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The State of Wisconsin

THE WISCONSIN LEGISLATURE  
An Introduction

Legislative Reference Bureau  
State Capitol  
Madison, Wisconsin 53702

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# The State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

STATE CAPITOL  
MADISON, WIS. 53702

H. RUPERT THEOBALD  
CHIEF

Congratulations!

You have been elected a member of the 79th Wisconsin Legislature. It was a long road to get there through primary and general election and the long wait on election night. But, you finally made it.

Now the excitement is over. The parade of well wishers has ended. Already, a number of citizens have asked you for help with their problems as you settle down to the business of being a lawmaker.

You may have a lot of experience in this business as the result of long service in local office. Or, your election to the Wisconsin Legislature may be your first elective office. In either case, much of what confronts you when you come to Madison may seem strange, new, or unusual -- at least until you become somewhat more familiar with your new assignment.

This pamphlet is intended to make the transition easier for you. If, after your initial experience in the Legislature, you have some ideas on how the pamphlet could be made more useful, let us hear them.

Meanwhile, best of luck in your new assignment. You will find it very stimulating, sometimes hectic and exhausting but always challenging.

Sincerely yours,

H. Rupert Theobald, Chief

The Wisconsin Legislature -- An Introduction

By H. Rupert Theobald, Chief, Wisconsin Legislative Reference Bureau, November 1968

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## THE WISCONSIN LEGISLATURE -- AN INTRODUCTION

As a legislator-elect, you have joined a very select group of Wisconsin citizens. Out of more than 4 million people, only 133 can serve in the state legislature at one time. Some jurisdictions elect representatives at-large, and others elect from multimember districts. In Wisconsin all 33 Senators and 100 Assemblymen are elected from single member districts. Thus, if you are an Assemblyman, you will be representing an electorate of roughly 40,000 people; if you are a Senator, that number will be about 120,000.

Among the 50 states, Wisconsin ranks 16th in population and in area. Wisconsin's per capita personal income of \$3,156 in 1967 was, in fact, \$3 below the national average. But, throughout its history Wisconsin, within its relatively limited resources, has led the way in achievements which later were copied by other states or served as models for the federal government. Workmen's compensation, unemployment compensation, open primaries, state taxation of personal incomes, vocational education, and a state-wide involvement of university education are but a few of the areas in which Wisconsin developed the original legislation in the past to be later copied by other jurisdictions; similar pioneering legislation enacted by the 1967 Legislature included the regulation of snowmobiles and (without constitutional compulsion) a complete reorganization of the executive branch.

### Inauguration Day

January 6, 1969. Your first formal participation in the work of the Wisconsin Legislature, as a member of that body, will come on January 6, 1969, when you come to the Capitol to take the oath of office. January 6, 1969, is the first Monday in January of that year. As far as we know, legislative oath taking on the first Monday in January occurred for the first time in 1967; prior to that time, both oath taking and beginning of the session happened on the same date (the 2nd Wednesday in January). The switch to the first Monday in January was the result of an Attorney General's opinion which pointed out that under the Wisconsin Constitution the legislative term of office begins on that day.

Executive Inauguration. The first Monday in January is also the day on which the state officers are inaugurated. The Governor, Lieutenant Governor, Secretary of State, State Treasurer and Attorney General take their respective oaths of office in a ceremony held in the first floor rotunda of the Capitol beginning at noon. After the ceremony, it has been the custom for each of these state officers to hold an "open house" in his suite of offices and receive well wishers. The oath of office is administered by the Chief Justice of the Supreme Court.

The Legislature's Oath of Office. The legislative ceremonies begin at 2 p.m. In 1967, they began with a joint convention of the 2 houses. These are always held in the Assembly Chamber because that is the larger room. The convention was brought to order by the Speaker of the Assembly elected for the 1965 Session; he immediately turned the gavel over to the newly elected Lieutenant Governor because, under the rules of the Wisconsin Legislature, the Lieutenant Governor presides over joint conventions.

The joint convention began with a prayer. In the Legislature, it is customary to open each daily session with a prayer.

This was followed by a recital of the pledge of allegiance to the flag; again, recital of the pledge of allegiance to the flag is a custom of the Wisconsin Legislature. The pledge is recited at the beginning of each day's business in the Assembly. In the Senate the custom has been to recite it once at the beginning of each week's sessions.

Next, the Lieutenant Governor announced that the Governor was ready to make his welcoming remarks to the Legislature. The Governor was escorted to the rostrum by the Senate President pro tem of the preceding session (then destined to be elected president emeritus of the Senate), and by the Assemblyman destined to become Speaker of the Assembly for the 1967 Session.

Following the Governor's welcoming remarks, the joint convention ended. The members of the Senate returned to the Senate Chamber. The Lieutenant Governor welcomed the holdover senators and those newly elected. The Chief Clerk read the certification of election sent to him by the Secretary of State. All newly elected (or reelected) senators then approached the podium and the Lieutenant Governor administered the oath of office.

In the Assembly, the 1967 ceremony was continued under the chairmanship of the 1965 Speaker. At the Speaker's instruction, the Chief Clerk of the 1965 Session read the certification of election received from the Secretary of State, and called the roll of the members. The Wisconsin Assembly usually votes by use of an electric roll call machine, but at the oath-taking ceremony the roll call has to be viva voce because the roll call board cannot be wired until each member has been assigned his permanent seat.

The oath of office for members of the Assembly is by tradition administered by the Chief Justice of the Wisconsin Supreme Court. Section 13.03 of the Statutes would permit that the oath be administered by the Speaker of the Assembly, the President of the Senate, the Governor, the Secretary of State, the Attorney General, the judge or clerk of any court of record, or any justice of the Supreme Court, but in the opening day ceremony in the Assembly it always seems to have been given by the Chief Justice. At that stage of the proceedings on opening day, the oath cannot be administered by the Speaker because the new Assembly has not yet chosen its Speaker which it cannot do until the Speaker, who is one of the members of the Assembly, has himself taken the oath of office as a member. However, if a new assemblyman takes the oath of office after the commencement of the session, either as the result of a special election or because he was for some compelling reason prevented from attending the opening day session, then it has been the tradition that the oath of office is administered by the Speaker of the Assembly.

The oath formula is recited in unison:

"I, \_\_\_\_\_, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of (assemblyman) to the best of my ability. So help me God."  
(Section 19.01 (1) of the Statutes)

Following the oath taking, the Chief Clerk calls the names of the members, 3 at a time, so that they can approach the rostrum and sign the official oath book in the presence of the Chief Justice. When every member has signed, the Chief Clerk takes the oath book to his office for safekeeping until it can be returned to the vaults of the Secretary of State.

In 1967, the oath taking ceremony on the first Monday in January had to proceed without precedent or law to guide it. Since then the 1967 Legislature, by Chapter 187 of the Laws of 1967, has formalized the procedure as follows:

"REGULAR SESSIONS. (1) The legislature shall convene in the capitol on the first Monday of January in each odd-numbered year, at 2 p.m., to take the oath of office, select officers, and do all other things necessary to organize itself for the conduct of its business.

(2) The regular session of the legislature shall commence at 2 p.m. on the first Tuesday after the 15th day of January in each odd-numbered year." (Section 13.02 of the Statutes)

Election of Officers - Assembly. A lot still remains to be done after the oath-taking is completed on January 6, 1969. The first order of business is the official election of the Speaker of the Assembly. Although the officers of each house were already informally determined by the party caucuses prior to inauguration day, the official action must be taken after the members have been sworn in.

It is usual for each party to nominate a candidate for the office of Speaker as well as for the offices of Speaker pro tempore, Chief Clerk and Sergeant at Arms. While the Speaker is chosen, the Chief Clerk of the last preceding legislative session (or, if he is unavailable, the Chief of the Legislative Reference Bureau) presides over the meeting.

Upon election of the Speaker by the members of the Assembly, he is escorted to the rostrum by 2 members of the majority party and takes the oath of office as Speaker. It is customary for the newly-elected Speaker to then address the Assembly, outlining his concept of the responsibilities of the office of Speaker, and setting forth some of the policy aims that will guide the legislative session.

The Speaker pro tempore, Chief Clerk and Sergeant at Arms are elected in the order cited. Each, upon his election, takes the oath of office and very briefly addresses the Assembly, thanking the members for the confidence bestowed upon him. Usually, the newly elected Chief Clerk will also announce his selection for Assistant Chief Clerk, introduce the person so selected to the members, and the Assistant Chief Clerk will take the oath of office.

Election of Officers - Senate. The procedure for the selection of officers in the Senate is quite similar except that the Senate does not elect its presiding officer from among its membership. This job, under the Wisconsin Constitution, is one of the responsibilities of the Lieutenant Governor. The Senate elects one of its members to serve as President pro tempore for the biennium. It also elects a Chief Clerk and a Sergeant at Arms, and the Chief Clerk announces his selection for the position of Assistant Chief Clerk.

Organizational Resolutions. When these tasks are completed, each house passes a resolution notifying the other house that it has organized. The resolution lists the names of the persons elected Speaker and Speaker pro tempore or President pro tempore. It also lists the names of the persons who, respectively, will serve as majority leader and as minority leader in each house. The majority and minority leaders are, however, not elected by the house itself; they are party officers, selected by each party at the pre-session caucus in November. Their names are certified by resolution to the other house so that there is a public record of their selection and because the Speaker, the President pro tempore, the 2 majority leaders and the 2 minority leaders together constitute the Joint Committee on Legislative Organization which functions as the governing board for the "housekeeping" matters of the Legislature. Incidentally, it should be mentioned that the 2 organizing resolutions are the only 2 resolutions which will be messaged to the

other house upon their adoption by the house of origin. All other "simple" resolutions (as opposed to joint resolutions) complete the legislative process upon adoption by the house of origin.

Under the Assembly rules, committee assignments and the assignment of office space in the Capitol are the prerogative of the Speaker. In the Senate, on the other hand, the next step in organizing for the legislative session is the adoption of a resolution appointing a committee on committees to submit to the Senate recommendations for committee assignments.

Once the 2 houses have exchanged notifications that they are organized, a joint resolution is passed to inform the Governor that the Legislature is now organized and stands ready "to receive any communication he may be pleased to make".

Other resolutions which are usually adopted on the opening day include, among the simple resolutions, one instructing the Chief Clerk to make arrangements so that a member of "the resident clergy of the state of Wisconsin ... open the session with prayer", and another to provide each legislator with a specified number of envelopes and letterhead stationery, and among the joint resolutions, one to furnish a copy of the Wisconsin Statutes, and other publications, to each member of the Legislature.

Adoption of Rules; Announcement of Committee Assignments. There are three other steps in the organization of the legislature which need not necessarily be completed on the opening day though they frequently have been: the adoption of the house rules and the joint rules, accomplished by the adoption of the proper resolutions, the announcements of committee assignments and the adoption of the staffing resolutions to set up the staffing pattern in each house. In the Senate, committee assignments are proposed to the Senate in the form of a resolution offered by the Committee on Committees, and this resolution can be amended by the body although it seldom is. In the Assembly, committee assignments are worked out by the Speaker and his decision is final.

#### Offices, Staff, Parking: The Working Conditions of the Wisconsin Legislator

Office Space. The "experts" on state legislative revitalization have repeatedly suggested that, as representatives of the people, legislators should not tolerate working conditions which they would not be willing to accept in their private employments.

Plausible as that prescription sounds, almost all states have a long way to go before their state legislatures will achieve this goal. For many decades, the typical state provided each legislator with one desk and one chair from which to conduct his legislative business. That desk and chair were located in the senate or house chamber, and had to be used by the representative to take part in the daily sessions, to meet reporters, constituents and lobbyists, to do his voluminous correspondence, and to do his "homework" in preparation for next day's session. Typically, also, there was no assigned secretarial help but in most state legislatures the majority of the membership had to share in whatever time a secretarial pool arrangement could make available.

Wisconsin has made some progress in recent years. By comparison with other states it has, in fact, taken great strides as to facilities which it provides to the members. Still, it remains debatable whether the facilities available to a member of the Wisconsin Legislature approach anything like the facilities he would expect in his private business.

In the 1969 Wisconsin Legislature each member will, at least, have office and filing space outside the legislative chambers. In most cases, a Wisconsin legislator will share his office with one or 2 of his colleagues, but if he is elected by his house to a leadership position, or if he becomes the chairman of one of the major standing committees, then chances are that he will have an office of his own.

Staff. Each legislator will have, in his office, his own telephone where he can be reached directly by constituents and others. If he is not in his office because of committee business or because his house is in session, there will be a secretary to answer the phone and record messages. In most cases the legislator will share the typist-secretary's working time with one or 2 other legislators.

Besides secretarial help, the Wisconsin legislator has other staff assistance. In his house of the Legislature, the staffs of the Chief Clerk and of the Sergeant at Arms are ready to help; the Chief Clerk's staff can provide information on the current status of legislation, and the messengers on the staff of the Sergeant at Arms furnish the necessary messenger service in the Capitol. Within his party caucus, the legislator is assisted by a small number of competent professionals who analyze pending legislation and assist in the development of his party's policy position.

Outside the 2 houses, several legislative service agencies participate in the legislative process. These are the Legislative Audit Bureau (Robert Ringwood, state auditor; 266-2818), the Legislative Council Staff (Earl Sachse, executive secretary; 266-1304), the Legislative Fiscal Bureau (Dale Cattnach, director; 266-3847), the Legislative Reference Bureau (Rupert Theobald, chief; 266-3561), and the Revisor of Statutes Bureau (James Burke, revisor; 266-2011). Two specialized legislative research agencies are the Retirement Research Committee (Robert Logan, research director; 266-3019) and the Council for Home and Family (Mrs. Alice Schmidt, executive director; 266-1009).

Parking. One of the real problems facing a member of the Wisconsin Legislature is where to park his car. The hotels and motels do, of course, provide parking space, but to park directly at the Capitol presents major difficulties. By the Sergeant at Arms of his house every legislator is issued a sticker which in theory entitles him to park his car in any one of the 4 entrances to the Capitol. In practice, however, the 4 entrances together contain only 61 marked parking spaces, to be shared by the constitutional state officers, the justices of the Supreme Court, the members of the Legislature, and key staff personnel. While the Legislature is in session in Madison, state law also reserves for legislative use the first 5 parking spaces on either side of each entrance, on the Capitol side of the streets surrounding the Capitol, for a total of 40 additional spaces. This results in a grand total of 101 parking spaces, a number not nearly adequate to satisfy the demand.

There have been suggestions in the past seeking a solution to the parking problem but, because of the costs involved in, for instance, developing an underground garage under Capitol Park, or because of the aesthetic objections to converting one of the sections of Capitol Park into a large black-topped parking lot, no real remedy appears imminent.

Salary, per diem, Mileage: How Much; Where to File

Salary. Each member of the Wisconsin Legislature elected in the 1968 general election will receive an annual salary of \$8,900. Legislators receive their salary in equal monthly paychecks dated for the first business day following the end of each month. In the last few years, nearly all agencies of Wisconsin state government have converted to 26 biweekly pay periods per year, and it is possible that a similar system will be adopted by the Legislature during the 1969-71 biennium if the preparation of legislative payrolls can be centralized. Currently, legislative payrolls are prepared separately for each house and each legislative service agency.

The members of the Legislature must give all information relating to legislative salary, per diem, and expense reimbursement to the Chief Clerks of their respective houses. The information to be filed, and it should be filed as early as possible, includes the "W-2" form listing the personal deductions for income tax withholding (forms are supplied by the Chief Clerk's office) and a statement concerning the mileage from the legislator's home to the Capitol building "by the most usual route" (in most cases, the distance can be found from the distance chart printed on the official state highway map).

