobald Legislative Library

The Dr. H. Rupert Theobald Legislative Library, named in honor of the bureau's longest-serving chief, contains extensive resources on public policy issues and constitutes the single most comprehensive source of information on Wisconsin legislation. Its holdings specialize in materials related to federal, state, and local government and a broad spectrum of topics which may be of interest to Wisconsin's lawmakers. The collection's major subject areas include legislative procedure, state finance, economic development, education, state administrative organization, environmental concerns, local government finance, social services, agricultural conditions, health, crime, and transportation. Although the library is organized primarily to meet the needs of the legislature, it is open to the general public.

LRBCat, the LRB's Web-based catalog, offers many services for library patrons, including easy searching of the library's holdings and the ability to make requests, renew materials, and confirm due dates online. The catalog also permits library patrons to link directly to full-text of the publications when available.

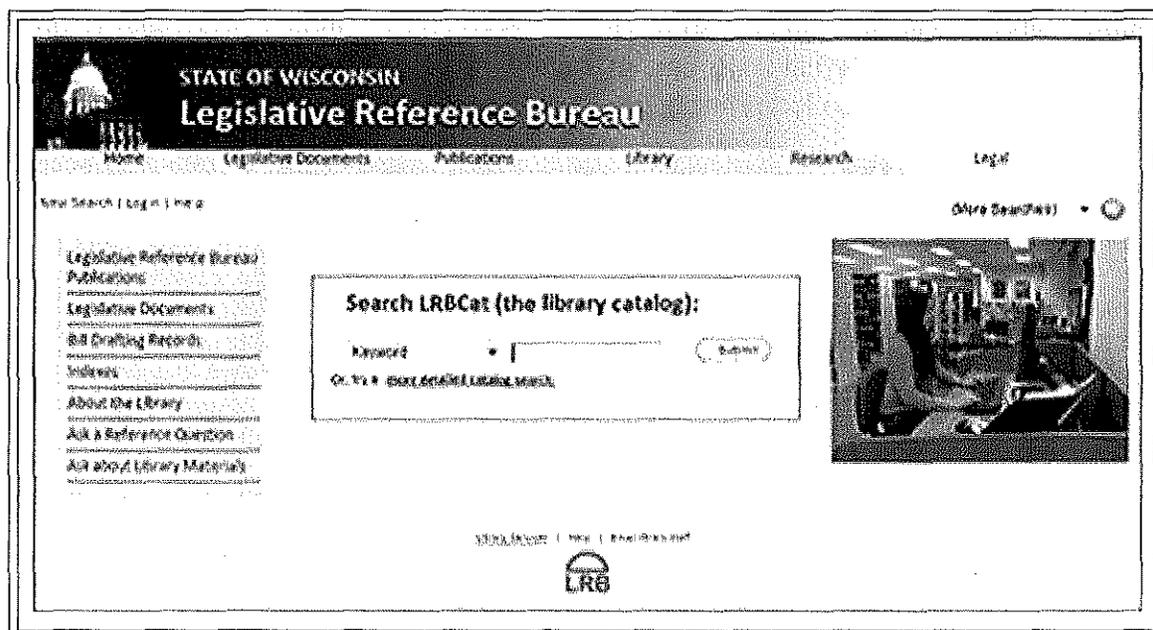
Circulating Collection

The circulating collection consists primarily of current research materials, augmented by some basic reference works and a small number of other books. Most materials circulate for four weeks, and loans may be renewed if necessary.

Clippings Collection

The Clippings collection is a selection of press releases, newspaper and magazine articles covering policy issues and activities of Wisconsin government with particular attention to the legislature. Some of our earliest Clippings go back to the library's inception in 1901.

Most Clippings prior to 1980 are on microfiche arranged by subject. Clippings for the years between 1980 and 2002 are largely accessible in print and housed in the circulating collection. Clippings during this time period are also in the process of being digitized and may be available for use via LRBClip, an internal electronic database. LRBClip is accessible to the public on a library public access terminal only. Articles in the database are full text searchable by keywords and also by publication, date, biography, and subject. All Clippings from 2002 to the present are available in LRBClip only.



Reference Collection

The noncirculating reference collection, housed in the library reading room, includes an historical sequence of the *Wisconsin Statutes*, session laws, legislative journals and indices, Supreme Court reports and Attorney General opinions, and all bills introduced in the legislature since 1905. Other reference sources include: the *Wisconsin Administrative Code*, the *U.S. Code*, U.S. census publications, and a small number of other common government references such as *The Book of the States*, *U.S. Government Manual*, *Statistical Abstract of the United States*, *CQ Weekly*, and *State Tax Guide*. Reference resources also include general encyclopedias, dictionaries, atlases, and almanacs. A Wisconsin Legislation Retrospective Card File of introduced legislation, 1893-1994, is also available. This unique research resource is a chronological file of 3-by-5-inch cards arranged by subject.

Wisconsin State Documents Collection

As one of two state-level Wisconsin Document Depositories, the library attempts to collect copies of all publications produced by Wisconsin state government agencies. Materials in the collection range from annual reports, meeting minutes, and program evaluations to informational brochures, directories, and newsletters. Since most of the more recent titles are available online, the library is cooperating with other depository libraries to capture online publications and digitally preserve them through the Wisconsin Digital Archives. In addition, the library continues to collect print copies,

whenever possible, to insure these publications will be permanently available. Items in the documents collection do not circulate.

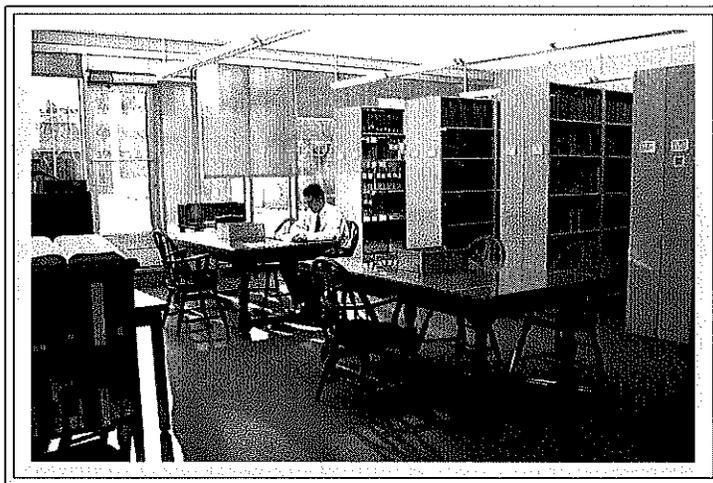
Copying Services

Because clippings files, reference works, drafting records, and state documents do not circulate, patrons may photocopy materials at a nominal cost. Copies of individual microfiche or photocopies of the microfiche are available to LRB patrons at a reasonable charge, and mail requests are accepted and processed as quickly as workload permits. The LRB offers one free copy of any item on microfiche to Wisconsin state or local governmental agencies or governmental agencies in other states.