Fringe Benefits. After he has been a member for 6 months, each member of the Wisconsin Legislature comes under the Wisconsin Retirement Fund and the appropriate amount is deducted from his paycheck.

Each legislator may also obtain Blue Cross and Blue Shield coverage, but in this case he must apply to be enrolled. If he presents his application to his Chief Clerk by the 10th of the month, the legislator's coverage usually can become effective by the first day of the next month.

For life insurance, the procedure is the other way around: each member who is less than 65 years old at the beginning of the session is automatically enrolled in the group life insurance program unless he files with his Chief Clerk a form stating that he does not wish to be covered.

Mileage. Each legislator is reimbursed for the expense of traveling from his home to the Capitol Building on the basis of one round trip at 10¢ per mile for each regular or special session, and one weekly round trip at the rates provided for civil service employes. For civil service employes, Section 20.916 (4) of the Statutes provides that reimbursement is to be at the rate of 7¢ per mile for the first 2,000 miles traveled in each calendar month, and at the rate of 6¢ per mile for mileage in excess of 2,000 miles. Expense checks are issued monthly and it takes about 2 weeks from the time the claim is filed before the check is received.

In-Session Expenses. Any legislator who signifies by affidavit that he has established a temporary residence in Madison for the period of any regular or special session is entitled to a per diem of \$15 for expenses incurred for food and lodging. This per diem is paid to the legislator for any day that he is in Madison on legislative business during the period of the legislative session, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or at a meeting of a standing committee of which he is a member. Usually, per diem is not paid during any period of legislative recess of 30 days or more (in that case, legislators would be reimbursed for "actual and necessary" expenses in attending committee meetings) unless such payment is authorized by the joint resolution providing for the recess. Per diem is paid on a monthly basis. Immediately at the end of each calendar month, every legislator should file with his Chief Clerk (forms are provided

by the Chief Clerk's office) a statement of the number of days he was in Madison on legislative business during that month. Section 20.765 (1) (a) 2.a specifies that the per diem payment is to be made within one week following the end of each month.

Out-of-Session Expenses. For any month during which the Legislature meets 3 days or less, legislators receive an at-home allowance for postage, clerical assistance and toll calls. The amount of the allowance depends on the geographical size of the district represented. For assemblymen, this allowance is \$25 if the district represented consists of one county or less, and if the district consists of more than one county, \$25 plus \$15 for each additional county. In the Senate, the basic at-home allowance is \$40 per month, plus \$20 per month for each additional county in the district.

Any legislator who attends meetings in his official capacity while the Legislature is not in session is entitled to reimbursement for "actual and necessary" expenses. Such meetings would include attendance at interstate conferences as a representative of the Wisconsin Legislature or the Interstate Cooperation Commission, or attendance at committee meetings to which the legislator was appointed by his house.

When attending such meetings, keep careful expense records and remember 2 things particularly: 1) get a receipt for any meal or other item on which you spent more than \$2 because, without the receipt, you can be reimbursed only \$2, and 2) be sure to get a "tax exempt" certificate from the Chief Clerk before you order airline tickets because (for the time being at least) as a state official traveling on official business you are exempt from the federal travel excise tax. If you pay it, you cannot be reimbursed for the amount of that tax. Also, keep in mind that Wisconsin state law does not permit reimbursement for money spent on tips (if in doubt, consult Sec. 16.53 (1) (c) of the Statutes).

#### Committee Assignments

The recent report by the Eagleton Institute of Politics suggests that there be a committee on organization ("operations board") and 6 standing committees in the Senate and a similar committee on organization and 10 standing committees in the Assembly. The report further suggests that committee appointments be made so that the composition of each standing committee reflects the political composition of the house by which it is appointed (but with all fractions decided in favor of the majority party), and that the minority party in each house be given a direct voice in the assignment of its members to the standing committees.

This is only a suggestion. The actual Wisconsin practice is quite different, and each house handles committee assignments in its own way.

Senate Committees. In the Senate, the number of standing committees and the number of members on each standing committee is determined by Senate Rule 20. The Senate has 9 standing committees of 5 members each, and a 10th consisting of 3 members. There are also 3 procedural committees. In addition, the Senate contributes 2 of the 5 members of the Joint Committee on Revisions, Repeals and Uniform Laws.

The following Senate committees have 5 members each: Agriculture; Conservation; Education; Public Welfare; Highways; Judiciary; Labor, Taxation, Insurance and Banking; Governmental and Veterans Affairs; and Finance. The Senate Finance Committee in the past has met as a committee of the Senate only in exceptional

circumstances; usually it functions as the Senate part of the Joint Committee on Finance. The 3-member Senate Committee on Interstate Cooperation usually functions only as a part of the Commission on Interstate Cooperation on which, in addition to the 3 members of the Senate committee, the Senate is represented also by the President pro tempore, the Majority Leader and the Minority Leader.

The 3 Senate procedural committees are the Committee on Senate Organization, the Committee on Committees, and the Committee on Legislative Procedure. The Committee on Senate Organization consists, by rule, of the President pro tempore, the Majority Leader, and the Minority Leader. The Committee on Senate Organization, together with the Committee on Assembly Organization, forms a Joint Committee on Legislative Organization. Each organization committee for its house, and the joint legislative organization committee for matters concerning the entire Legislature and legislative staff services, is a "housekeeping" committee charged with the responsibility of providing the proper equipment, printing, staff and other facilities required for the legislative process.

The Committee on Legislative Procedure consists of the President pro tempore as chairman, the chairman of each Senate standing committee, the chairman of the Joint Committee on Revisions, Repeals and Uniform Laws, the chairman of the Committee on Committees (if he is not already a member as the result of his chairmanship of a standing committee); and the first-named Senate member of the Commission on Interstate Cooperation. One of the important functions of the Committee on Legislative Procedure is the review of proposals offered for introduction after the deadline for free introduction by members (52nd day of session) has expired.

The Senate Committee on Committees is nominated by the majority party caucus and consists of 3 members. For the 1969 Session, the nominations are Senator Lorge as chairman, Senator LaFave and Senator Hollander. These nominations are subject to confirmation by the Senate when the 1969 Legislature organizes on January 6, 1969; in the past, the nominations have usually been placed before the Senate in the form of a Senate resolution to create the committee. In theory, the nominations to the Committee on Committees could be altered by amendments from the floor when the resolution is debated by the Senate but, in practice, the text of the resolution is usually adopted as offered.

The Senate Committee on Committees has the important task of making the nominations for committee assignments in the Senate; again, in theory, its nominations could be altered by amendment from the floor but, in actual fact, committee assignments are usually ratified by the Senate as submitted. In making the committee assignments, the Senate Committee on Committees actually accomplishes 2 tasks: 1) within the number of posts on each committee established by Senate Rule 20, the committee determines the allocation of seats to the majority and minority parties, and 2) based on experience, seniority and the wishes expressed by the members of the Senate, the committee nominates individual senators to serve on each standing committee. The minority party has an informal committee on committees of its own because, under the Senate rules, the minority party makes its own committee assignments to standing committees within the number of seats allotted to it.

Assembly Committees. In the Assembly, committee assignments are handled differently. Assembly Rule 20 (2) vests power of appointment and determination of number of members on each committee in the Speaker, except that the Assembly Committee on Finance, under Sec. 13.09 of the Statutes, must have 9 members. Like the Senate Committee on Finance, the Assembly Committee on Finance seldom meets separately but normally functions as the Assembly's share in the Joint Committee on Finance.

The other 17 standing committees of the Assembly, and the number of members on each committee in the 1967 Session, are: Agriculture (13 members), Commerce and Manufactures (11), Conservation (11), Education (11), Elections (7), Excise and Fees (11), Highways (12), Insurance and Banking (11), Judiciary (11), Labor (11), Municipalities (11), Printing (5), Public Welfare (11), State Affairs (11), Taxation (11), Transportation (13), and Veterans and Military Affairs (9 members).

The Assembly also has 7 procedural committees. The Committee on Assembly Organization consists, by rule, of the Speaker, the Majority Leader and the Minority Leader. The other 6 procedural committees of the Assembly, and the number of members appointed to each in the 1967 Session, are: Contingent Expenditures (5 members), Engrossed Bills (3), Enrolled Bills (3), Revision (3), Third Reading (3), and the Assembly Committee on Rules (12 members). Like the Senate Committee on Legislative Procedure, the Assembly Committee on Rules reviews proposals offered for introduction after the deadline for free introduction by members (52nd day of session).

Assembly rules do not require each member to be appointed to a committee. In practice, each member serves on at least one committee, and many serve on 2 or more. Likewise, there is no requirement that the minority party be represented on standing committees though, in actuality, the minority party has been represented on each committee. Moreover, when party control changed, the committee chairman of the preceding session was (when he so desired) reappointed to his committee as a member.

In addition to the standing and procedural committees, Assemblymen are appointed also to the Joint Committee on Revisions, Repeals and Uniform Laws (3 Assembly members). The Assembly (unlike the Senate) does not have a standing committee on Interstate Cooperation. However, it is represented in the Interstate Cooperation Commission by 6 Assembly members including the Speaker, the Majority Leader and the Minority Leader.

By tradition, the Speaker of the Assembly invites members to inform him of their preferences in committee assignments. Speakers have tried to accommodate each member as much as possible within the 2 goals of: 1) keeping all committees in a workable size, and 2) assuring the control of each committee by the majority party.

In both houses, the chairman and the vice chairman of each committee are traditionally chosen from the majority party and determined in the appointment process. In the Assembly, the first-named member of the minority party, in the listing of appointments to each standing committee, is known as that committee's "ranking minority member".

### The Legislative Session

Continuous Sessions. Until the Wisconsin Constitution was amended in April 1968 to provide for legislative sessions "at such time as shall be provided by law", the Wisconsin Legislature was to meet "once in two years, and no oftener". Under the old wording, the regular sessions usually lasted 6 to 8 months, with the trend in recent years definitely pointing to longer sessions. In 12 of the last 13 regular biennial sessions, the Legislature also recessed for several months after the completion of most of its work. It then reconvened several months later to consider vetoes and appointments; react to revised fiscal estimates; correct errors in legislative measures; act on pending measures on which it was not possible to complete action prior to the recess; and deal with significant new problems that might have arisen during the interim.

Since 1961, the Wisconsin Legislature has actually not adjourned sine die during the legislative biennium (after an adjournment sine die, which ends that Legislature, only a gubernatorial call of a special session can return the Legislature to the Capitol, and then only for the topics specified by the Governor in the call). Instead, each succeeding Legislature has recessed from time to time and scheduled its final session period to commence 1 hour before its term expires. By not adjourning sine die, and by specifying in each recess resolution a date for reconvening and the authorization to reconvene earlier if petitioned by a majority of the membership of each house, the Wisconsin Legislature was able to guarantee that the state would at all times have a functioning Legislature, able to address itself to any topic of its choosing.

Though the length of a legislative session may technically extend over the entire biennium, no legislature actually meets on 730 days. Under the Wisconsin Constitution no "house shall, without the consent of the other, adjourn for more than three days" (Art. IV, Sec. 10). Thus, for recesses of more than 3 days which occur, for instance, at Easter and, if the Legislature is then in session, for the period from Thanksgiving and through the deer hunting season, a joint resolution is adopted setting forth the period of the recess and what, if any, interim work is to continue while the Legislature stands at recess.

On Friday, a "Skeleton" Session is Held. The 3-day provision has led to the practice of holding a "skeleton" session each Friday during the early months of the session. Full meetings of the Legislature occur on Tuesday, Wednesday and Thursday. The skeleton session on Friday is called to order and almost immediately adjourned. No actual business is conducted, but measures are received for introduction so that they can be printed before the 2 houses return on Tuesday.

During the latter part of the session 4-day and 5-day workweeks are, however, common. This makes it difficult for those legislators who need to maintain some weekend employment in order to supplement the salary paid by the state.

How the 8-Month Session is Structured. For the 6 to 8-month opening session there is a regular pattern which is largely determined by the advancement of the general fund executive budget. (What happens in an adjourned session is anybody's guess and depends entirely on the problems then facing the State of Wisconsin.)

The opening session consists of 3 distinguishable parts: 1) organization, introduction of legislation, and general committee work to about the first week in February, 2) public hearings on the budget and on other bills to about the end of April (in several recent legislative sessions, the Legislature during the 2nd period for a number of weeks concentrated completely on committee work and held no daily sessions other than skeleton sessions), and 3) floor debate of the budget, passage of the budget, and adjournment.

The Legislator's Workday. While the legislative session continues, the legislator's working day is typically divided between committee work and floor work. With the exception of the 1967 Session in which most committee hearings were held in the morning, the usual practice has been to hold legislative sessions in the morning and committee hearings in the afternoon. During the latter part of the session, the daily sessions have frequently been resumed in the late afternoon following the conclusion of that day's committee work. Unless a different time is set in the preceding legislative day's motion to adjourn, legislative sessions begin each day at 10 a.m.

The one commodity of which there is never enough in the legislative process is time. Most legislators come to the Capitol each morning much earlier than the 10 a.m. time set for convening. Much of the preparation which the legislator needs for the bills on today's calendar he will have to do this very morning -- yesterday, he had other problems which took all of his time.

The time between 8 a.m. and 10 a.m. is typically taken up with telephone calls to department heads and others for background information on pending legislation and in relaying requests which the legislator has received from his constituents. Usually, there will also be a check with the Legislative Reference Bureau to see if the amendment which should have been requested three weeks ago but somehow was forgotten could possibly be ready in time for today's session (sometimes it cannot, but usually it can). Also, the time preceding the day's session may well be the only quiet time which the legislator has available to answer his voluminous mail.

Lobbyists. This may be the only quiet time -- but, even this time is probably something less than quiet. While the legislator may actively seek the advice of some persons, others will try to catch his ear. Perhaps a lobbyist will ask for the opportunity to explain to the legislator his association's position on a pending proposal.

The image of a lobbyist as a man buttonholing legislators in dark passageways of the Capitol to advance his own sinister purposes is about as wrong -- at least in terms of Wisconsin -- as an image can get. Lobbyists, each legislator should remember, are advocates who either favor or oppose a particular proposal. But, with that caution, they are also one of the best sources of information available, and frequently the only real experts to which a legislator has convenient access.

In Wisconsin, lobbyists are required to register with the Secretary of State and to make frequent reports on their financial transactions. The law relating to "regulation of lobbying" can be found in Sections 13.60 to 13.72 of the Statutes. Lobbyists are prohibited from furnishing to a legislator "any food, meal, lodging, beverage, transportation, money, campaign contributions or any other thing of pecuniary value" (Section 13.61 (3) (b) of the Statutes). But, the lobbyist can furnish information, and the professional lobbyist is usually very careful to make his information as factual and as accurate as possible.

This is particularly true for representatives of the quasi-public associations which represent taxpayers groups or units of government. Their representatives are usually registered as lobbyists and the associations often take a defined position for or against the enactment of a measure. But, each of these associations engages in extensive objective research and their research findings are readily made available to the legislator who requests it.

The Capitol Press Corps. It should come as a surprise to nobody that the members of the Capitol press corps often can assist the freshman legislator with some very practical advice. Many of the reporters have followed legislative proceedings for a number of years, are very knowledgeable in the application of legislative rules, and remember from their own observations the detailed reasons leading to the defeat of a particular proposal in an earlier session.

The Budget. In Wisconsin, the executive budget is usually presented in 2 or more separate bills. One bill, always, covers the "general fund executive budget" and this is the bill the newspapers refer to as "the budget". One or more

other bills cover the highway and conservation fund expenditures, and the miscellaneous segregated funds which include the cash flow of the Wisconsin Retirement Fund and the State Teachers Retirement Fund.

"Not later than February 1 in each regular session of the legislature, the governor shall deliver his budget message to the 2 houses in joint session assembled. With such message he shall transmit to the legislature the biennial state budget report and the executive budget bills together with suggestions for the best methods for raising the needed revenues." (Sec. 16.45 of the Statutes)

A budget bill is more than just a listing of anticipated revenues and expenditures: it is also the main policy statement of "the administration". The typical general fund executive budget bill runs to about 130 pages of which only about 40 pages deal with dollar amounts. The remaining pages deal with changes in state laws specifying the content of the various state programs.

Wisconsin is one of the leading states in the development of the "program budget" and "PPBS" -- planning-programming-budgeting systems. Under a program budget -- as opposed to a line item budget -- the budget sets forth the proposed expenditures in terms of programs rather than in terms of items to be bought. Programs, in this sense, are statements of intended accomplishments. They tell how many people must be served by the state's mental institutions and at what cost per patient, how many children must be educated, how many miles of road must be repaired. The old approach using line items dealt with such matters as how many employees were to be salaried, how much coal had to be bought, how much office furniture should be replaced.

In the budget-making process, the Wisconsin legislator is given not only the budget bill containing the Governor's recommendations in abbreviated legal language, but also 2 fat volumes of the "budget document" which explains in detail the components of each figure shown in the budget bill. The budget document volumes also contain brief descriptions of the internal organization of each state agency and, in connection with each program, that agency's policy goals for the period covered by the budget. The budget document, together with the biennial editions of the WISCONSIN BLUE BOOK, provides the legislator with extensive information on the workings of Wisconsin state government.

Budget Review. By the time the budget bill reaches the Legislature, it has already gone through 2 review stages. The agencies of Wisconsin state government began submitting their budget requests to the Department of Administration in August of the year preceding the legislative session. From August to the end of October, the requests were reviewed by the department's Bureau of Budget and Management. After conferences with representatives of the individual state agencies, that bureau formulated recommendations on the requests for the consideration of the incoming Governor. Following the November election, the incoming Governor began his round of public hearings on the budget. Wisconsin was one of the first states authorizing the assignment of staff, paid from state funds, to the new Governor (in case the incumbent fell by the political wayside) so that he could have proper assistance in budget analysis.

In recent years the Governor has invited members of the Legislature to attend his budget hearings. The budget hearings are public and legislators could have attended anyway. By issuing the invitation, the Governor made a special effort to notify members of the Legislature of this opportunity to inform themselves about the new budget at a time when the workload of the session was not yet upon them.

The Legislative Fiscal Bureau. Since the establishment of the Legislative Fiscal Bureau, copies of the budget requests have also been made available to this legislative service agency for analysis. The staff of the fiscal bureau attends all of the Governor's hearings on the proposed budget so that it can assist the Legislature in its budget deliberations with a maximum of prior information. The bureau works, primarily, with the Legislature's Joint Committee on Finance, but its staff is always eager to assist other committees, and individual legislators, with information on the fiscal activities of state government.

Joint Committee on Finance. Once the budget bill is introduced in the Legislature (usually, it is introduced in the Assembly, but there is no constitutional requirement for this and there have been occasions when it was introduced as a Senate bill), it is referred to the Joint Committee on Finance. That committee then begins a lengthy, and detailed, series of public hearings on the budget. Given the tendency of budget requests to outrun the public resources available to the state, and because of the Wisconsin Constitution's requirement that "the legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each year" (Art. VIII, Sec. 5), the job of the Joint Committee on Finance consists mainly in finding the areas of proposed expenditure which can be cut back without serious injury to the services required by this state, so that the budget can be balanced.

In the process, numerous changes are made in the budget bill; so many changes, in fact, that the original budget bill is almost never reported out by the Joint Committee on Finance for consideration by the Legislature. Instead, the committee reports a substitute amendment which provides the Legislature with a new clean text setting forth the budget as recommended by the committee. This approach is essential because, usually, once the budget bill in the form of its substitute amendment hits the floor there is a flood of amendments offered by individual legislators. After the budget bill is sent to the 2nd house, many additional amendments are offered for consideration. Without a clean text at the beginning, it would be altogether impossible to figure out the current content of the budget bill. In fact, in both 1965 and 1967 the budget bill was, after adoption by the house of origin, engrossed and printed in its engrossed form.

"To engross" means to incorporate into the text all the amendments adopted by the house of origin so that there is, once more, a clean text. After a bill has been agreed to by both houses, a final clean text is prepared for submission to the Governor; this preparation of a clean text at the end of the legislative process is called "enrolling". In the floor debate on the budget in the 1967 Legislature, 50 amendments were introduced in the Assembly (the house of origin for the 1967 general fund executive budget bill), and another 52 amendments were offered in the Senate.

Importance of the Budget Bill. The reason the movement of the general fund executive budget bill is so important within the entire framework of the progress of the legislative session is that this bill pretty much determines for the next 2 years the expenditures over which the Legislature has an independent control.

The general fund executive budget bill appropriates moneys from general purpose revenues; these are the revenues which can be used for any purpose the Legislature approves. Segregated revenues (highway fund, conservation fund, retirement funds) are by law earmarked for specific purposes and the Legislature can determine their allocation only within the purposes already specified by law. The Legislature could, of course, change the law by which these funds are earmarked in the first place, but there is little likelihood that this will occur. The laws earmarking such funds are not arbitrary, but were enacted because the Legislature determined that there are some areas of public expenditures which need the protection of special funding.

Because the general fund executive budget bill is so overwhelming within the total pattern of state expenditures, the law requires (Sec. 16.47 (2) of the Statutes) that, until the budget has been adopted, no other bill affecting general purpose revenues can be passed without an "emergency statement" and this can be issued only by the Governor or by the Joint Committee on Finance. Thus, once the budget bill has cleared both houses, the Legislature enters a period of feverish activity leading to the eventual windup of its affairs. At this stage of the session, 5-day workweeks are the norm and these are devoted almost entirely to session work on the floor (most committee work has been completed by that time). During this period, the daily sessions frequently last until late into the night. Most of the major policy legislation of the legislative session is enacted during the hectic days toward the end of the session.

### Legislative Documents

In one sense, the legislative process can be explained as a series of proposals reduced to writing, a series of precise action steps taken to advance the proposals, and a number of detailed records documenting the action steps in formalistic and abbreviated prose. Within the limits established by the United States Constitution and the Constitution of the State of Wisconsin, practically anything may be the subject of legislation. Thus, since the topics are limitless, it is very important that the manner of their presentation to the Legislature follows in each case a prescribed routine, and a standard text display so as to facilitate the individual legislator's perusal of each proposal's content.

In Wisconsin, the printed ingredients of the legislative process consist of bills, joint resolutions and resolutions, simple amendments or substitute amendments to the 3 types of proposals, a daily journal for each house, a bulletin of proceedings in which the status of each proposal can be found as of the preceding Friday, a bulletin of committee hearings showing the hearings scheduled for the following week, and a daily calendar listing the proposals scheduled for action on that particular day.

### The Parts of a Bill

In the appendix beginning on page 33, we show the actions of the 1967 Legislature by which 1967 Senate Bill 196 was enacted into law. The bill became Chapter 147, Laws of 1967. This particular bill largely illustrates the documents encountered in the legislative process (however, it did not have a "substitute amendment").

The bill itself, you will note, consists of several distinguishable components (see page 33):

- (1) Drafting Number. In the upper right-hand corner, you see the notation

LRB-1738  
PP:hs:1

This is the "LRB-number", the number assigned by the Legislative Reference Bureau to identify the document prior to its introduction in the Legislature.

Until a proposal is introduced, its contents are confidential and the Legislative Reference Bureau will release no information whatever concerning the draft. If instructed to do so by the requester in order to obtain additional information, the legislative attorney working on the draft might call a state agency, explain what it is the draft is trying to accomplish and seek the agency's advice on how the purpose can best be achieved. But, even in that case the legislative attorney would not reveal the name of the legislator making the drafting request unless he was by the legislator specifically authorized to do so.

While the legislative session continues, all drafting records for that session are carefully maintained. For each proposal introduced, the drafting record becomes a public record. Sometimes the drafting record can later provide helpful information when the intent of the Legislature is difficult to ascertain for a particular enactment. On the other hand, all drafting records for legislation not introduced are destroyed at the end of the legislative session; in this case, only the final typewritten version of the drafted proposal found in each such record is retained by the reference bureau to facilitate its bill drafting operation, but the content of these drafts remains confidential.

"LRB-1738" was the 1,738th draft requested for the 1967 Session. According to the drafting record it was requested on February 14, 1967, long before the "51st calendar day after the convening of the legislature" cut-off date (March 3, 1967) for the submission of drafting instructions on proposals which individual legislators may introduce as a matter of right. In the 1969 Session, this deadline will be at 4:30 p.m. on Thursday, March 13, 1969. You should note this date on your calendar to be sure all your drafting requests (and the instructions needed to prepare a first draft) will be at the Legislative Reference Bureau before the deadline.

On the other hand, if something terribly important comes up after the deadline and you feel that a new law is required to make the necessary correction, a bill can still be drafted and introduced. However, you no longer have an unconditional right to introduce it; instead, you must seek unanimous consent or suspension of the rules to introduce it in your house, or persuade the Committee on Legislative Procedure in the Senate, the Committee on Rules in the Assembly, or the Joint Committee on Finance to introduce it for you (see Joint Rule 18).

By the time the 52nd-day deadline was reached in the 1967 Session, 3,500 drafts had been requested from the Legislative Reference Bureau. Thus, the number "1738" immediately told the Chief Clerk that this was (because of its low number) a proposal privileged to be introduced at any time during the 1967 Session by the individual legislator listed in the drafting record as the requester (actually, 1967 Senate Bill 196 was introduced prior to the deadline so that the question did not arise).

On the second line of the drafting number notation ("PP:hs:1") only the "1" is of interest. This signifies that the proposal introduced was the first draft

prepared in response to request number 1,738. In quite a few instances, however, many drafts may well have been prepared before a proposal finally expresses precisely what the requester had in mind.

When you, as a legislator, request the Legislative Reference Bureau to prepare a draft for you, or when you have authorized somebody else to request a draft in your name, a copy of the draft will be routinely mailed to you for your approval just as soon as it is prepared. Unless you instruct us to do otherwise in a particular instance, we will mail it to your office in the Capitol. Read this draft over very carefully. If it contains anything at all that you think could be improved to better achieve the purpose which you had in mind, make the proper notations on the draft. Then return it to the Legislative Reference Bureau so that a revised draft can be prepared for your approval.

(2) Introductory Information. The next few lines (these are the unnumbered lines) show the introductory information which was added to the draft after it was introduced (see portion of bill jacket, reproduced in the appendix on page 34, for the origin of the introductory information):

### 1967 SENATE BILL 196

March 2, 1967 - Introduced by Senators HOLLANDER and  
RASMUSEN. Referred to Committee on Public Welfare.

The rules of the Wisconsin Legislature permit any measure to have multiple "authors". In addition, bills and joint resolutions may also have (1967 SB 196 did not) one or more "cosponsors" from the other house. Permitting bills and joint resolutions to be introduced jointly by members from both houses has largely eliminated the practice, quite prevalent in Wisconsin before the rule was adopted, of duplicate introduction in both houses. Wisconsin does not follow the procedure used, for instance, in the U.S. Congress of advancing identical measures simultaneously through both houses and then ironing out the differences in a 6-member conference committee. Instead, by completing action on each measure before it is advanced to the other house, completing action there, and then (if the 2nd house has made changes) reacting to the changes by the 2nd house, every member of the Wisconsin Legislature is given an opportunity to participate fully in shaping the content of the legislation enacted. Conference committees are used, however, in the rare instances in which a proposal has gone through both houses and there remain disagreements on parts of the proposal (the procedure is described in Joint Rule 2).

Only a member of the Legislature, or a group or committee of such members, can introduce legislation. Some proposals are introduced by individual legislators as a courtesy to outside interests. By clearly marking the proposal as "introduced by ..., by request of ..." it is often possible to place an idea before the Legislature for its consideration even though the legislator lending his name for introduction does not consider that idea part of his own legislative program. The "by request of ..." approach is also used on occasion to identify the backers of a measure and to lend it added momentum; hence, the parts of the Governor's legislative program have often been introduced by the majority party floor leader (he is called the "Majority Leader" of his house) "at the request of the Executive Office".

(3) Title. The lines numbered 1 and 2 contain the title of the bill. Each bill title recites the statute sections proposed to be affected by the bill (if any), and gives a very brief description of the topic to which the bill relates. Usually the descriptive part of the title begins with the words "relating to ...", and for this reason it is often called the "relating clause".

Wisconsin is a "general law" state. That is to say that the bulk of the legislation considered by the Wisconsin Legislature is law intended to be of general application. On the whole, all proposals placed before the Wisconsin Legislature are proposals to make changes in the general law as it is set forth in the biennial editions of the WISCONSIN STATUTES. Thus, nearly every proposal is drawn to show specifically where it will fit into the statutes as to section number, and its actions are to repeal, to renumber, to renumber and amend, to amend, to repeal and recreate, or to create specific statute sections.

The general law principle permits classification for any reasonable purpose; for instance, Wisconsin law distinguishes 4 different classes of cities based on population. A law dealing with cities would thus deal with "all cities" or with "any city of the third class" but very rarely will there be a law dealing with "Watertown" or any other specifically named city.

The latter type of legislation would be a "private" law if it dealt with a specific person or group of persons, or a "local" law if it solely concerned a specific community. Such laws are possible, but the Wisconsin Constitution provides:

"No private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title." (Art. IV, Sec. 18)

Also, the Wisconsin Constitution is quite specific in enumerating a number of subjects which may not be treated by special or private laws:

"The legislature is prohibited from enacting any special or private laws in the following cases:

1st. For changing the name of persons or constituting one person the heir at law of another.

2d. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by congress.

3d. For authorizing persons to keep ferries across streams at points wholly within this state.

4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability.

5th. For locating or changing any county seat.

6th. For assessment or collection of taxes or for extending the time for the collection thereof.

7th. For granting corporate powers or privileges, except to cities.

8th. For authorizing the apportionment of any part of the school fund.

9th. For incorporating any city, town or village, or to amend the charter thereof." (Art. IV, Sec. 31)

Other topics on which the Wisconsin Constitution restricts the power of the Legislature concern the granting of individual divorces or the authorizing of lotteries (Art. IV, Sec. 24), and giving or loaning the credit of the state in aid of any individual, association or corporation (Art. VIII, Sec. 3).

The provisions of private, local or special laws usually are not printed in the Wisconsin Statutes. Similarly, many general law bills contain at the end transitional provisions dealing with the effective date of the act or making (in the statutes) changes in cross references or terminology. Again, the transitional provisions will be acted on as law but will not be printed in the statutes. Another type of provision sometimes found in an act creating general law -- yet

not intended to be printed in the statutes -- is the "preamble" or statement of legislative intent. A good guide as to what will, and what will not, be printed is that under our bill drafting and text display system any item intended to be printed in the statutes is by the bill assigned a statute number.

(4) Bill Analysis. In the example of 1967 Senate Bill 196 (see appendix, page 33), the field beginning with line 3 and ending with line 10 contains the bill's "analysis by the Legislative Reference Bureau". It is the purpose of the analysis to set forth the effect of the bill in layman's language, so that the bill can be read and understood without extensive research in the statutory law surrounding the section or sections affected by the bill.