Bulletin of Proceedings Indices

LRB librarians prepare the indices for the *Bulletin of Proceedings of the Wisconsin Legislature*. Included is a complete listing by primary authors and cosponsors and by subject for all bills, resolutions, and joint resolutions introduced during the legislative session. There are also subject indices to Assembly and Senate Journals, Wisconsin Acts, and Clearinghouse Rules.

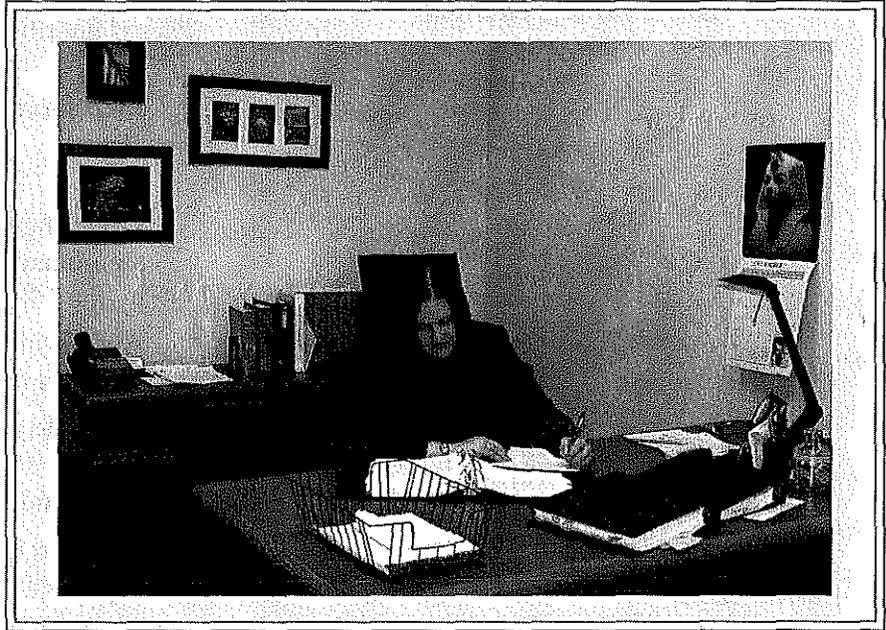
All of the indices appear on the Wisconsin Legislative Documents page and are available back to 1995; previous sessions are available in print in the reference collection. Online, the subject index to legislation and Senate and Assembly author indices are updated daily; the remaining indices are updated as needed. The cumulative *Bulletin of Proceedings* is printed four times per session; the last one is always dated December 31 of the even-numbered year.



III. Legal Services

LRB Drafting Services

By law, the LRB is responsible for drafting all legislative proposals and related amendments for introduction in the legislature. Legislative attorneys may accept bill drafting requests from legislators (members and members-elect), legislative service agencies, independent interim committees of the legislature, and state executive and judicial agencies. Others, including lobbyists, may use the LRB drafting services only upon the specific request of a legislator.



During a single legislative session, the bureau handles approximately 7,500 drafting requests for statutory changes. More than 5,000 are for separate bills and, of those, about 1,600 are eventually introduced for consideration in the senate or assembly. By law, the LRB's drafting services must be conducted on a nonpartisan and confidential basis. No information about a drafting request, including the existence of such a request, may be disclosed until the measure has been introduced in the legislature (unless disclosure is authorized by the requester).

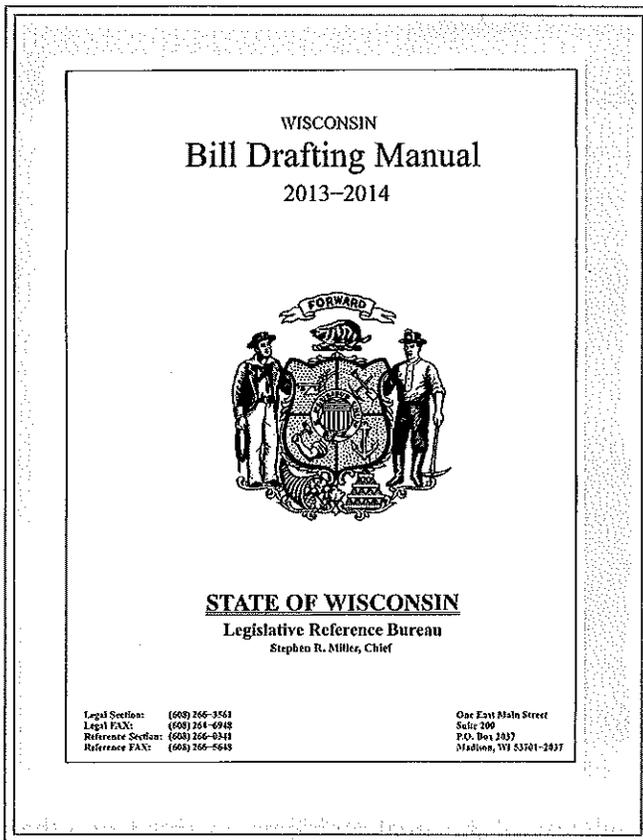
As a drafting agency, the LRB's essential duty is to ensure that a proposal, if enacted, will have the legal effect intended by the requester. Any statutory change that the draft makes must take into account the state and federal constitutions, federal laws and regulations, pertinent court cases, and any common law principles upon which Wisconsin law is based. If there are existing statutes pertaining to the subject, the legislative attorney may have to amend or repeal some of them. If no statute exists, it is necessary to create one or more provisions. The amount of time and effort required to produce a particular draft varies according to the scope of the proposal, the

complexity of the legal problems involved, and the extent to which the statutes already treat the subject.

Amendments may be necessary or desirable after a proposal has been reviewed at a public hearing or debated in either house. Legislative attorneys assist legislators by drafting either simple amendments to the original proposal or substitute amendments, which completely replace the original.

A number of special tools are available to assist legislators and the public in reviewing pending legislation. For example, every bill includes an analysis, written by the legislative attorney who drafts it, explaining the effect of the proposal in clear and concise language. The analysis must be factual, complete, and impartial, but relates *only* to the measure at the time of introduction and does not reflect subsequent amendments.

In addition, every bill that makes an appropriation or increases or decreases the fiscal liability or revenues of state or local government must include an estimate of its fiscal effect. When drafting a bill, the legislative attorney decides whether the bill requires a fiscal estimate. If it does, the draft is sent to the agency or agencies that are responsible



for the program or have the greatest knowledge of the subject to determine projected revenues or expenditures. When completed, the fiscal estimate is printed and becomes an official attachment to the introduced bill.