The bill analysis is written by the legislative attorney when he prepares the draft. Together with the text of the draft, the bill analysis is submitted to the requester. Thus, the requester gets to review the analysis at the same time he reviews the draft. If there are mistakes in the analysis, the requester can point these out to the legislative attorney so that they can be eliminated in the redrafting.

It should be kept in mind that the analysis should impartially inform the entire membership of the Legislature. Therefore, the analysis cannot be used as an opportunity to lobby for the enactment of the proposal. Regardless of the requester's enthusiasm, the Legislative Reference Bureau cannot begin its analysis with a statement like: "This wonderful proposal corrects one of the worst evils in Wisconsin law...".

(5) Enacting Clause. Article IV, Section 17, of the Wisconsin Constitution sets forth the enacting clause. The clause must precede the provisions of every bill if its enactment is to result in valid law:

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

Although there seems to be no Wisconsin precedent, in other jurisdictions courts have invalidated laws -- after they had been approved by both houses of the Legislature and by the Governor -- because the enacting clause had been omitted. However, Wisconsin parliamentary practice does not accept the procedure, in use in some jurisdictions, of killing a proposal by adopting a motion to delete the enacting clause. In our Legislature, the proper form would be to move that the proposal be "indefinitely postponed".

Joint resolutions, resolutions and amendments also have similar clauses, but the texts of these clauses are not prescribed by the Constitution. For joint resolutions, the adopting clause states that the house of origin "resolves" and the 2nd house "concur" (for instance, "Resolved by the assembly, the senate concurring, That ..."); for simple (one house) resolutions the adopting clause states that the house "resolves" (for instance, "Resolved by the senate, That ..."); and for amendments the action clause directs that the base document be amended (for instance, "Amend the amendment as follows:...").

(6) The Body of the Bill. Lines 13 to 15, in the case of 1967 Senate Bill 196, contain the body of the bill in which the particulars of the proposal are set forth.

Note that in the statement just made ("13 to 15") both numbers are meant to be included. Under the Wisconsin practice, both the first and the last number are included in any sequence of numbers shown as "from ... to ...". You will find this

kind of statement frequently in amendments; for instance, an amendment might say "on page 12, delete lines 7 to 14 and substitute ..." This would mean that you are to delete the material in line 7, the material in line 14, and all the material in between (including any material that was inserted into that sequence by a preceding amendment).

Because 1967 Senate Bill 196 was so short -- it really consisted, as introduced, of only one provision -- there was no further structuring within the body of the bill. This, however, is unusual. Most bills contain several provisions, each giving a different treatment to a separate statute section or series of statute sections. These separate provisions are identified as SECTION 1, SECTION 2, etc., of the bill. In fact, Senate Amendment 1 to 1967 Senate Bill 196 did add a second provision to the bill, and immediately organized the bill into 2 SECTIONS. Note that there are 2 uses of the word "section": 1) to describe the major subdivision of the statutes, and 2) to describe the major subdivision of a bill or other proposal. However, to make it easier to distinguish between the 2 uses, in the bill the SECTION of the bill is always referred to in capital letters, and the section of the statutes as "s." or in lower case letters.

1967 Senate Bill 196 illustrates the 2 methods of text display which you will encounter repeatedly in dealing with bills proposing to make a change in existing law. "\$500 ~~\$750~~ in liquid assets ..." does not mean that the typist made a mistake when she first wrote down "\$500". What it signifies is that the law currently reads "\$500", that it is the bill's proposal to repeal the "\$500" limitation, and that this bill further proposes to create a new limit of "\$750". Existing law proposed to be repealed is always shown in strike through (~~strike through~~) type, unless it is proposed to repeal an entire identifiable subunit of the statutes in which case the text would not be shown because the phrase: "49.22 (2) (b) 1 of the statutes is repealed." adequately explains the situation. Whenever new language is to be added to the text of an existing statute, the new language is shown by underlined (underlined) type, but when an entire identifiable unit of the statutes is to be created, the text is set forth in plain type because the statement "49.22 (2) (b) 1 of the statutes is created to read:" again adequately describes what is happening.

(7) (End). On line 16 of 1967 Senate Bill 196 you see the notation "(End)". This is shown at the end of every bill, joint resolution, resolution, substitute amendment, or simple amendment, as a safeguard against the inadvertent omission of additional material which might have been printed on a separate page following. Also, on introduction the SECTIONS within the bill are numbered in the regular sequence so that, if you receive a copy of a bill in which SECTION 4 follows SECTION 2 the ordinary assumption would be that there is some material missing in your copy (once or twice a session, however, somebody has made a last-minute change prior to introduction and, as the result, the SECTIONS of such a bill are not numbered consecutively).

In all documents, the provisions treated are shown in proper numerical order by section number (if a statute) or by the number of the constitutional provision, joint rule or house rule affected. As a result, in simple amendments the items of the amendment also are set forth in consecutive order according to the page numbers of the original proposal's pages, affected by the amendment.

Thus, when in the example of Senate Amendment 1 to 1967 Senate Bill 196 it was proposed to add to the bill (which so far had dealt solely with section 49.22 (2) (b) 1 of the statutes) a provision amending section 49.18 (1) (e) 2 of the statutes, the new provision had to be fitted into the text of the bill so that it would precede the provision which was already there.

(8) Fiscal Notes and Others. 1967 Senate Bill 196 appeared to increase the expense of Wisconsin state government. When the draft was submitted for approval, the legislative attorney therefore notified the requester that the proposal would require a fiscal note (under Section 13.10 (2) of the Statutes).

This statute section requires any legislative proposal which either increases or decreases state expenditures or revenues to have a fiscal note before the Legislature may act on it. Thus, until the fiscal note has been received, the Wisconsin Legislature cannot enact a proposal which requires a fiscal note, nor could a standing committee to which such a proposal has been referred hold a public hearing on the proposal or, if no public hearing has been scheduled, determine its recommendation to the Legislature in executive session. The Wisconsin Legislature started its fiscal note procedure in the 1957 Session and was the first state to do so; by 1967, 29 states had adopted a fiscal note procedure.

There are 2 types of proposals for which even the information provided by a fiscal note has been found unsatisfactory. For these the Legislature has created joint survey committees to develop more detailed information. The 2 types of proposals are bills dealing with tax exemptions and bills affecting public retirement funds.

In the case of tax exemption bills, the information provided by the regular fiscal note was deemed unsatisfactory because Wisconsin shares many of its state revenues -- in significant amounts -- with the municipalities in which they are collected. In the case of the property tax, the revenue is almost entirely local (the state imposes only a 2/10 of one mill property tax for forestation under s. 70.58). As a result a proposal to take a specific item from the base of a particular tax might have only a small effect on the revenues of the state but, for the local communities, the effect could be of real importance. Section 13.52 (6) of the Statutes therefore requires the Joint Survey Committee on Tax Exemptions to supply the Legislature, for each proposal submitted to the committee for analysis, with a detailed report "in writing, setting forth an opinion on the legality of the proposal, the fiscal effect upon the state and its subdivisions and its desirability as a matter of public policy." When received, this report is printed and attached to the proposal to which it pertains in the same manner as an amendment.

Bills dealing with one of the public retirement systems are submitted to the Joint Survey Committee on Retirement Systems for analysis. The costs of all public retirement funds in Wisconsin are shared between the public employes (in the form of wage deductions) and the state or its political subdivisions as the employers. Each such fund must be self-supporting from the payments made into it. Thus, Sec. 13.50 (6) (a) of the Statutes requires reports of the Joint Survey Committee on Retirement Systems to address themselves "to the probable costs involved, the effect on the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy."

In the Wisconsin Legislature, very few bills carry notes dealing with (and printed immediately following) each individual SECTION of the bill. Joint Rule 7 (2) (g) generally restricts the use of such notes to executive budget bills and to bills offered by the Revisor of Statutes, the Legislative Council, the Joint Committee on Revisions, Repeals and Uniform Laws, and bills prepared by official interim committees.

#### The Senate and Assembly Journals

When 1967 Senate Bill 196 was introduced, its introduction and referral to the Senate Committee on Public Welfare were noted on page 353 of the SENATE JOURNAL for March 2, 1967 as one of the many actions taken by the Senate on that day (see appendix, page 35).

Each house of the Wisconsin Legislature publishes a journal for each day on which it holds a legislative session. These journals are printed overnight and are distributed the next morning before the session begins. The preliminary printing of the journal is on yellow paper for the Senate and on green paper for the Assembly.

In the preliminary printing each daily journal is issued as a separate pamphlet together with a "preface" enumerating all the new legislation offered and all the petitions received on that day. Later, after the members have had an opportunity to review the journal and to make corrections if any were necessary, the journal is again printed in consecutive 32-page pamphlets on white paper. Any legislator who intends to retain a record of the entire legislative session should retain these white journals for binding at the end of the session. During the session, the 3 or 4 legislative journals printed for the current week make a convenient supplement to the information provided in the Bulletin of Proceedings discussed below.

In addition to the actions of the house, the journal also contains reports of standing and special committees, the texts of resolutions, the complete transcript of gubernatorial and other addresses in joint convention (printed in the Senate Journal only), communications from the Secretary of State including lists of registered lobbyists and the topics in which they are interested, and opinions of the Attorney General requested by the particular house of the Legislature.

The journals of the Wisconsin Legislature do not contain verbatim transcripts, or even summaries, of the remarks made on the floor. In this respect, they differ from the CONGRESSIONAL RECORD.

#### Bulletin of Proceedings

Beginning with the 2nd week of the legislative session, the Chief Clerk of each house causes the compilation and printing of a BULLETIN OF PROCEEDINGS. The bulletin, which consists of a separate volume for each house, contains a systematic history of the action taken on every proposal. Distributed anew each Tuesday morning, the information in the Bulletin of Proceedings is current through the close of legislative business on the preceding Friday.

The bulletin page shown in the appendix recites, because it was taken from the edition published at the end of the session, the entire history of 1967 Senate Bill 196 (see appendix, page 36). The bulletin edition dated March 4, 1967, would for 1967 Senate Bill 196 have shown only that it was introduced by Senators Hollander and Rasmusen on March 2, 1967, and referred on the same day to the Senate Committee on Public Welfare.

The Senate part of the bulletin shows the entire action to date on every measure introduced in the Senate. Thus, for Assembly action on a Senate Bill or joint resolution, you would look in the Senate part and not in the Assembly portion. In the bulletin, each entry refers to a page number in the journal so that the action can be traced down in greater detail.

In addition to the history of each measure introduced, the bulletin of proceedings also provides a number of indexes. Both parts contain an identical reprint of the combined subject-matter index which lists, under each subject heading, every measure introduced on that subject and not just those introduced in the particular house. Each part contains an index, in alphabetical sequence, listing the members of that house and the measures introduced by each of them. If a measure

has several authors (sponsors in the house of origin) it is listed under the name of each member; if it has cosponsors from the other house it is indexed under their names also but prefaced by the notation "(cosponsor)".

As shown in the appendix (see page 37), 1967 Senate Bill 196 was indexed for subject matter both under the heading "old-age assistance" (page 616 of the Senate part) and under the heading "public assistance" (page 625 of the Senate part). In the author index (see appendix, page 38), it appeared both under "Hollander, Walter G. (18th District)" and under "Rasmusen, Holger B. (23rd District)". 1967 Senate Bill 196 did not have any cosponsors from the Assembly; had it had cosponsors, it would have been shown also in the author index of the bulletin's Assembly part under the names of the proper assemblymen.

In addition to the numerical listing of the history of each bill, joint resolution or resolution the bulletin -- in its Senate part -- also contains an alphabetical listing of the gubernatorial nominations submitted to the Senate for its advice and consent, and another alphabetical listing of the lobbyists (and the address, organization represented, and interest of each) registered with the Secretary of State.

#### Bulletin of Committee Hearings; the Public Hearing

1967 Senate Bill 196 was referred to the Senate Committee on Public Welfare. The committee's chairman decided that the bill was of sufficient interest to be given a public hearing. Nearly every bill introduced in the Wisconsin Legislature receives a public hearing at least in the house of origin; many bills receive another public hearing after they reach the 2nd house. On the whole, only noncontroversial bills of very minor consequence (or bills introduced at the very end of the session) go through the legislative process without a public hearing. However, the final decision of whether and when a public hearing will be held rests with the chairman of the committee to which the bill has been referred.

The chairman of the Senate Committee on Public Welfare scheduled the public hearing on 1967 Senate Bill 196 for 10 a.m. on March 14, 1967, in Room 315 (South Wing) of the Capitol. As required by the rules he notified the Senate Chief Clerk by 2 p.m. of the Wednesday in the week preceding March 14 of the time and place of the scheduled hearing, and the Chief Clerk inserted this information in the SENATE BULLETIN OF COMMITTEE HEARINGS to be published for the week commencing March 13, 1967.

Each such hearing bulletin -- see page 39 of the appendix for the information relating to 1967 Senate Bill 196 extracted from the March 13, 1967, SENATE BULLETIN OF COMMITTEE HEARINGS -- begins with an index of the measures scheduled for a public hearing during that week. The index is organized by bill or joint resolution number. Resolutions of one house relate to the internal work procedures of that house and ordinarily receive no public hearing. The index by document number also shows the date and time of the hearing, and names the committee which will conduct the hearing.

In the body of the bulletin the measure itself is listed under the appropriate committee, date and time. Usually, that listing gives the relating clause rather than the full title of the proposal. In most cases the relating clause is descriptive enough to give the reader a fair idea of the subjects that will come up for discussion at a particular public hearing.

At the public hearing legislators, and other interested persons, may "appear" (which means speak) or "register" (which means merely handing in an attendance slip)

"for" or "against" a particular proposal. Frequently, and then usually at the invitation of the committee chairman, heads of Wisconsin state agencies may also be given a chance to speak "in explanation of" the proposal. Agency heads ordinarily take a stand neither "for" nor "against", but supply the committee with such information as it requests concerning possible consequences of the proposal's enactment.

The Wisconsin Legislature does not make verbatim records of its debates on the floor and -- except in very unusual circumstances such as the 1967 investigation of student riots on the Madison Campus of the University of Wisconsin -- does not keep verbatim transcripts of what is said at the public hearings. The only official record made of the public hearing is the "bill history" statement compiled by the committee, which lists the appearances and registrations on the proposal, and also shows the vote taken by the members of the committee at its executive session when the committee formulated its recommendation to the Legislature with regard to the particular proposal (see the appendix for the "bill history" statement regarding 1967 Senate Bill 196).

The "bill history" statement with regard to 1967 Senate Bill 196, compiled by the Senate Committee on Public Welfare, is shown on pages 40 and 41 in the appendix. It reveals that at the public hearing not a single person appeared or registered "against" the proposal. The proponents included 3 persons representing the Wisconsin Funeral Directors Association and a "W.J. O'Rourke" of Madison who appeared "for self" -- i.e., as a private citizen not representing any organized special interest. There were also 3 registrations "for" the bill including Senator Hollander (one of the bill's 2 authors), a representative of the Wisconsin Public Welfare Association, and the Dane County corporation counsel.

It appears that somebody offered an amendment to 1967 Senate Bill 196 for the committee's consideration. In executive session on April 11, 1967, the committee determined its recommendation on the bill to the legislature. The amendment was taken up first and approved. Immediately thereafter, the bill (as amended) was voted on. The committee approved a recommendation for "passage as amended".