The LRB is responsible for printing “enrolled” or “engrossed” versions of bills, which reflect the latest action taken on the measures. The bureau engrosses the text of a bill that has passed one house if the chief clerk of the house requests that the bill be printed engrossed; it must also enroll the final text of any bill that has passed both houses before the measure is presented to the governor for his or her signature.

Other Legal Services

When the legislature is in a floor session, drafting work takes priority, but as time permits, legislative attorneys may be asked to attend committee hearings or meetings to offer impartial analyses of drafts or to

explain legal matters pertinent to pending proposals. At a legislator’s request, a drafting attorney may also meet with the legislator, the legislator’s constituents, or other interested persons to explain drafts and discuss possible redrafts or amendments.

LRB attorneys perform additional legal functions, including:

- Preparing summaries of new state laws and significant court decisions for publication by the LRB;
- Answering general legal questions from legislators and public officials;
- Assisting state agencies and others concerned with questions of legislative intent and statutory construction;
- Assisting the legislature in procedural rules determinations;
- Preparing legal memoranda and opinions at the request of public officials or public agencies;
- Engaging in public speaking or instruction on legislative functions and other subjects; and
- Staffing legislative conference committees and other ad hoc committees.

Statute and Code Revision

The LRB performs the duties of the revisor of statutes, which include incorporation of all laws into the *Wisconsin Statutes* and of all administrative rules into the *Wisconsin Administrative Code*, preparation of revision bills and correction bills, and editing and publishing, in both electronic and traditional print formats, the *Wisconsin Statutes and Annotations*, *Wisconsin Administrative Code and Register*, and the *Wisconsin Town Law Forms*.

IV. History of the Legislative Reference Bureau

The Legislative Reference Bureau traces its origins to 1901, when the legislature enacted a law directing the Free Library Commission to establish a “working library” in the State Capitol. Chapter 168, Laws of 1901, provided that

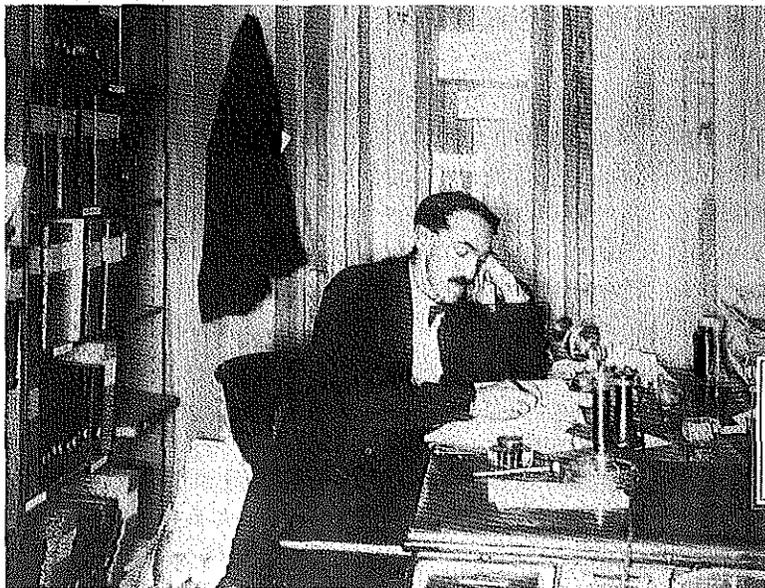
the commission is . . . authorized and directed to maintain in the state capitol, for the use and information of the several state departments, and such other citizens as may desire to consult same, a working library, as complete as may be, of the several public documents of this and other states; and to purchase for said library standard works of use and references.

McCarthy of Wisconsin

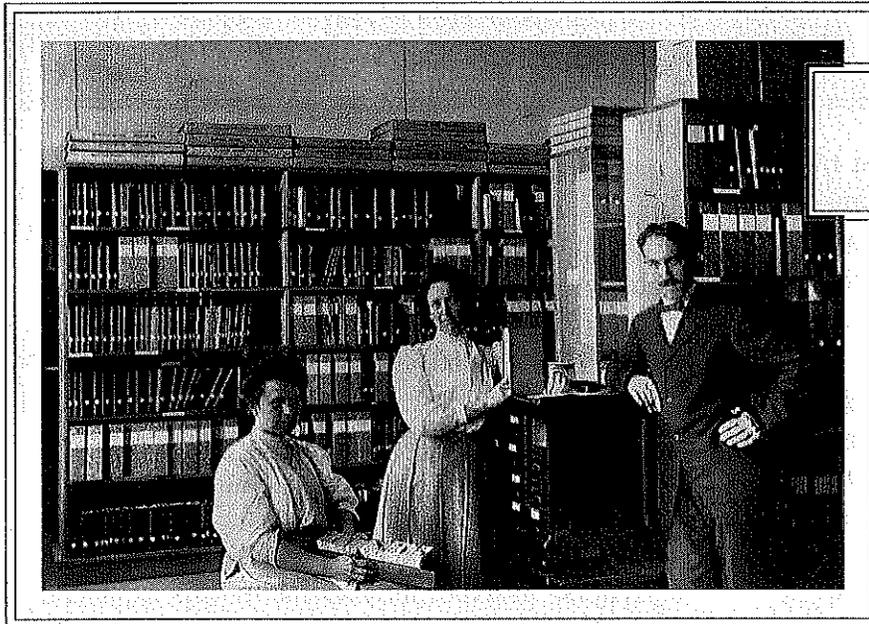
The Free Library Commission hired Charles McCarthy, a Massachusetts native who had recently earned his doctorate in history from the University of Wisconsin, to oversee the establishment of the new library, which became known as the Legislative Reference Library (LRL). McCarthy began work on October 1, 1901, with the primary responsibility of gathering publications for use by members of the legislature.

Although it is probably not true that McCarthy himself conceived the idea of the LRL, he almost single-handedly transformed his job of collecting and maintaining state documents into a vital agency central to the legislative process. New York had established a legislative reference library in 1890, but it differed only slightly from the prevailing reference library model. McCarthy expanded the concept of service to the legislature by collecting and making available many kinds of informational materials and providing bill drafting and research assistance to legislators. Much of the impetus for this expanded role sprang from the mind of McCarthy, who in 1901 observed a legislature that seemed to him inefficient and hopelessly old-fashioned. In his 1912 book, *The Wisconsin Idea*, he describes the scene:

Eleven years ago there were about seventy women employed to engross the bills of the legislature in long hand; there was scarcely a typewriter used. Scraps of paper were often passed up as bills to the speaker’s desk. The place was full of useless employees, many of whom never did a stroke of work. It was absolutely impossible to tell how many bills amending a section were before the legislature. There were no checks for accuracy. The halls were crowded with lobbyists. It was easy for a country member to find an attorney to draft a bill for him for a small fee, especially if the bill was aimed at some corporation which could later be approached by the attorney.



LRL Chief Charles McCarthy at his desk in the Legislative Reference Library. (State Historical Society, #WHi (X3) 44686)



*Charles McCarthy and his staff, 1906.
(State Historical Society, #WHI (X3)
49904)*

There was no organized method of placing information on any particular bill before the legislator, nor was there any impartial or skilled assistance in the drafting of bills for the honest legislator who knew nothing of law.

Growing Role of the LRL

McCarthy immediately moved to expand his position as a document clerk into a resource for supporting the work of legislators and offering suggestions on ways to improve the efficiency of the institution. Always, McCarthy was one step ahead of the legislature in providing new services. His tiny document room in the south wing of the old capitol became a clearinghouse of ideas and information, as legislators gathered there to discuss and modify pending legislation or seek news on the latest developments in other states. The legislature formalized this arrangement by the enactment of Chapter 238, Laws of 1903, requiring the Free Library Commission to maintain a legislative reference room in the capitol. McCarthy also began employing attorneys during the legislative session so members could get unbiased, professional legal assistance in drafting bills. Chapter 508, Laws of 1907, formally recognized this function of the LRL. The same law formally assigned the LRL the task

of indexing bills and session laws, a need that McCarthy had recognized for some time. Very early in his tenure, McCarthy had seen the need to give legislators information about the actions of legislative bodies in other states and foreign countries that were grappling with the same issues as Wisconsin. To facilitate this, he began compiling information through surveys and indexing newspaper

clippings by subject. "We want to know what the dearly bought experience of other places is," he wrote in 1909. Chapter 772, Laws of 1913, formalized the role that the LRL was playing in keeping the Wisconsin Legislature in touch with events around the United States and the world.

The LRL as a National Model

The LRL was a pioneer in legislative service when it began in 1901; within a couple of decades, almost every state in the union had created some sort of legislative service agency. Many used Wisconsin's LRL as a model. When the U.S. Congress was deciding whether to create a similar service at the federal level, McCarthy traveled to Washington to urge Congress to do so. The agency later known as the Congressional Research Service was subsequently created.

McCarthy's prominence, coupled with his close association with progressive thinkers on the University of Wisconsin campus and in the legislature, made him and his LRL a target of legislators who disagreed politically. McCarthy insisted that his services were completely nonpartisan, but conservatives considered the LRL a progressive "bill factory" and moved to eliminate it in 1915. Even the conservatives, however, could not deny the benefits of professional legislative service. Not only did

their efforts to abolish the LRL fail, but they came to embrace the library as a valuable and efficient neutral ground in the legislative wars.

After McCarthy

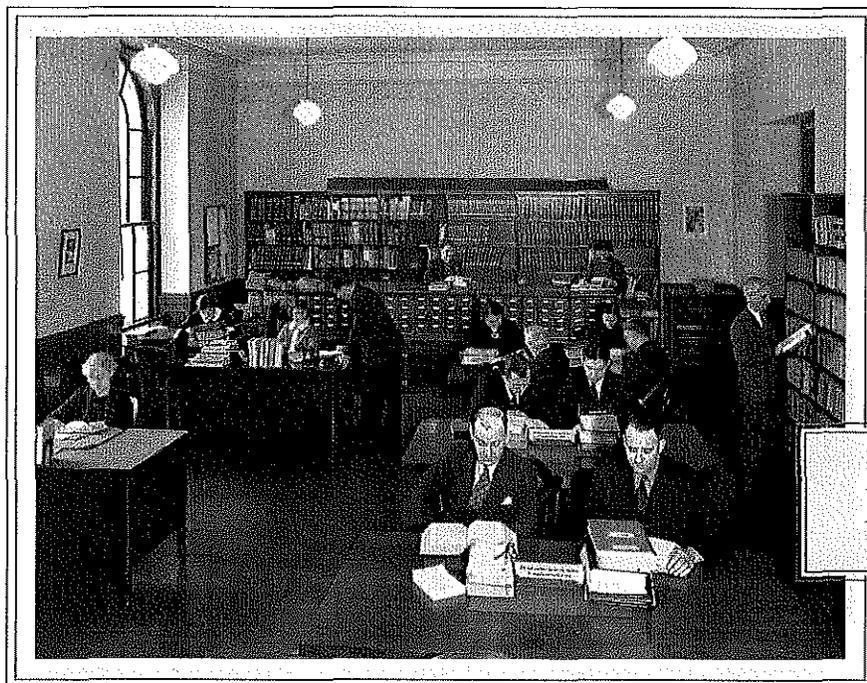
The Legislative Reference Library continued to thrive after McCarthy's untimely death in March 1921. The bureau by that time had evolved into a full-service information and bill drafting office. Many practices initiated under McCarthy continued under his successor, economist Edwin Witte. The library continued to acquire, catalog, and index materials of interest to legislators. The reference section continued to conduct state-by-state surveys and compile reports about topics likely to be dealt with by the legislature. One significant difference between that time and the present day was that because the legislative session lasted at most nine months out of every 24, drafting attorneys were hired on a part-time basis.

During Witte's tenure as chief of the LRL, another significant responsibility was added to the agency's duties. Chapter 194, Laws of 1929, gave the LRL the task of compiling and editing the *Wisconsin Blue Book*, the comprehensive almanac of Wisconsin state government that had previously been produced by the State Board of Printing. Beginning with the

1931 Wisconsin Blue Book and continuing with each subsequent edition to the present day, the agency's reference section has been responsible for producing the *Blue Book*.

By the 1930s, the LRL had settled into the regular rhythm of the legislature's two-year cycle. During the legislative session, the agency expanded into the space of its governing body, the Free Library Commission, to allow bill drafters to confer with legislators. LRL researchers and librarians worked almost exclusively on providing information about public policy to members, who at that time had no staff or offices of their own. During the legislative session, LRL office hours expanded to include evening and Saturday hours. After final adjournment of the legislature, the drafters returned to other jobs (in most cases, presumably, private law practices) and the full-time staff returned to long-term projects, the compilation of the *Wisconsin Blue Book*, or the backlog of routine work that usually accumulated during session. In 1933, Witte resigned as LRL chief to take a faculty position at the University of Wisconsin. He was succeeded by Howard F. Ohm, an attorney who had worked for the state Workmen's Compensation Board and served as counsel to a number of interim legislative study committees.