#### Amendments

Amendments to proposals in the Wisconsin Legislature can be of 2 basic types. There are so-called "simple" amendments which propose changes in the existing text of the measure, and there are substitute amendments which propose to substitute an entirely new text for the original. In both cases, the rules require that the content of the amendment must be germane to the original measure.

"Simple" amendments are simple only in the sense that they are plain rather than substitutive -- their contents can get pretty complicated.

The rules prohibit amendments in the 3rd degree. An amendment to an amendment to an amendment to the original proposal (or to a substitute for it) would be an amendment in the 3rd degree. But, the degree of amendment is determined solely in the house in which the amending occurs. Thus, if a Senate bill is amended in the Assembly by an amendment which itself had been amended in the Assembly, a further Senate amendment to the amended Assembly amendment would be in order and the Senate could, in fact, amend its own amendment to the amended Assembly amendment before the Senate amendment is adopted.

Amendments to proposals pending before the Wisconsin Legislature may be offered at any time prior to the proposal's advancement to the 3rd reading stage. However, they must be offered during the proper order of business during the leg-

islative day if submitted from the floor before the proposal comes up for debate. An amendment offered from the floor while the proposal is in committee is automatically sent out for printing and the Chief Clerk forwards the original to the committee in which the proposal is pending; an amendment offered directly to the committee usually stays with the committee until its report is submitted to the house and will be printed only after the committee report has been submitted.

In the Assembly, amendments which receive a recommendation for rejection from the committee are not reported and must be "revived" before the Assembly can act on them, but in the Senate the committee reports all amendments for floor action whether or not the committee's recommendation in the case of a specific amendment is favorable.

Both houses vote on simple amendments in the numerical sequence in which the amendments were received and numbered, but the Assembly debates and votes on substitute amendments in the inverse numerical sequence on the theory that the substitute amendment of the highest number probably represents the most polished version of the proposal.

Amendments, like original measures, are drafted and prepared in proper form for introduction by the Legislative Reference Bureau. While a proposal is being debated on the floor, it happens sometimes that the need for a very minor additional amendment becomes apparent; in that case, the Chief Clerks have snap-out forms on NCR paper on which the individual members can prepare handwritten amendments to be taken up immediately. NCR paper is a pressure sensitive material which makes copies without the use of carbon paper.

The Chief Clerk's staff forwards one copy of each handwritten amendment to the Legislative Reference Bureau as soon as the handwritten amendment is received, to be put in proper form.

On the whole, handwritten amendments are a very uncertain way to conduct the legislative business. First, the members are being asked to vote on something which only the Chief Clerk and the author have before them in written form; second, having been put together under the pressure of an ongoing debate, such amendments are prone to contain errors which can be of serious consequence if a handwritten amendment is adopted before the reviewed version can be prepared by the legislative attorneys in the reference bureau.

A rejected document could be corrected before it is sent to the printer. An adopted document cannot be changed by ministerial act. If the handwritten amendment was faulty, the house would have to roll back its prior actions to return the proposal to the amendable stage, and then adopt the amendment all over again. Usually, when the need for further amendment seems serious, it is better to make a motion laying the proposal over to the next calendar, rather than try to fix the deficiency on the spot by a handwritten amendment.

In the case of Senate Amendment 1 to 1967 Senate Bill 196 (see appendix, page 42), the amendment had been properly routed through the bill drafting process before it was reported to the Senate. According to the drafting record, instructions for the amendment were brought to the Legislative Reference Bureau on March 14 1967 (the date of the public hearing by the Senate Committee on Public Welfare). Drafting the amendment was authorized by the committee's chairman, but the instructions were given to the reference bureau by Mr. Harold J. Ruidl (one of the persons who appeared at the public hearing as a representative of the Wisconsin Funeral Directors Association). When drafted, the amendment was delivered directly

to the Senate Committee on Public Welfare. Having thus bypassed the step of formal introduction on the floor and numbering by the Chief Clerk, the amendment was still unnumbered when the Senate Committee on Public Welfare held its executive session on April 11, 1967.

### Second Reading

On April 18, 1967, the SENATE JOURNAL records on page 576 (see appendix, page 43) that the Senate Committee on Public Welfare reported 1967 Senate Bill 196 with a recommendation for passage as amended (at this point, the amendment came before the Senate, was numbered by the Chief Clerk, and was sent out for printing). Ordinarily, the bill would now have been placed on the calendar for 2nd reading and amendment. The rules require that the daily calendar be in the possession of the members at least 24 hours before it is acted upon; thus, allowing time for printing and distribution of the calendar, it normally takes at least 2 days before a measure reported out of committee comes up for action.

However, 1967 Senate Bill 196 was not an ordinary bill. It had a fiscal effect. Section 13.10 (1) of the Statutes provides that:

"All bills introduced in either house of the legislature for the appropriation of money, providing for revenue or relating to taxation shall be referred to the joint committee on finance before being passed."

Actually, many bills complete the "2nd reading and amendment" stage before they are sent to the Joint Committee on Finance in compliance with the statutory requirement, but 1967 Senate Bill 196 was sent to the finance committee immediately upon the receipt of the report of the welfare committee (again, see appendix, page 43).

Earlier in this manual, reference was made to the significance of the progress of the executive budget for the development of the entire legislative session. When 1967 Senate Bill 196 was referred to the Joint Committee on Finance, that committee was still working on the executive budget; the budget was reported out on April 28, 1967, and was finally agreed to by both houses on June 6, 1967.

The Joint Committee on Finance held its executive session (it did not hold a public hearing) on 1967 Senate Bill 196 on May 25 (see appendix, pages 44 and 45). The committee voted 12 to 1, with one absence, to recommend adoption of Senate Amendment 1 to the bill, and then voted 8 to 5, with one absence, to recommend passage of the bill as amended. The committee's recommendation was recorded in the SENATE JOURNAL of May 31, 1967, on page 918 (see appendix, page 46).

May 31, 1967, was a Wednesday. Because of the requirement that the printed calendar must be in the hands of the members 24 hours before action on it can be taken, the calendar for June 1, 1967, had already been printed and distributed at the time the Joint Committee on Finance made its report to the Senate on 1967 Senate Bill 196. Thus, the bill was placed on the calendar of June 2, 1967 (see appendix, page 46). This might in itself be considered unusual because, during most of the session, only "skeleton" sessions are conducted on Friday. But, it was getting toward the hectic part of the session, and both houses were meeting on Fridays. Actually, as it turned out the Senate had absolutely no time to consider 1967 Senate Bill 196 on that Friday because it was still working on the budget -- the measures scheduled for action on Friday, June 2, 1967, according to the calendar prepared in compliance with the rules, were never reached on that day. Nor, for that matter, was much of the legislation on the calendar for that

date actually reached before the fall recess which began on the evening of July 28, 1967.

If, as happened in this case and is shown by the extract from the calendar for October 18, 1967 (see appendix, page 47 ), the Legislature actually conducts on October 18 the business scheduled for June 2, then this is of course very confusing. Unfortunately, nobody has ever really been able to devise a better way. There should be an orderly progression of each proposal from one stage of the legislative process to the next and on the whole this orderly system works quite well. However, as the Legislature nears its recess date, there will be so many "must bills" dealing with issues that just have to be settled before the recess can be taken, that "special orders" of business begin to take up the entire working day of the legislature and the routine business is shunted aside. Even under these conditions the printed calendars remain of some value because they can give everybody an approximate idea of how much longer it will take before a particular measure comes up for action. If the Senate is 3 days behind on the calendar then it would -- once a chance is found to return to routine business -- take 3 days to reach any measure shown on the last printed calendar.

Also, in the 1967 Session the practice developed of printing for the beginning of a new week a consolidated pamphlet of calendars which contained all matters on prior calendars, in the sequence in which they appeared on such prior calendars, to be acted on beginning in that week.

As shown in the excerpt from the October 18, 1967, calendar (see appendix, page 47 ), the main question before the house on 2nd reading is "shall the bill be ordered engrossed and read a third time?" Before a vote is taken on that question, debate of the measure and disposition of proposed amendments is in order.

The JOURNAL OF THE SENATE for October 18, 1967 (see appendix, page 48 ), shows that Senate Amendment 1 to 1967 Senate Bill 196 was adopted. The amendment -- because the journal does not record the names of the individual members and how they voted on the amendment -- was adopted by a voice vote. The brief statement "Read a second time. Senate Amendment 1 was adopted." is shorthand description of a multitude of activities which followed each other in rapid succession. Set forth in more detail, what actually happened was probably something like this:

- (1) The President pro tempore, in the chair, announced the vote which completed action on the measure preceding 1967 Senate Bill 196 on the calendar.
- (2) The Chief Clerk picked up the jacket of 1967 Senate Bill 196 and read aloud the bill number, the authors and the relating clause. That constituted 2nd reading. In addition, he also reminded the members that the committees recommended adoption of Senate Amendment 1.
- (3) Because the committee recommendation was for adoption, the presiding officer now stated the question as: "The question is adoption of Senate Amendment 1." This opened the floor for debate of Senate Amendment 1.
- (4) Ordinarily the journal only records the formal steps of parliamentary procedure. The names of the persons participating in the debate are not given. However, it may be assumed that in the case of Senate Amendment 1 to 1967 Senate Bill 196 the chairman of the Committee on Public Welfare which "authored" the amendment spoke to explain the amendment's content to the members of the Senate.
- (5) Looking over the Senate Chamber, the presiding officer noticed that all the senators present were sitting down. This was an indication that nobody else

wanted to speak on the amendment (any member wishing to be recognized in order to address the house must rise at his seat). He concluded, therefore, that debate of the amendment had ended and restated the question: "The question is adoption of Senate Amendment 1."

(6) After the question had been restated by the presiding officer, it would have been in order to request a roll call vote. A roll call vote will be ordered if it is requested by one member and the request has the support of one-sixth of the members present (Wisconsin Constitution, Article IV, Section 20).

However, in this case nobody requested a roll call vote. Therefore, the presiding officer now said: "Those in favor say 'aye'." There was considerable noise. Next, he said: "Those opposed say 'no'." Again, there was considerable noise in the chamber, but by looking at the senators while they were voting the presiding officer had determined that there were more people, though less vociferously, voting "aye" than there had been of the loud "noes", and he now announced: "The 'ayes' appear to have it."

(7) The presiding officer then stated the question which ends the 2nd reading stage: "Shall the bill be ordered engrossed and read a third time?" This opened the floor for debate of the bill as amended. However, in this case there was no debate, and the presiding officer immediately asked for the "ayes" and "noes". Again, the "ayes" carried.

### Third Reading

In the Wisconsin Legislature, the rules in both houses require that each proposal be given 3 readings prior to its passage, and the 2nd and 3rd reading cannot be on the same day. Wisconsin is somewhat fortunate in that these requirements are established by legislative rule; in many states, the requirements are imbedded in the states' constitutions and, therefore, cannot be suspended. On the whole, the requirement that the 2nd and 3rd reading cannot occur on the same day really has meaning only for bills where controversy exists. If applied to all bills, it would tend to slow down the legislative process.

If there is controversy, the "no 2 readings on the same day" rule makes it possible to slow down the proceedings at each step for the purpose of entertaining a motion for reconsideration of the preceding action. This assures that both proponents and opponents of a measure are given every possible opportunity to express themselves before a new idea is enacted into law.

In the case of 1967 Senate Bill 196, there was no controversy. Immediately following completion of the 2nd reading stage the Assistant Majority Leader (the regular Majority Leader must have been temporarily absent from his seat in the chamber) asked unanimous consent: "That the rules be suspended and the bill be given its 3rd reading at this time." There was no objection; had there been, then a motion to suspend the rules would have been in order. This motion, in order to carry, would have required the affirmative vote of two-thirds of the members present.

Again, the journal entry on 3rd reading (see appendix, page 48), is merely a shorthand memo and does not in detail describe what really occurred. The sequence of actions on 3rd reading was, probably, something like this:

(1) The presiding officer announced: "There being no objection, the bill is ordered to a third reading."

(2) Immediately, the Chief Clerk began reading aloud the relating clause of the bill and its number but, unlike the 2nd reading, without naming the authors or repeating any other information he might have on the bill: "1967 Senate Bill 196, relating to eligibility for old-age assistance."

(3) The presiding officer then stated: "This bill having been read 3 several times, the question now is: 'shall the bill pass?' Because Senate Bill 196 has a fiscal note, a roll call will be ordered." This statement again opened the floor for debate on the entire bill.

(4) Since this was a noncontroversial bill and because it had just gone through a debate on 2nd reading, there was no one who rose in his seat to speak. Accordingly, the Senate proceeded immediately to the roll call vote. In the Senate, a roll call vote is taken by the Chief Clerk who calls out the name of each senator in alphabetical sequence; in the Assembly, roll call votes are taken by means of an electric roll call machine. In the Senate each member, as his name is called, answers "aye" or "no". The Chief Clerk keeps the tally on a printed roll call form, totals the "aye", "no" and "absent" columns and informs the presiding officer of the result.

(5) The presiding officer announced the result of the roll call.

The Senate would ordinarily be ready to proceed to the next item of business. However, in recent years the practice has developed, in both houses, of immediately messaging each bill to the 2nd house once the action in the house of origin is completed -- unless there is objection. Sometimes, the Senate uses a slightly different approach, and that was the approach used in the case of 1967 Senate Bill 196: it did proceed to the next item of the calendar, and the next, etc., until it was time for the dinner recess. At that point the Majority Leader asked for unanimous consent "That all measures on which final action had been taken at today's session and which were not individually messaged be immediately messaged to the Assembly" (see appendix, page 49).

#### Action in the Second House

Actually, it might be enough to say that the procedure in the 2nd house is quite similar to that followed in the house of origin except, of course, that the final question is on "concurrence" rather than on "passage". However, anybody not familiar in detail with the intricacies of the Wisconsin legislative process might want additional information at this juncture, and so we will include a brief recital of the 2nd house procedure. All of this is again illustrated by the example of 1967 Senate Bill 196, and every action mentioned is documented in the appendix by copies of the relevant pages from the journals and calendar.

The action in the 2nd house begins with the "message" from the house of origin. After the house of origin has released the bill, the Chief Clerk of that house composes a message transmitting this bill, together with all other bills then waiting to be transmitted, to the 2nd house. This message is received in the 2nd house and, under proper order of business, read to the members of the 2nd house by its Chief Clerk (see appendix, on page 50, which shows the JOURNAL OF THE ASSEMBLY, page 1817, October 20, 1967). The presiding officer, in this case the Speaker of the Assembly, immediately determines what is to be done with each bill mentioned in the message. He could, for instance, refer the bill to a standing committee and, frequently, this is done -- particularly, when it is a controversial measure about which his house at that time has relatively little information. Frequently, a bill referred to a standing committee in the 2nd house is again given a public hearing.

However, 1967 Senate Bill 196 was immediately referred to calendar (again see appendix, page 50). Reading the message and assigning the measures on the message to committee or to calendar constitutes first reading so that, when the measure appears in the calendar, it is already scheduled for 2nd reading. October 20, 1967, was a Friday. The calendar for the next scheduled meeting of the Assembly on Tuesday, October 24, 1967, had already been printed and distributed. So, 1967 Senate Bill 196 was placed on the calendar of October 25, 1967 (see appendix, page 51).

The Assembly reached the calendar of October 25, and 1967 Senate Bill 196, on October 27, 1967 (see appendix, page 52). Again, the bill was treated as non-controversial: it was given its 2nd reading (there were no amendments) by unanimous consent at the request of the Majority Leader, Assemblyman McKay, it was immediately advanced to 3rd reading and, because it was a fiscal note bill, the vote on concurrence was taken by a roll call.