It was probably inevitable that as the years passed, the LRL would become more than a research library and bill drafting service. As one of the few manifestations of the legislature during long interim periods, the LRL became the institutional memory of the body. Each year the library filled with more bills, books, reports, drafting records, and newspaper clippings that told the story of sessions past. Increasingly during the 1930s and



Reference room of the Legislative Reference Library, circa 1937. (LRB Collection)

1940s, the LRL became a mecca for legislators, scholars, attorneys, and judges who were trying to determine the intent or reasoning behind existing law.

A Period of Change

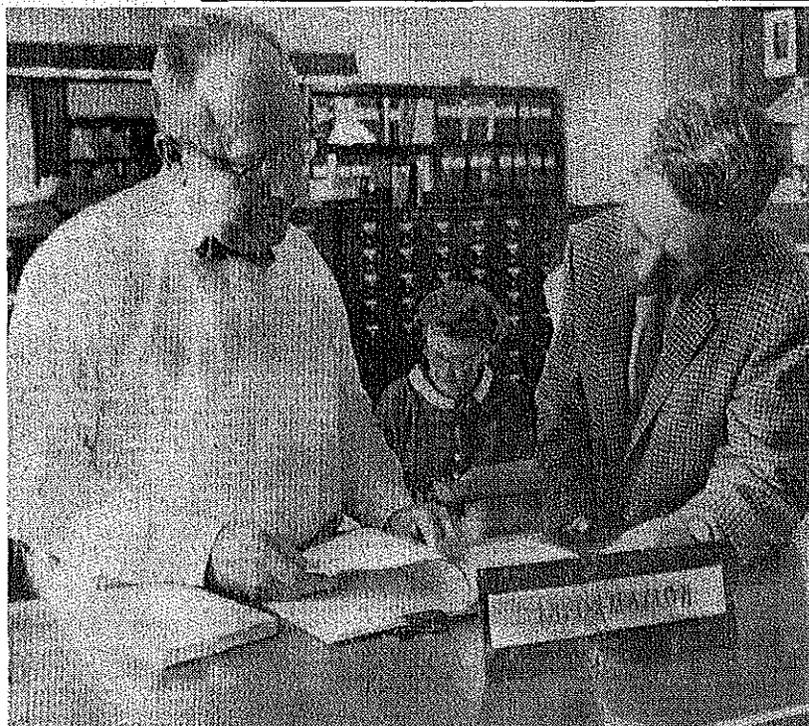
Howard Ohm died in 1949. The following year, Marinus G. Toepel, who had an extensive background in education, was named chief of the LRL. In addition to the agency's traditional duties, Toepel emphasized the public education role of the LRL. Previously, LRL research publications were distributed only to interested legislators. Toepel printed additional copies of the bureau's publications and made them available to members of the public who also wished to learn about public policy. He also began publishing LRL research as a regular series of publications for general distribution, a practice that continues to this day.

Chapter 149, Laws of 1963, created a permanent Joint Committee on Legislative Organization (JCLO) and placed the renamed Legislative Reference Bureau (LRB) under its jurisdiction. In July 1963, just six days after the act was published and three weeks before it was to take effect, Toepel died suddenly. In January 1964, H. Rupert Theobald, Toepel's coordinator of reference and research, was named chief of the LRB following a national search. This change took place as the legislature began to spend more time in session, dealing with increasingly complex issues. Thus, beginning in the early 1960s, some LRB drafting attorneys were hired on a full-time, rather than a sessional, basis. By the 1970s, all attorneys were full-time employees.

Technology and the Modern Legislature

The period from the 1960s to the 1980s was also one of technological revolution. In the tradition of Charles McCarthy's devotion to scientific methods of legislative service, Dr. Theobald led the LRB into the forefront of innovative technology to bring added efficiency to the legislative process. In 1967, the Wisconsin Statutes were converted into an electronic format to facilitate computerized bill drafting. That same year, in order to make it easier for legislators and the general public to understand proposed legislation, the LRB began publishing a plain-language analysis as part of each bill drafted. By the 1970s, a mainframe computer system was used for bill drafting and LRB publications. The improved efficiency of automation helped alleviate the increased workload that came with longer legislative sessions.

Chief Marinus G. Toepel confers with Coordinator of Reference and Research H. Rupert Theobald in 1961. Theobald would later serve as LRB Chief. (LRB Collection)



A new computer system, implemented in 1994, permitted all bills and LRB publications to be entirely prepared in camera-ready format within the bureau. This system helped lessen some of the difficulties associated with the agency's physical separation from the legislature. In recent years, the LRB has maintained the legislature's Web site, and has used Internet technology to give its publications wider and easier distribution.

Recent Years

In 1989, the LRB left its home of over 70 years in the north wing of the capitol as part of the capitol renovation project. The agency occupied space at 100 North Hamilton Street, across from the capitol. In 1994, Theobald retired after a record 30-year tenure as chief of the LRB. Stephen R. Miller was named his successor in 1998.

In 2003, the LRB moved to the second floor of One East Main Street, bringing to its new location the same commitment to supporting the legislative institution that it demonstrated since its establishment in 1901.

Throughout its history of more than a century, the LRB has remained focused on its mission of legislative service and upholding the principles of confidentiality and nonpartisanship on which it was founded. The history of the legislative institution itself has become intertwined with that of the LRB. For most of Wisconsin's history, the people's legislation, great and small, has come through the agency that began as McCarthy's workshop of ideas: from the progressive reforms of the early 20th century, through the environmental legislation and reorganization of state government in the 1960s and 1970s, to the issues challenging Wisconsin today.



*The current home of the LRB -
One East Main Street, Suite 200
(Kathleen Sitter)*

V. Chiefs of the Legislative Reference Bureau



Charles McCarthy, 1901-1921

“There should be a body of experts to gather information about the laws, to obtain statistics, to draft and redraft through the guidance of the representative of the people, laws which deeply affect the people . . . We have been convinced that there is a great opportunity to better legislation through work of this kind - that the best way is to help directly the man who makes the laws.” - 1912

Charles McCarthy, who created the agency now known as the Legislative Reference Bureau and served as its first chief, was born to Irish immigrant parents in Brockton, Massachusetts on June 29, 1873. He achieved distinction as an All-American football player at Brown University, and later coached football at the University of Georgia for two seasons before attending the University of Wisconsin, where he earned a Ph.D. in history in 1901. That same year, the Free Library Commission established a library for the legislature in the capitol and appointed McCarthy to fill the position of chief document clerk at a salary of \$83.33 per month. (McCarthy chose to be called “chief,” and the title continues today.)