As mentioned earlier, in the Wisconsin Assembly roll call votes are taken by means of an electric roll call machine. Each member has a voting switch in his desk which he must unlock with his own key. The switch is wired directly into the roll call machine, the 2 big display boards at the front of the chamber, and the small display board in the Speaker's podium. This switch permits the member to record his vote as "aye" or "no", and as he records his vote, behind the member's name on the display board the green lamp lights up for an "aye" vote and the red lamp for a "no" vote. Any member of the Assembly can see, therefore, how every other member is voting, and it is not uncommon to see the lamp behind an individual member's name go from green to red, and perhaps back to green, depending on the probable outcome of the roll call.

After the roll call machine has been kept open for about 30 to 40 seconds, the Speaker will inquire: "Has everyone voted?" Unless some member informs him that he has trouble with his switch, the Speaker will order the Chief Clerk to "close the roll". At that point, a member of the Chief Clerk's staff throws a master switch which locks-in all votes cast, and the machine begins to tally the votes. The machine does this by perforating a preprinted roll call form, punching a hole into either the "aye" or the "no" column depending on the information shown on the board. The machine also records the total "aye" votes cast and the total "no" votes cast, and then releases the roll call form. The Chief Clerk hands it to the Speaker, and the Speaker announces the results of the roll call.

In both houses the rules prohibit the interruption of a roll call in progress. Once the results of the roll call having been announced, the outcome of the roll call cannot be changed by a member who has changed his mind. Parliamentary courtesy permits members who were absent while the roll call was taken to insert into the journal a statement that, had they been present, they would have voted in one way or another, but these statements have no bearing on the outcome.

After the roll call vote on concurrence was taken, the Majority Leader asked unanimous consent that 1967 Senate Bill 196 be immediately messaged to the Senate. Unanimous consent was granted (see appendix, page 52). The Chief Clerk of the Assembly prepared the proper message. 1967 Senate Bill 196 was returned to the Senate and its receipt there was noted in the SENATE JOURNAL of October 31, 1967 (see appendix, page 52).

#### The Governor and the Legislature

Now, 1967 Senate Bill 196 was theoretically ready to be submitted to the Governor for his review. In practice, however, the bill first had to be enrolled.

This means that a clean text had to be prepared, incorporating the words of Senate Amendment 1 into the text of the original Senate bill. The actual work of the enrolling is performed by the Legislative Reference Bureau as a service to the Chief Clerks. Most of the time, enrolling is done overnight. The reference bureau prepares a clean text and makes 40 xerox copies. The typewritten original is retained in the reference bureau. Of the 40 copies, one is given a special cover (white for the Senate, blue for the Assembly), to become the official copy of the bill as enacted. About a dozen of the copies are by the Chief Clerk immediately released to the Revisor of Statutes so that he can begin his editorial work of fitting the new law into the 2-volume set of the WISCONSIN STATUTES. The Revisor begins this task immediately (rather than wait for the Governor's review of the bill) in order to shorten the time-lag between the last enactment and the publication date for completed volumes of the new statute edition (of course, in case of a veto, the revisor's advance efforts are wasted but, on the whole, very few bills are vetoed in Wisconsin).

Section 10 of Article V of the Wisconsin Constitution gives the Governor 6 days (Sundays excepted) in which to approve or veto a bill. Toward the end of the legislative session bills are, however, agreed to by both houses in great numbers. This could impose an impossible workload on the Governor or his staff (or make the review process a sham) if all bills were, immediately upon their concurrence and enrollment, presented to the Governor.

Over the years there has developed a working agreement between the Executive Office and the Legislature whereby enrolled bills are presented to the Executive Office only in such numbers as the Governor can reasonably be expected to review in any 6-day period. Usually, the Governor informs the Chief Clerk of each house of the specific bills which he wishes next to be presented to him. In part this is done so that signature ceremonies, which are occasionally held when bills of particularly broad popular interest are to be signed, can be properly scheduled in advance.

When it is recorded, therefore, in the SENATE JOURNAL of November 3, 1967 (see appendix, page 54) that a number of bills, including 1967 Senate Bill 196, were "correctly enrolled", this really means that this was the day on which the Executive Office called and asked that these particular bills be submitted to the Governor. Apparently, all the Senate bills called for on that day were non-controversial because the record shows that all were approved by the Governor on the very same day (see appendix, page 55).

What could have happened if the bills were controversial? The Wisconsin Governor has 2 alternatives if he does not wish a proposal to become law: 1) he can veto the entire bill or 2) if it contains any item of appropriation, he can veto any separable part of the bill. The Wisconsin Constitution also provides that if, by adjournment sine die, the Legislature would have prevented the Governor from returning vetoed bills to the Legislature, the Governor could just let the 6-day period expire without signing the bill and the bill would be dead. This procedure, called a pocket veto, has not been used in recent years because the Wisconsin Legislature has not adjourned sine die since 1961. Occasionally, Wisconsin Governors have also approved bills with a written statement, for transmittal to the Legislature, in which they raised objections to certain parts of a bill approved and expressed the hopes that their reservations could be considered, and corrective action taken, at the next meeting of the Legislature.

Whenever the Governor vetoes a bill or part of a bill (if the bill contained an appropriation) he issues a statement setting forth the reasons for his veto.

Most of the vetoes occur, of course, for policy reasons, but in every session some measures are vetoed also because they are in conflict with an earlier enactment by the same Legislature and because the Legislature had failed to catch this conflict in the rush to adjournment. In either case, the Legislature is given an opportunity to override the Governor's veto, but the vetoes of Wisconsin Governors are seldom overturned because it requires a two-thirds affirmative vote of the members present in each house to enact a measure notwithstanding the objections of the Governor.

When the Wisconsin Governor vetoes a part of an appropriation bill, his action is often referred to as an "item veto". That term is misleading and technically imprecise. Governors of other states may have an item veto power; usually, that power is construed as authorizing the Governor to veto "any item of appropriation". The Wisconsin Constitution means something quite different when it authorizes the Governor to veto any "part" of an appropriation bill: if a bill contains any item of appropriation, the Governor may veto any part of such bill (not just the appropriation parts). A number of Wisconsin Governors have made rather ingenious use of this power to veto appropriation bills in part; in some cases, they have construed "part" to permit them to strike out a word, or a group of words, in the middle of a sentence. However, no Wisconsin Governor has ever used this power to veto the "not" in a "shall not" statement so that the intent of the Legislature would have been reversed, and it is questionable whether such an action would be constitutional.

#### The Law Is Published

Under Section 990.05 of the Statutes, "every law or act which does not expressly prescribe the time it takes effect shall take effect on the day after its publication". All new Wisconsin laws, after they have been approved by the Governor or have, following a veto, become law because the veto was overridden in both houses, are published in the "official state paper".

The State of Wisconsin does not publish its own "official state paper". The Legislature many years ago passed a law that the WISCONSIN STATE JOURNAL, published in Madison, be made the official state paper for the purpose of publishing the laws. Each 2 years the state makes a contract with the newspaper to publish the new laws for a fee. Any edition of the WISCONSIN STATE JOURNAL in which a new law is published carries a little box on the front page noting that the edition contains new laws and indicates the page of the paper on which the new laws appear. In this way, any lawyer in the state can keep abreast of the latest enactments simply by subscribing to that Madison newspaper.

On the same day on which the text of a new law appears in the official state paper 1,200 copies, printed photo-offset from the typewritten original prepared by the Legislative Reference Bureau, are also provided by the contract printer for legislative bills to be distributed by the state. This distribution is free; however, persons who want to "subscribe" for copies of all laws as they are enacted are charged a fee which just about covers the cost of mailing and handling. This separately printed act is referred to as the "slip law", and a copy of the slip law (Chapter 147, Laws of 1967) resulting from the enactment of 1967 Senate Bill 196 is shown in the appendix (see page 56).

When the session is over or, as was the case in 1967, when the Legislature takes a recess for an extended period of several months so that there is a convenient cut-off point, all the laws then acted are compiled, set into type, and printed letterpress for a volume called the LAWS OF WISCONSIN and dated according to the year in which the Legislature enacting the laws originally convened.

Thus, the most recent edition of this session law volume is entitled LAWS OF WISCONSIN 1967. The publication of the session law volume is one of the duties of the Secretary of State. He is assisted in this task by the staff of the Revisor of Statutes, which prepares for the session laws, the subject-matter index and the table of sections affected, and by the staff of the Chief Clerk of each house, which proofreads most of the galleys.

Finally, the new law is incorporated by the Revisor of Statutes into the published volumes of the WISCONSIN STATUTES. The statutes are completely reprinted and issued as a 2-volume set every 2 years. Like the session laws, the statutes are dated according to the year in which the Legislature that made the most recent changes originally convened. Thus, the current edition of the statutes is known as the WISCONSIN STATUTES 1967.

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## APPENDIX

The actions of the 1967 Legislature by which 1967 Senate Bill 196 was enacted into law and became Chapter 147, Laws of 1967.

1967

STATE OF WISCONSIN

LRB-1738  
PP:hs:1

## 1967 SENATE BILL 196

March 2, 1967 - Introduced by Senators HOLLANDER and RASMUSEN.

Referred to Committee on Public Welfare.

1 AN ACT to amend 49.22 (2) (b) 1 of the statutes, relating to eli-  
2 gibility for old-age assistance.

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Analysis by the Legislative Reference Bureau

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In order to obtain old-age assistance, a person must be dependent. The present law, as part of its definition of "dependent", allows a person to retain up to \$500 in liquid assets free of the control of the county agency. This bill increases that amount to \$750.

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

13

49.22 (2) (b) 1 of the statutes is amended to read:

14

49.22 (2) (b) 1. ~~\$500~~ \$750 in liquid assets which may be retained by the recipient free of the control of the county agency.

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(End)

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FISCAL NOTE: The bill would increase the amount of liquid assets which could be retained by a recipient of old-age assistance free of control from the present \$500 to \$750. There is currently no information available on the number of aged persons who are denied assistance or refrain from applying for assistance because they have liquid assets in excess of \$500 but below \$750; therefore, no fiscal data on the effect of the bill can be provided. It would appear, however, that the fiscal impact would be relatively small and would occur only because of an earlier grant of old-age assistance for some persons who, under present law, must exhaust their savings down to \$500 before becoming eligible.

30

STATE DEPT. OF PUBLIC WELFARE

This is a partial reproduction of the "jacket" of 1967 Senate Bill 196. On the jacket, employes of the chief clerks keep the official record of the document's history.

Note that the 2 senators shown on the printed bill as the proposal's authors personally signed their names to the jacket when it was offered for introduction.

# SENATE BILL 196, 1967

LRB 1738

AN ACT to amend 49.22 (2) (b) 1 of the statutes, relating to eligibility for old-age assistance.

3-2 Introduced by W. Bauer

Co-sponsors

By request of

3-2 Read first time and referred to committee on

GOVERNOR ON 11-3

3-14 PUBLIC WELFARE  
4-18 Public Hearing held  
REPORT ADOPTION OF

CHAPTER NO. 147 -  
PUBLISHED 11-14.)

SENATE AMENDMENT 1,  
4-18 AYES 5, NOES 0 AND PASSAGE  
RECOMMENDED, AYES 5, NOES 0  
REFERRED TO JOINT COMMITTEE  
ON FINANCE

5-31 REPORT ADOPTION OF  
SENATE AMENDMENT 1,  
AYES 12, NOES 1, AND

16-18 PASSAGE RECOMMENDED,  
AYES 8, NOES 5  
16-18 READ A SECOND TIME  
16-18 SENATE AMENDMENT 1  
ADOPTED

15-18 ORDERED ENROLLED AND  
READ A THIRD TIME

1967 Senate Bill 196 is introduced ...

... and referred to committee.

**JOURNAL OF THE SENATE [March 2, 1967]**

Meunier, Panzer, Rasmusen, Sussman, Terry and Warren  
—23.

Noes—Senators Dorman, Hansen, Krueger, Lourigan,  
Risser, Schreiber, Schuele, Thompson and Whittow—9.

Absent or not voting—Senator Roseleip—1.

So the bill passed.

Ordered immediately messaged to the assembly.

**Senate Bill 1**

Which had been laid aside temporarily earlier was laid  
over until Tuesday, March 7th, upon motion of Senator  
Warren, with unanimous consent.

Upon motion of Senator LaFave, with unanimous con-  
sent, the senate returned to the 3rd order of business.

**INTRODUCTION OF AMENDMENTS**

Senate Amendment 12 to Senate Substitute Amendment 1  
to Senate Bill 55 was offered by Senator LaFave.

Upon motion of Senator Hollander, with unanimous con-  
sent, the senate returned to the 5th order of business.

**BILLS INTRODUCED**

**Senate Bill 196**

Relating to eligibility for old-age assistance.

By Senators Hollander and Rasmusen.

Read first time.

To committee on Public Welfare.

**Senate Bill 197**

Relating to increase in assistance allowance for funeral  
expenses and for depleted guardianships.

By Senators Hollander and Rasmusen.

Read first time.

To committee on Public Welfare.

**BULLETIN**  
OF THE  
**PROCEEDINGS**  
OF THE  
**Wisconsin Legislature**  
**1967 Session**

\_\_\_\_\_  
**Senate**  
\_\_\_\_\_

Period Ending February 29, 1968

The BULLETIN OF PROCEEDINGS contains the history -- up-to-date through the close of business on the preceding Friday -- for each document introduced in the legislature.

There is one volume for senate documents, and another for documents originating in the assembly.

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Here is the history of  
1967 Senate Bill 196

**Senate Bill 196,**

An act to amend 49.22 (2) (b) 1 of the statutes, relating to eligibility for old-age assistance.

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3- 2. S. Read first time and referred to committee on Public Welfare .....	353
3-14. S. Public hearing held.	
4-18. S. Report adoption of Senate amendment 1. Ayes, 5; Noes, 0 and passage recommended. Ayes, 5; Noes, 0 .....	576
4-18. S. Referred to joint committee on Finance .....	576
5-31. S. Report adoption of Senate amendment 1. Ayes, 12; Noes, 1, and passage recommended. Ayes, 8; Noes, 5 .....	918
10-18. S. Read a second time .....	1447
10-18. S. Senate amendment 1 adopted .....	1447
10-18. S. Ordered engrossed and read a third time .....	1447
10-18. S. Rules suspended .....	1447
10-18. S. Read a third time and passed. Ayes, 33; Noes, 0 ..	1447
10-18. S. Ordered immediately messaged .....	1456
10-20. A. Received from senate .....	1817
10-20. A. Read first time and referred to calendar .....	1818
10-27. A. Read a second time .....	1936
10-27. A. Ordered to a third reading .....	1936
10-27. A. Rules suspended .....	1936
10-27. A. Read a third time and concurred in. Ayes, 94; Noes, 0 .....	1936
10-27. A. Ordered immediately messaged .....	1937
10-31. S. Received from assembly concurred in .....	1603
11- 3. S. Report correctly enrolled and presented to the Governor on 11-3 .....	1662
11- 7. S. Report approved by Governor on 11-3 .....	1667

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In the subject index, 1967

Senate Bill 196 appeared

under:

Old-age Assistance

and under:

Public Assistance

**COMBINED LEGISLATIVE SUBJECT INDEX  
TO  
SENATE AND ASSEMBLY BILLS, JOINT  
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Containers, specifications; petroleum products shipped for storage, A. 417  
Petroleum company retail outlets, re gasoline stations, A. 532

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Funeral expense allowance, maximum increased, S. 197  
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**Public Assistance**

Aid to dependent children, certain assets not basis for denying, A. 905  
Aid to families with dependent children, S. 7  
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Eliminating general relief charge-backs to county or  
mental health costs, quarterly payments, to limiting biennial chargebacks for, S. 549  
Mental hospital care, settlement of collections for, A. 1090  
Old-age assistance, eligibility, liquid assets retained increased to \$750, S. 196  
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Old-age assistance liens on real property removed, A. 912  
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Sale

Tax

Tax

Use

**Ombuds**

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See

In the author index, 1967

Senate Bill 196 appeared

under:

Hollander, Walter G.,

and under:

Rasmusen, Holger B.