An advocate of the progressive movement, McCarthy strongly supported “The Wisconsin Idea” that emphasized the debt of service the University of Wisconsin owed to the state and its citizens. His objective in collecting information from all over the world was to promote well-drafted, innovative legislation that would survive court challenge and serve as a model for other states and the federal government. He also worked to develop vocational education, first in Wisconsin in 1911 and later nationally through promotion of the Smith-Hughes Act of 1917, which created federal aids for vocational schools.

Because of McCarthy’s political activism, Governor Emanuel Philipp attempted to dismantle the bureau in 1915, but McCarthy successfully defended the mission of the LRB and later became a trusted advisor to Philipp. Later in his career, McCarthy served the federal government as the first director of the U.S. Commission on Industrial Relations and as a personal aide to Herbert Hoover in the Food Administration during World War I. An early exponent of farmers’ cooperatives for purchasing and marketing, he influenced the system of state regulation of railroads and public utilities. He also urged municipal budget reform, the commission type of city government, and widening the state’s educational opportunities through the University Extension program. Hoping to improve his health, he journeyed to Prescott, Arizona, where he died on March 25, 1921. The Wisconsin Legislature honored his service with a bronze plaque, installed in the Assembly Chamber.



Edwin E. Witte, 1922-1933

“The legislative reference library is the servant, not the master, of the legislature. Not only does it not promote legislation but its staff is cautioned to avoid expressions on any controversial issue . . . It is a service which calls for honesty, industry, intelligence, and tact to the ‘nth’ degree.” - 1931

McCarthy’s protégé and successor, Edwin E. Witte, was born on a farm near Watertown, Wisconsin on January 4, 1887. In 1905, he entered the University of Wisconsin, where he majored in history and earned a Ph.D. in economics in 1927. After working as an aide to Congressman John M. Nelson and serving five years as secretary of the Wisconsin Industrial Commission, Witte served as chief of the Legislative Reference Library from 1922 to 1933, when he returned to the University of Wisconsin as a professor of economics.

In 1934, Witte was named executive director and research synthesizer for President Franklin D. Roosevelt’s Committee on Economic Security. While working in this capacity, he drafted the federal Social Security Act of 1935. Previously, he had published a book in 1932, entitled *The Government in Labor Disputes*, and made significant contributions to the drafting of the Norris-LaGuardia Anti-Injunction Act of 1932. In succeeding years, Witte served as a member of the President’s Committee on Administrative Management, the War Labor Board, the Advisory Council for Employment Security, and the Atomic Energy Labor Relations Panel. In 1948, he organized and became the first president of the Industrial Relations Research Association, and in 1955, he was elected president of the American Economic Association.

Witte chaired the Department of Economics at the University of Wisconsin from 1936 to 1941 and again from 1946 to 1957. Witte Hall, a UW-Madison residence hall was named in his honor. He died on May 20, 1960 in Madison.

Howard Ohm, 1933-1949



“It has been the aim of this department to be able to supply any legislator with material on any subject upon which he may inquire, and to do so in the briefest possible time.” - 1936

Born on September 9, 1891 in Spalding, Michigan, Howard Ohm attended elementary and high school in Milwaukee. He entered the University of Wisconsin at Madison in 1908 and received his law degree five years later.

His practice with the firm of Riley and Ohm specialized in legislative research, bill drafting, and law revision. He also served as counsel for a number of legislative interim committees and did legal work for the Board of Public Affairs. From 1927 to 1931, Ohm was an examiner for the Workmen's Compensation Division of the Industrial Commission. In 1933, he was appointed chief of the Legislative Reference Library.

Ohm was the first president of the Legislative Service Conference and helped found and organize the Madison Chapter of the American Society for Public Administration. He died on October 5, 1949 in Madison.

Marinus G. [Gus] Toepel, 1950-1963



“[T]he Legislative Reference Library is strictly nonpartisan. Not only is this true of the bill drafting function in which the staff will draft a bill in accordance with the specifications made out by any member of the legislature, but it is also true of the library facilities in which material is sought on all points of view.” - 1951

Born in Sheboygan, Wisconsin on November 11, 1905, Gus Toepel received a B.A. from the University of Wisconsin in 1927 and an M.A. in political science in 1936. After teaching high school for a short time, he worked as a research assistant at the University of Texas and a field investigator and senior rating board examiner for the U.S. Civil Service Commission.

Toepel served in military intelligence in the U.S. Army during World War II and became educational coordinator for the Wisconsin Taxpayers Alliance after the war. He later was expeditor for the UW-Extension Center at Racine and the first director of the Green Bay Extension Center. From 1947 to 1949, Toepel served as executive secretary of the Wisconsin Education Commission. He directed the UW-Extension Division's Bureau of Government until he was appointed chief of the LRB in June 1950. He remained at this post until his death on July 12, 1963 in Madison. During his tenure as chief, Toepel emphasized legislative research and began publishing LRB research in a series of bulletins.

H. Rupert Theobald, 1964-1994



“The most important effort that a democracy can make to keep democracy alive is to keep its citizens informed about their government.” - 1964

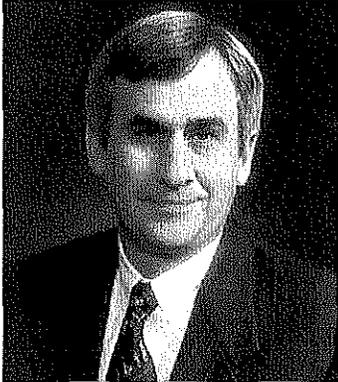
When he retired in July 1994, Dr. H. Rupert Theobald held the record as the longest serving director of a legislative service agency in the nation. In recognition of his many accomplishments and years of service to the citizens of Wisconsin, the legislature directed that the LRB library be formally named the “Dr. H. Rupert Theobald Legislative Library” and that a bas-relief be commissioned in his honor and permanently installed in the Assembly Chamber.

Born in Berlin, Germany on March 12, 1930, Theobald attended colleges and universities in Germany before coming to Wisconsin. He won a scholarship to the University of Wisconsin as a journalism student in 1950 and became a U.S. citizen in 1955. He completed his graduate studies at the University of Wisconsin-Madison, earning his M.A. in political science in 1960 and his Ph.D. in the same field in 1971. His dissertation focused on legislative and congressional reapportionment.

Theobald joined the LRB staff in 1957 as a research associate. He was named coordinator of reference and research in 1960, served as acting chief in 1963, and was appointed bureau chief in January 1964.

During his 30-year tenure as chief, Theobald pioneered the development and installation of the nation’s first computerized system for bill drafting and statutory retrieval. He was also recognized for his expertise in redistricting, parliamentary procedure, the legislative process, and state government organization. In 1986, he received the first Council of State Governments Charles McCarthy Award for Leadership in Information Services, a special honor because the national award is named for the LRB’s founding chief. He died on November 9, 2005 in Madison.