**AUTHOR INDEX**

TO

**SENATE BILLS, JOINT RESOLUTIONS  
RESOLUTIONS AND PETITIONS**

INTRODUCED BY  
**SENATORS**

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**Hollander, Walter G. (18th District)**

- S. 12 Power of county boards to delegate po to current accounts.
- S. 13 Practice of veterinary medicine.
- S. 26 Banks obtaining registration plates fo cars.
- S. 27 Increasing legislative membership on commission.
- S. 50 Licensing of auctioneers and creating tioneers board.
- S. 63 Credit associations, production, gross tions.
- S. 78 Obscene materials, special committee prohibition re distribution; procedu jury trials.
- S. 81 Part 1—governor's highway safety pro most crimes in motor vehicle code providing procedure for recovery of violation of state and local traffic r
- S. 82 Part 2—governor's highway safety pro vehicle inspection, driver education, office of highway safety administra crease in penalties for violation of t road.
- S. 89 Mediation of municipal labor disputes
- S. 165 State's share of the cost of highway pro way and railroad grade crossings.
- S. 167 Authority of the state of Wisconsin in to sell certain securities.
- S. 168 Authority of the state of Wisconsin in to loan securities issued or guarant eral government or its agencies u compensation therefor.
- S. 196 Eligibility for old-age assistance.
- S. 197 Increase in assistance allowance for f and for depleted guardianships.
- S. 198 Salaries of district attorneys.
- S. 273 Aid payments for interest on cou loans.
- S. 274 Fiscal notes required for bills before
- S. 279 Leaves of absence of state employes guard or reserve units.
- S. 358 Taxation of certain rail equipment.
- S. 364 Filing fees received by register of dee
- S. 373 Tax exemption for 4-H Club property
- S. 412 Transfer of appointive and supervis by county courts concerning drain the county boards.
- S. 483 Aid to dependent children of unem waiving temporarily requirement ments may be made only if federal
- S. 575 Public policy of the university.
- A. 247 (co-sponsor) Public contracts of sch bidders certificates.
- A. 335 (co-sponsor) Tuition assistance to Wi
- A. 377 (co-sponsor) Monthly registration fee ing fruits and vegetables.

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- S. Jt. Res. 43 Approval of an order of the state department of agriculture amending the definitions and standards of identity for meat products.
- S. Jt. Res. 50 Uniformity of county government.
- A. Jt. Res. 17 (co-sponsor) Increases for public officers during their term.
- S. Pets. 55, 56, 57, 90 Senate Bill 241 and Assembly Bill 381.
- S. Pets. 91, 92, 93, 94, 95, 97, 103, 105 Senate Bill 241 and Assembly Bills 381, 429, 677, 678.
- S. Pet. 96 Senate Bill 78, re obscene material.
- S. Pet. 101 Assembly Bill 969.

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**Rasmusen, Holger B. (23rd District)**

- S. 19 County planning and zoning powers.
- S. 21 Increased state school aids to integrated aid districts and making an appropriation.
- S. 26 Banks obtaining registration plates for repossessing cars.
- S. 27 Increasing legislative membership on state building commission.
- S. 36 Use of sulphur dioxide or sulphites as anti-oxidants in processing of grape juice.
- S. 62 Elected officials, salary increases for.
- S. 63 Credit associations, production, gross income deductions.
- S. 76 Control of LSD.
- S. 78 Obscene materials, special committee to investigate; prohibition re distribution; procedure for arrest; jury trials.
- S. 82 Part 2—governor's highway safety program including vehicle inspection, driver education, creation of the office of highway safety administrator and an increase in penalties for violation of the rules of the road.
- S. 192 Apportionment of proceeds from the sale of joint city school district property.
- S. 196 Eligibility for old-age assistance.
- S. 197 Increase in assistance allowance for funeral expenses and for depleted guardianships.
- S. 209 Appropriating \$50,000 to the American Legion 1968 National Convention Corporation of Wisconsin for participation in holding the 1968 National American Legion Convention in Milwaukee, Wisconsin.
- S. 220 Unfair labor practices.
- S. 240 Fees for publishing legal notices.
- S. 257 Fraternal societies acting as trustees of trust or charitable purposes.
- S. 354 Establishment of special educational services for mentally handicapped children.

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S. 45 Stat  
S. 63 Cre  
S. 68 Opt  
S. 76 Con  
S. 78 Obs  
S. 83 Lic  
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S. 155 Gar  
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S. 159 Fra  
S. 160 Co  
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S. 165 Sta

There is a numerical index to the hearings.

The committees are listed alphabetically.

The bills are shown by short title.

The public hearing is announced

# SENATE BULLETIN

OF

## COMMITTEE HEARINGS

IN THE

## WISCONSIN LEGISLATURE

FOR

Week Commencing March 13, 1967

### INDEX TO HEARINGS

— 5 —

Senate Bills	Date	Hour	Committee
196	Mar. 14	10:00 A.M.	Public Welfare

— 16 —

**PUBLIC WELFARE—Alex J. Meunier, Chairman**  
Room 315 (South Wing)

**Tuesday, March 14, 1967; 10:00 A.M.**

— 17 —

Senate Bill 196 (Senators Hollander and Rasmusen) AN ACT relating to eligibility for old-age assistance.

LRB-RB-68-6

Senate Bill 196

(Senators Hollander and Rasmusen) AN ACT relating to eligibility for old-age assistance.

March 2, 1967

Referred to committee on Public Welfare.

March 14

PUBLIC HEARING HELD

Present: Senators Meunier, Rasmusen, Chilsen, Hansen, and Sussman

Absent: None

Appearances for the bill:

Harold J. Ruidl, Milwaukee, for Wis. Funeral Directors Ass'n.

Robert C. Candlish, Fond du Lac, for Wis. Funeral Directors Assoc.

Kermit Edison, Stoughton, for Wis. Funeral Dir. Assoc.

W. J. O'Rourke, Madison, for self

Appearances against the bill:

None

Registrations for the bill:

Frank A. Rentz, Madison, for Wis. Public Welfare Assoc  
Senator Walter Hollander, author

Glenn Henry, Madison, for Dane County

Registrations against the bill:

None

April 11

EXECUTIVE SESSION

Present: Senators Meunier, Rasmusen, Chilsen, Hansen, and Sussman

Absent: None

Moved by Senator Rasmusen, seconded by Senator Sussman, that Amendment No. \_\_\_\_\_, S., be recommended for adoption.

Ayes: (5) Senators Meunier, Rasmusen, Chilsen, Hansen, and Sussman

Noes: (0) None

Absent: (0) None

Motion carried: Adoption recommended

Moved by Senator Rasmusen, seconded by Senator Sussman, that the bill, as amended by Amendment No.\_\_\_\_, S., be recommended for passage.

Ayes: (5) Senators Meunier, Rasmusen,  
Chilsen, Hansen and Sussman

Noes: (0) None

Absent: (0) None

Motion carried: Passage as amended  
recommended.

ADOPTION OF AMENDMENT No.\_\_\_\_, S.: Ayes 5, Noes 0,  
Absent 0

PASSAGE AS AMENDED: Ayes 5, Noes 0, Absent 0

*Catherine Fetherston*

Catherine Fetherston, Committee Secretary

## SENATE AMENDMENT 1, TO 1967 SENATE BILL 196

April 18, 1967 - Offered by COMMITTEE ON PUBLIC WELFARE.

1 Amend the bill as follows:

2 1. On page 1, line 1, after the word "amend", insert "49.18

3 (1) (e) 2 and".

4 2. On page 1, after line 11, insert:

5 "SECTION 1. 49.18 (1) (e) 2 of the statutes is amended to read:

6 49.18 (1) (e) 2. A total of \$500 \$750 in cash and liquid

7 assets for emergency use; ~~provided that~~ but such \$500 \$750 exemp-

8 tion shall not be subject to control by the county agency; and ~~pre-~~

9 ~~vided further that~~ withdrawal for other than emergency purposes from

10 such \$500 \$750 emergency fund shall be regarded as income.

11 SECTION 2."

12 (End)

The Senate Committee on Public Welfare reports and recommends

passage of 1967 Senate Bill 196 as amended ...

... but the bill is first sent to the Joint Committee on Finance.

JOURNAL OF THE SENATE [April 18, 1967]

Senate Bill 15  
Senate Bill 119  
Senate Bill 135 and  
Senate Bill 240

Were referred to the joint committee on Finance, upon motion of Senator Draheim, with unanimous consent.

The committee on Public Welfare reports and recommends:

Senate Bill —

Relating to the work release plan for prison inmates.  
Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to the abolishment of the Wisconsin diagnostic center and the establishment of a children's consultation service.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to safety glasses.  
Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to the requirement of a recommendation by the state department of public welfare for the adoption of certain minors.

Introduction; Ayes, 5; Noes, 0.

Senate Bill 196

Adoption of Senate Amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Senate Bill 197

Adoption of Senate Amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Senate Bill 204

Passage; Ayes, 5; Noes, 0.

ALEX J. MEUNIER,  
Chairman.

Senate Bill 196 and  
Senate Bill 197

Were referred to the joint committee on Finance, upon motion of Senator Hollander, with unanimous consent.

BILL HISTORY

Senate Bill 196

(Senators Hollander and Rasmusen) AN ACT  
relating to eligibility for old-age assistance.

April 18, 1967

Referred to Joint Committee on Finance.

NO PUBLIC HEARING HELD.

May 25

## EXECUTIVE SESSION

Present: Senators Hollander, Dempsey,  
Warren, Borg, Dorman; Assembly-  
men Wackett, Shabaz, Stalbaum,  
Martin, Merkel, Olson, Thompson,  
and Molinaro

Absent: Assemblyman Parys

Moved by Assemblyman Wackett, seconded by  
Senator Warren, that Senate Amendment 1 be  
recommended for adoption.

Ayes: (12) Senators Hollander, Dempsey,  
Warren, Borg and Dorman;  
Assemblymen Wackett, Shabaz,  
Martin, Merkel, Olson,  
Thompson and Molinaro

Noes: (1) Assemblyman Stalbaum

Absent: (1) Assemblyman Parys

Motion carried: Adoption recommended.

Moved by Assemblyman Wackett, seconded by  
Assemblyman Molinaro, that the bill as amended  
by Senate Amendment 1 be recommended for  
passage.

Ayes: (8) Senators Hollander, Dempsey,  
Warren, Borg and Dorman;  
Assemblymen Wackett, Thompson,  
and Warren

Senate Bill 196

(Continued)

Page 2.

Noes: (5) Assemblymen Shabaz, Stalbaum,  
Martin, Merkel, Olson

Absent: (1) Assemblyman Parys

Motion carried: Passage as amended  
recommended.

ADOPTION OF SENATE AMENDMENT 1: Ayes 12,  
Noes 1, Absent 1

PASSAGE AS AMENDED: Ayes 8, Noes 5, Absent 1



Helen Grant, Committee Secretary

The Joint Committee on Finance reports and recommends

passage of 1967 Senate Bill 196 as amended. The bill is

referred to the calendar of June 2, 1967.

JOURNAL OF THE SENATE [May 31, 1967]

# SENATE CALENDAR

The joint committee on Finance reports and recommends  
Senate Bill —  
Relating to state aid for vocational and adult education  
Introduction; Ayes, 7; Noes, 4.

Senate Bill 196  
Adoption of Senate Amendment 1; Ayes, 12; Noes 1 and  
passage as amended; Ayes, 8; Noes, 5.

Senate Bill 197  
Adoption of Senate Amendment 1; Ayes, 11; Noes,  
adoption of Senate Amendment 2; Ayes, 7; Noes, 6  
passage as amended; Ayes, 12; Noes, 1.

Senate Bill 332  
Adoption of Senate Amendment 1; Ayes, 12; Noes, 0  
passage as amended; Ayes, 13; Noes, 0.

WALTER G. HOLLANDER,  
Chairman.

FRIDAY, JUNE 2, 1967

1. Prayer.

2. Roll Call.

## BILLS INTRODUCED

Senate Bill 430  
Relating to state aid for vocational and adult ed  
By joint committee on Finance.  
Read first time.  
To committee on Education.

The committee on Judiciary reports and recomme  
Senate Bill —  
Relating to certified shorthand reporters, providing  
ties, granting rule-making authority and making an ap  
propriation.  
Introduction; Ayes, 4; Noes, 0.

Senate Joint Resolution 53  
Rejection; Ayes, 2; Noes, 2; adoption; Ayes, 2; Noes,  
and without recommendation.

Senate Bill 29  
Adoption of Senate Amendment 1; Ayes, 4; Noes, 0 an  
passage as amended; Ayes, 4; Noes, 0.

918

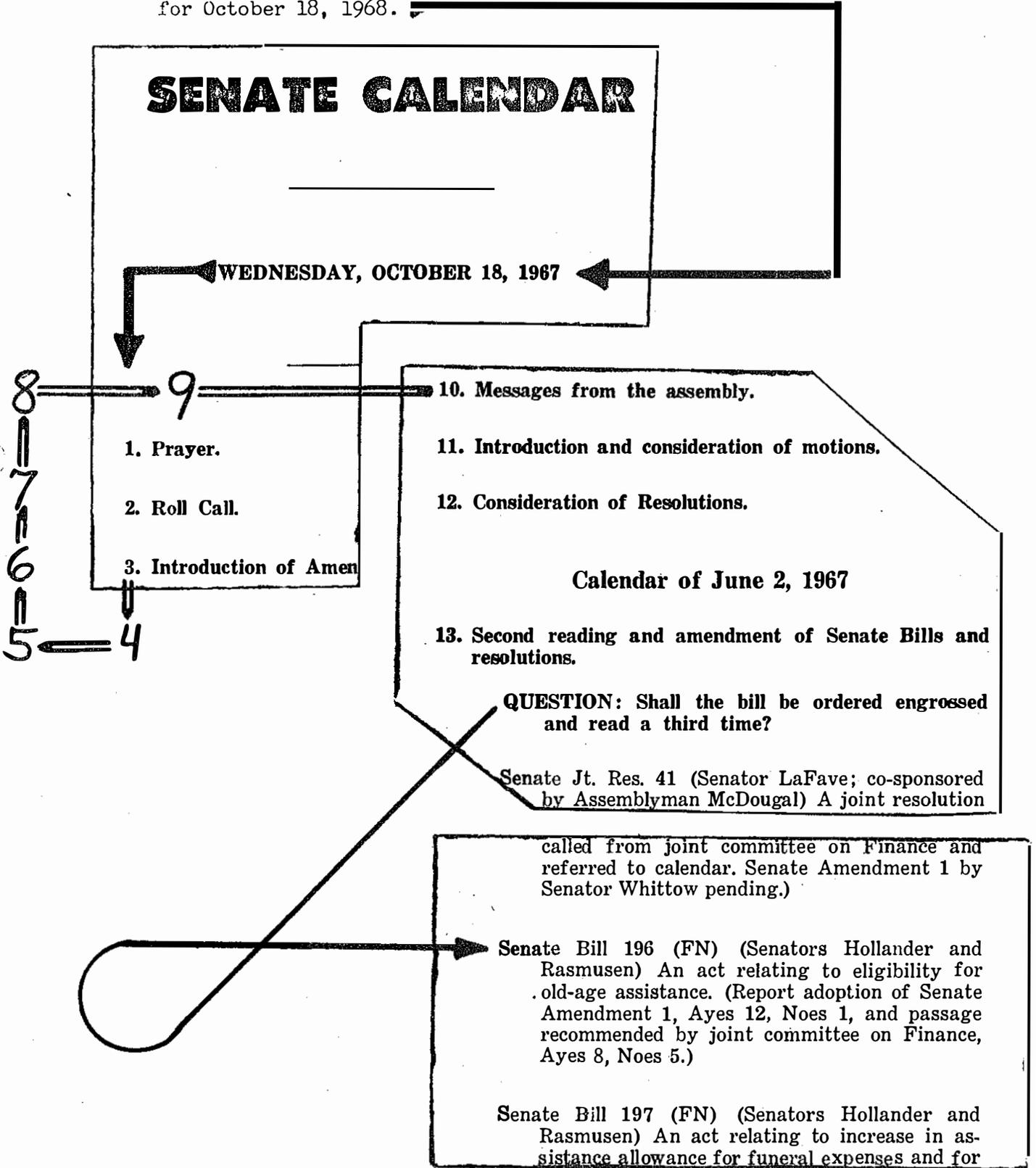
- 3. Presentation of Amendments.
- 4. Consideration of resolutions.
- 5. Introduction and consideration of motions.
- 6. Consideration of Resolutions.
- 7. Second reading and amendment of Senate Bills and resolutions.