Stephen R. Miller, 1998-



“The LRB will provide services that will help enable the Wisconsin Legislature to lead the nation in making public policy that responds to the needs of the state. All members of the Legislature will quickly receive the highest quality legal, research and information services they require. To produce these services, the LRB will bring to bear the highest level of intellectual power and professional competency available.” - 1999

Stephen R. Miller became the LRB’s sixth chief on June 16, 1998. He was born in Muncie, Indiana in 1950 and attended Ball State University, receiving a bachelor’s degree in English. He moved to Mississippi in 1973 to attend graduate school at the University of Mississippi, where he was awarded a master’s degree in business administration and a law degree.

Miller served as the first hearing officer for the Mississippi Employee Appeals Board and worked for several years as general counsel to the Mississippi Legislature’s Joint Committee on Performance Evaluation and Expenditure Review. He also managed the legislature’s redistricting office. He is active in the National Conference of State Legislatures, having served on the Executive Committee and as staff chair of the Conference.

Miller supports increased use of computer technology in all of the LRB’s processes. He has improved LRB publications and initiated new publications. He introduced the production of audio and video at the LRB with a strong emphasis on civics education.

VI. LRB Staff Directory

Stephen R. Miller, Chief 267-2175
Cathlene M. Hanaman, Deputy Chief . . . 267-9810

Legal Services

Peter R. Grant, Managing Attorney 267-3362
Tamara J. Dodge, Attorney 267-7380
Michael P. Gallagher, Attorney 267-7511
Tracy K. Kuczynski, Attorney 266-9867
Mark D. Kunkel, Senior Attorney 266-0131

Rebecca C. Tradewell, Managing Attorney 266-7290
Aaron R. Gary, Senior Attorney 261-6926
Mary Gibson-Glass, Senior Attorney . . . 267-3215
Peggy J. Hurley, Senior Attorney 266-8906
Robin N. Kite, Senior Attorney 266-7291

Jeffery T. Kuesel, Managing Attorney . . . 266-6778
Richard A. Champagne, Senior Attorney . 266-9930
Mike Duchek, Attorney 266-0130
Pamela J. Kahler, Senior Attorney 266-2682
Gordon M. Malaise, Senior Attorney . . . 266-9738

Marc E. Shovers, Managing Attorney . . . 266-0129
Fern F. Knepp, Attorney 261-6927
Joseph T. Kreye, Senior Attorney 266-2263
Eric V. Mueller, Attorney 261-7032
Elisabeth Shea, Attorney. 266-5446

Bruce Hoesly, Senior Revising Attorney . 266-7590

Research and Library Services

Julie Pohlman, Research & Library Mgr . 266-0344
Jason Anderson, Legislative Analyst . . . 261-4454
Kinnic Eagan, Legislative Analyst. . . . 266-7098
Victoria Enright, Senior Pub Editor . . . 261-4451
Alexis Ernst-Treutel, Librarian 261-4455
Richard Hsia, Library Services Assistant . 267-0713
Lauren Jackson, Legislative Analyst . . . 266-5510
Michael Keane, Senior Leg Analyst 266-0346
Laura Lay, Librarian 267-0711
Jenni Le, Legislative Analyst 267-0707
Lynn Lemanski, Senior Pub Editor 266-0347
Kristina Martinez, Ref. & Inst. Librarian . 266-0345
Ryan Miller, Legislative Analyst 266-3600
Robert Paolino, Senior Leg Analyst 264-6982
Patricia Reichert, Senior Librarian 267-0709
Daniel Ritsche, Senior Leg Analyst 267-0710
Eileen Snyder, Librarian 267-0787

Administrative Services

Mike Barman, Lead Program Assistant . . 266-3561
Sarah Basford, Senior Program Assistant . 266-3561
Sarah Calvin, Legislative Editor. 266-0132
Christina Duerst, Publications Editor . . . 267-0708
Joy Dyer, Senior Legislative Editor 261-4456
Lynn Emery, Human Resources Spec 261-4452
Kathy Follett, Senior Legislative Editor . . 261-4450
Jean Frantzen, Senior Leg Proc Spec . . . 261-4449
Patty Henry, Senior Leg Proc Spec 261-4447
Wendy Jackson, Senior Leg Editor 266-9983
Jill Kauffman, Publications Editor. 266-2824
Karen Marty, Clerical Assistant 261-4453
Janice Murphy, Leg Proc Spec. 267-0712
Lori Parisi, Senior Program Assistant . . . 266-3561
Stefanie Rose, Program Assistant 266-3561
Ronald Schlueter, Senior Leg Proc Spec . 261-5414
Chris Siciliano, Senior Legislative Editor . 267-5131
Ellen Vinz, Legislative Editor 266-0041

Legal Services – Subject Areas and Attorneys by Initials

Attorneys' Initials

| | | | | | |
|-----|---------------------|----------|-----|----------------------|----------|
| ARG | Aaron R. Gary | 261-6926 | MGG | Mary Gibson-Glass | 267-3215 |
| BJH | Bruce Hoesly | 266-7590 | MPG | Michael P. Gallagher | 267-7511 |
| CMH | Cathlene M. Hanaman | 267-9810 | PG | Peter R. Grant | 267-3362 |
| EHS | Elisabeth H. Shea | 266-5446 | PJH | Peggy J. Hurley | 266-8906 |
| EVM | Eric V. Mueller | 261-7032 | PJK | Pamela J. Kahler | 266-2682 |
| FFK | Fern F. Knepp | 261-6927 | RAC | Richard A. Champagne | 266-9930 |
| GMM | Gordon M. Malaise | 266-9738 | RCT | Rebecca C. Tradewell | 266-7290 |
| JK | Joseph T. Kreye | 266-2263 | RNK | Robin N. Kite | 266-7291 |
| JTK | Jeffery T. Kuesel | 266-6778 | SRM | Steve Miller | 267-2175 |
| MDK | Mark D. Kunkel | 266-0131 | TJD | Tamara J. Dodge | 267-7380 |
| MED | Michael E. Duchek | 266-0130 | TKK | Tracy K. Kuczenski | 266-9867 |
| MES | Marc E. Shovers | 266-0129 | | | |

Attorney Subject Area Directory

| | | | |
|---------------------------------------|--------------|--|--------------------|
| Administrative Law | GMM, MED | Juvenile Justice | MPG, GMM, EHS |
| Agriculture | TKK, RCT | Legislative Rules/Legislature | JK, RAC, MPG |
| Beverages | ARG | Libraries | EVM |
| Buildings and Safety | MGG, RNK | Lobbying | JTK, JK, TKK |
| Children | GMM, EHS | Local Government | MES, EVM |
| Claims | JTK | Medical Assistance | PJK, TJD |
| Collective Bargaining | CMH | Mental Health | TJD |
| Constitutional Amendments | SRM | Military | MPG, MGG |
| Correctional System | CMH, PJH | Natural Resources | MGG, RNK, RCT, EHS |
| Courts and Probate | PJH, TKK | Occupational Regulation | MPG, MED |
| Crime | CMH, PJH | Public Assistance (Wisconsin | PJK, FFK |
| Discrimination | GMM, MES | Works, others) | |
| Domestic Relations | PJK | Public Utilities | MDK, EVM |
| Drunk Driving | PJH, EVM | Real Estate | PJK, FFK |
| Economic Development | MPG, FFK | Revision of Statutes | BJH, RNK |
| Education (K-12) | PG, TKK, FFK | Shared Revenue | JK |
| Elections | JTK, JK, TKK | State Finance | RAC |
| Eminent Domain | PG, MED | State Procurement | CMH, EHS |
| Employment (Private Sector) | GMM | Taxation (except Individual | JK |
| Employment (Public Sector | RAC | Income Taxation) | |
| – includes Benefits) | | Taxation, Individual Income | MES |
| Environment | RNK, RCT | Technical College System | PG, MDK |
| Ethics | JTK, JK, TKK | Trade Regulation | MDK, MPG |
| Financial Institutions and | ARG | Transportation | ARG, EVM |
| Bus. Associations | | Unemployment Insurance | JTK, MED |
| Gambling | MGG, EHS | Uniform Commercial Code | ARG |
| Health | TJD, MED | University of Wisconsin System | PG, MDK |
| Higher Education Agencies | GMM | Veterans | MGG, MPG |
| Housing | MPG, FFK | Wisconsin Consumer Act | ARG |
| Insurance | PJK, TJD | | |

Selected Legislative Reference Bureau Publications

These and other LRB publications are available at www.legis.wisconsin.gov/lrb/pubs

Research Bulletins

- RB-04-1 Wisconsin Legislative District Almanac. April 2004
- RB-06-2 Issues in Administering the Death Penalty. October 2006
- RB-12-1 Summary of the 2011-2012 Wisconsin Legislative Session. May 2012

Informational Bulletins

- IB-08-1 Fair Employment, Antidiscrimination, and Worker Protection Laws in Wisconsin. February 2008
- IB-11-1 Guidelines for Adjusting Municipal Wards Following the 2010 Federal Census. March 2011
- IB-11-1 Study Guide to the 2011-12 Wisconsin Blue Book. October 2011
- IB-11-2 Inside the 2011-2012 Wisconsin Blue Book. October 2011
- IB-12-1 Wisconsin's Role in Electing the President. March 2012
- IB-12-2 The Evolution of Legalized Gambling in Wisconsin. November 2012
- IB-12-3 2013 Legislative Session Fiscal Estimate Manual. December 2012
- IB-12-4 Ask the LRB. December 2012

Wisconsin Briefs

- Brief 11-1 Brief Biographies 2011 Wisconsin Officers. January 2011
- Brief 11-2 Profile of the 2011 Wisconsin Legislature, January 3, 2011. January 2011
- Brief 11-3 Wisconsin Women Legislators - A Historical List. January 2011
- Brief 11-4 Constitutional Amendments Given "First Consideration" Approval by the 2009 Wisconsin Legislature. January 2011
- Brief 11-5 Recall of Elected Officials. June 2011
- Brief 11-6 Executive Partial Veto of Assembly Bill 40: Executive Budget Bill Passed by the 2011 Wisconsin Legislature (2011 Wisconsin Act 32). July 2011
- Brief 11-7 Charter School Expansion. December 2011
- Brief 11-8 2012 Wisconsin Presidential Preference Primary. December 2011
- Brief 12-1 Initiative, Referendum, and Recall in Wisconsin. April 2012
- Brief 12-2 Executive Vetoes of Bills Passed by the 2011 Wisconsin Legislature from January 11, 2011, to April 20, 2012 (Except the 2011 Executive Budget Bill). April 2012
- Brief 12-3 Concealed Carry and Firearms Laws in Wisconsin. May 2012
- Brief 12-4 State Agencies, Boards, Commissions, or Councils Created, Repealed, or Revised by the 2011 Legislature - 2011 Wisconsin Acts 1-286. June 2012
- Brief 12-5 Executive Budget Bills Enacted by the Wisconsin Legislature, 1931-2011. July 2012
- Brief 12-6 Candidates: Primary Election, August 14, 2012. July 2012
- Brief 12-7 Candidates: General Election, November 6, 2012. September 2012
- Brief 12-8 Wisconsin Farm to School. October 2012
- Brief 12-9 Wisconsin State Officers. November 2012
- Brief 12-10 Genetically Modified Crops. December 2012
- Brief 12-11 Salaries of State Elected Officials, Effective January 2013. December 2012

Budget Briefs

- Brief 08-1 Warren Knowles-Gaylord Nelson Stewardship 2000 Program. January 2008
- Brief 08-2 No Call List and Cell Phones. July 2008
- Brief 09-1 Early Release and Sentencing Reforms. September 2009
- Brief 09-2 Domestic Partnership. September 2009
- Brief 10-1 Mandatory Motor Vehicle Insurance. May 2010

Legislative Briefs

- Brief 08-1 Emergency Contraception for Rape Victims. March 2008
- Brief 08-2 State Electrical Code and Electrician Licensing. March 2008
- Brief 08-3 Terminating Tenancy in Domestic Abuse Cases. April 2008
- Brief 08-4 Scrap Metal Sales Regulations. April 2008
- Brief 08-5 Repeat Drunken Driving Penalties Increased. May 2008
- Brief 08-6 Virtual Charter Schools. May 2008
- Brief 08-7 Changes in Impact Fees and Development of Public Facilities. July 2008
- Brief 08-8 Organ Donation. July 2008
- Brief 09-1 Indoor Smoking Ban in Wisconsin. May 2009
- Brief 10-1 Human Growth and Development Instruction - 2009 Act 134. March 2010
- Brief 10-2 Increased Penalties and Ignition Interlock Requirements for Drunk Driving Offenses. April 2010
- Brief 10-3 Payday Loans - 2009 Wisconsin Act 405. November 2010
- Brief 11-1 Local Redistricting Readjustment. August 2011
- Brief 11-2 Earn-a-Buck Repeal and Hunting Season Regulations - 2011 Act 50. December 2011
- Brief 12-1 Reporting Child Abuse or Neglect. March 2012
- Brief 12-2 Earmark Transparency - 2011 Wisconsin Act 220. October 2012