QUESTION: Shall the bill be ordered engrossed and read a third time?

Senate Jt. Res. 41 (FN) (Senator LaFave; co-sponsored by Assemblyman McDougal) A joint resolution to amend article IV, section 26 of the constitution, relating to retirement benefits of  
Senate Bill 83 (FN) (Senators Dennis and Benson; co-sponsored by A. Molinaro) An act relating to licensing of private agencies and providing a penalty called from Joint Committee on Finance referred to calendar. Senate Amendment 1 by Senator Whittow pending.)

Senate Bill 196 (FN) (Senators Hollander and Rasmusen) An act relating to eligibility for old-age assistance. (Report adoption of Senate Amendment 1, Ayes 12, Noes 1. and passage recommended by joint committee on Finance. Ayes 8, Noes 5.)

On June 2, 1967, and through July 28 when it recessed for the summer, the Senate was busy with the executive budget and other "special orders" that took precedence over the regular business. No action was taken on 1967 Senate Bill 196. When the session resumed in the fall, the bill retained its place within the June 2 business on the consolidated calendar printed for October 18, 1968.



On October 18, 1967, Senate bill 196 was:

read a 2nd time  
 amended  
 ordered engrossed  
 by unanimous consent immediately advanced to 3rd reading  
 read a 3rd time  
 passed by a roll call vote of 33 "ayes" to 0 "noes".

JOURNAL OF THE SENATE [October 18, 1967]

Senate Bill 83

Read a second time.

Senate Amendment 1 was adopted.

Noes—Senator [redacted] and read a third time.

Absent or not voting—Senators Dempsey consent, —2.

So the bill passed.

Senate Bill 196

Read a second time.

Senate Amendment 1 was adopted.

Was ordered engrossed and read a third time.

Upon motion of Senator Warren, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 196

Relating to eligibility for old-age assistance.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes—Senators Benson, Bice, Busby, Chilsen, Cirilli, Dempsey, Dorman, Draheim, Hansen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leonard, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen,

JOURNAL OF THE SENATE [October 18, 1967]

1447

Risser, Roseleip, Schreiber, Schuele, Sussman, Swan, Terry, Thompson, Warren and Whittow—33.

Noes—None.

Absent or not voting—None.

So the bill passed.

Senate Bill 197

Read second time.

Senate Amendment 1 was adopted.

Noes—None.

Absent or not voting—None.

So the bill passed.

Senate Bill 277

Read a second time.

The bill was referred to the joint committee on Finance, upon motion of Senator Warren, with unanimous consent.

Was recalled from the joint committee on Finance and considered at this time, upon motion of Senator Warren, with unanimous consent.

Was ordered engrossed and read a third time.

Upon motion of Senator Warren, with unanimous consent, the bill was considered for final action at this time.

1448

Before the dinner recess, the Majority Leader moved to have  
1967 Senate Bill 196 messaged to the Assembly.

JOURNAL OF THE SENATE [October 18, 1967]

Senate Bill 161  
Senate Bill 162 and  
Senate Bill 163

Were laid aside, upon motion of Senator Warren, with unanimous consent.

Senate Bill 292

Read a second time.

Senate Amendment 1 was rejected.

The question was: Shall Senate Amendment 2 be adopted?

The bill was laid aside, upon motion of Senator Benson, with unanimous consent.

Upon motion of Senator Leonard, with unanimous consent, all measures on which final action had been taken at today's session and not individually messaged were ordered immediately messaged to the assembly.

Upon motion of Senator Leonard, with unanimous consent, the senate recessed until 5:50 o'clock this afternoon.

RECESS

5:50 o'clock P.M.

The senate was called to order by the president pro tempore.

MOTION UNDER JOINT RULE 26

The State of Wisconsin \* \* \* Citation by the Legislature  
Know you by these presents:

Whereas, Friday, October 27, 1967 is Navy Day in the United States, and

Whereas, the Naval Reserve Surface Division 9-109 (Medium), Green Bay, Wisconsin has been selected as the number one unit in the 13-State Ninth Naval District and has placed Third in the Nation, continuing the outstanding local Naval Reserve tradition started in 1924 when the original Naval Reserve Division was assigned to Green Bay; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Warren; co-sponsored by Assemblymen Vanderperren, Quinn and Kafka, under Joint Rule 26, do commend the accomplishments of the Naval Reserve Surface Division

On Friday, October 20, 1967, the ASSEMBLY JOURNAL records

... that 1967 Senate Bill 196 has been received from the Senate

**JOURNAL OF THE ASSEMBLY [October 20, 1967]**

**MESSAGE FROM THE SENATE**

By William P. Nugent, chief clerk thereof.

Mr. Speaker:

I am directed to inform you that the Senate has adopted and asks concurrence in

Senate Joint Resolution 41,

Passed and asks concurrence in

Senate Bill 3,

Senate Bill 29,

Senate Bill 69,

Senate Bill 83,

Senate Bill 185,

Senate Bill 190,

Senate Bill 196,

Senate Bill 197,

**ACTION ON SENATE MESSAGE**

Read and referred:

Senate Joint Resolution 41

To joint committee on Finance.

Read first time and referred:

Senate Bill 3

To joint committee on Finance.

1817

**THE ASSEMBLY [October 20, 1967]**

Judiciary.

Senate Bill 190  
To calendar.

Senate Bill 196  
To calendar.

To calendar.

Senate Bill 323  
To committee on Judiciary.

Senate Bill 341  
To calendar.

Senate Bill 355  
To calendar.

Senate Bill 361  
To calendar.

1818

... that it has been referred to the CALENDAR of Wednesday, October 25, 1967 (the next calendar to be printed on 10/20/67).

# ASSEMBLY CALENDAR

1967 Senate Bill 196  
is scheduled for  
Assembly action.

WEDNESDAY, OCTOBER 25, 1967

1. Call of the roll.

2. Amendments may be offered. Amendment of Assembly bills.

3. Motions may be made. Shall the bill be ordered engrossed and read a third time?

4. Int

14. Second reading and amendment of Senate bills.

QUESTION: Shall the bill be ordered to a third reading?

Senate Bill 29 (By Senator Busby, Education, Assn.) An act relating to personal jurisdiction, child custody, support and providing a penalty. (Referred to calendar.)

Senate Bill 196 (By Senators Hollander and Rasmussen) An act relating to eligibility for old-age assistance. (Referred to calendar.)

Senate Bill 243 (By Senators LaFave, by Assemblyman McDougal) An act relating to transfers of amounts from a general fund or reserve fund to a retirement system. (Referred to calendar.)

On October 27, the Assembly works on the CALENDAR dated 10/25/67.  
1967 Senate Bill 196 is:

On 2nd reading given preliminary approval.

By unanimous consent immediately read a 3rd time

Concurred in by a vote of "ayes" 94, "noes" 0, and "absent" 5.

By unanimous consent immediately returned to the Senate.

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son, Azim, Baldus, Barbee, Bellante, Belting; Blanchard,  
Boche, Bock, Bolle, Brown, Clemens, Conradt, Devitt,  
Doughty, Dueholm, Tregoning, Gee, Gehrman, Gessert,  
Groshek, Grover, Hanna, Heinzen, Hephner, Huber, Hutnik,  
Johnson L. H., Johnson W. A., Jones, Kafka, Kaufman,  
Kavanaugh, Kenyon, Kessler, Klicka, Kordus, Otte, Laper,  
Lewison, Lipscomb, Lynch, McCann, McCormick, McDou-

Senate Bill 196

Relating to eligibility for old-age assistance.

The question was: Shall Senate Bill 196 be ordered to a third reading?

Motion carried.

Assemblyman McKay asked unanimous consent that the rules be suspended and that Senate Bill 196 be given a third reading. Granted.

The question was: This bill having been read three times, shall the bill be concurred in?

The roll was taken.

The vote follows:

Ayes—Alfonsi, Anderson G. K., Anderson N. C., Atkinson, Azim, Baldus, Barbee, Bellante, Belting, Blanchard, Boche, Bock, Bolle, Brown, Clemens, Conradt, Devitt, Doughty, Dueholm, Tregoning, Gee, Gehrman, Gessert, Groshek, Grover, Hanna, Heinzen, Hephner, Huber, Hutnik, Johnson L. H., Johnson W. A., Jones, Kafka, Kaufman, Kavanaugh, Kenyon, Kessler, Klicka, Kordus, Otte, Laper, Lewison, Lipscomb, Lynch, McCann, McCormick, McDou-

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gal, McEssy, McKay, Manders, Martin, Mathews, Mato, Mertz, Mittness, Molinaro, Nager, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Pabst, Packard, Parys, Pelouquin, Quinn, Radcliffe, Riehle, Rogers, Schaeffer, Schwefel, Shabaz, Sicula, Soik, Stalbaum, Steinhilber, Stevenson, Sweda, Thompson, Tobiasz, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Wartinbee, Waters, Weisensel, Wilger, York and Mr. Speaker—94.

Noes—None.

Absent or not voting—Jahnke, Merkel, Perala, Schroeder and Shurbert—5.

Motion carried.

Assemblyman McKay asked unanimous consent that the assembly's action on Senate Bill 196 be immediately messaged to the senate. Granted.

Senate Bill 243—Jahnke, Merkel, Perala, Schroeder and Shurbert—5.

Motion carried.

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**MESSAGE FROM THE ASSEMBLY**

By Wilmer H. Struebing, chief clerk thereof.

**Mr. President:**

I am directed to inform you that the Assembly has adopted and asks concurrence in Assembly Joint Resolution 103 and has

**JOURNAL OF THE SENATE [October 31, 1967]**

Passed and asks concurrence in  
Assembly Bill 51,  
Assembly Bill 1035 and  
Assembly Bill 1056 and has

Concurred in  
Senate Joint Resolution 63,  
Senate Joint Resolution 71,  
Senate Joint Resolution 88,  
Senate Bill 29,  
Senate Bill 69,  
Senate Bill 185,  
Senate Bill 190,  
Senate Bill 196,  
Senate Bill 243,  
Senate Bill 295,  
Senate Bill 299,  
Senate Bill 341 and  
Senate Bill 484 and has  
Nonconcurred in  
Senate Joint Resolution 81

On October 31, 1967, Senate Bill 196 is recorded in the SENATE JOURNAL as having been concurred in and returned by the Assembly.

**ASSEMBLY MESSAGE CONSIDERED**

**Assembly Joint Resolution 103**

A joint resolution commending the Milwaukee Symphony Orchestra, Inc., of Milwaukee, Wisconsin, for its continuation and expansion of its season and commending the board of directors of the Milwaukee Symphony Orchestra, Inc., music director, Harry John Brown, and the management, Craig Hutchinson and Richard C. Thomas, for their excellent work.

The joint resolution was considered at this time, upon motion of Senator Leonard, with unanimous consent.

Was read.

The joint resolution was concurred in.

**Assembly Bill 51**

Read first time.

To joint committee on Finance.

**Assembly Bill 1035**

Read first time.

Was referred to the committee on Governmental and Veterans' Affairs, upon motion of Senator Schuele, with unanimous consent.

**Assembly Bill 1056**

Read first time.

1967 Senate Bill 196 is recorded as enrolled and presented to the Governor.

JOURNAL OF THE SENATE [November 3, 1967]

MOTIONS

- Senate Joint Resolution 25
- Senate Bill 90
- Assembly Bill 204
- Assembly Bill 659
- Assembly Bill 695
- Assembly Bill 775
- Assembly Bill 796 and
- Assembly Bill 813

Which had been laid aside earlier were ordered placed on the calendar of Tuesday, November 7th, upon motion of Senator Schuele, with unanimous consent.

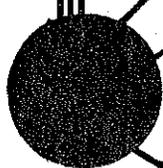
Upon motion of Senator Kendziorski, the senate adjourned until 10:00 o'clock Tuesday morning, November 7, 1967.

CHIEF CLERK'S REPORT

The chief clerk records:

- Senate Bill 69,
- Senate Bill 185,
- Senate Bill 190,
- Senate Bill 196,
- Senate Bill 242,
- Senate Bill 263,
- Senate Bill 281,
- Senate Bill 299,
- Senate Bill 310,
- Senate Bill 327 and
- Senate Bill 484

Correctly enrolled and presented to the Governor on Friday, November 3, 1967.



The Governor has approved 1967 Senate Bill 196.

It will now be known as Chapter 147, Laws of 1967

JOURNAL OF THE SENATE [November 7, 1967]

BILLS INTRODUCED

Senate Bill 546

Relating to revising the outdoor resources act program budget and making appropriations.

By joint committee on Finance, by request of Governor's Task Force on Outdoor Recreation Act Program.

Read first time.

To committee on Conservation.

EXECUTIVE COMMUNICATION

The State of Wisconsin  
Executive Office  
Madison 53702

To the Honorable, the Senate:

The following bills, originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
69	145	November 3, 1967
185	146	November 3, 1967
196	147	November 3, 1967
242	148	November 3, 1967
263	149	November 3, 1967
281	150	November 3, 1967
299	151	November 3, 1967
310	152	November 3, 1967
327	153	November 3, 1967
484	154	November 3, 1967
190	155	November 3, 1967
29	198	November 6, 1967
40	199	November 6, 1967
46	200	November 6, 1967
132	201	November 6, 1967
167	202	November 6, 1967
168	203	November 6, 1967
243	204	November 6, 1967
259	205	November 6, 1967

STATE OF WISCONSIN

Senate Bill 196

Date published\*: November 14, 1967

CHAPTER 147 , LAWS OF 1967

AN ACT to amend 49.18 (1) (e) 2 and 49.22 (2) (b) 1 of the statutes, relating to eligibility for old-age assistance.

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

SECTION 1. 49.18 (1) (e) 2 of the statutes is amended to read:

49.18 (1) (e) 2. A total of \$500 \$750 in cash and liquid assets for emergency use; ~~provided that~~ but such \$500 \$750 exemption shall not be subject to control by the county agency; and ~~provided further that~~ withdrawal for other than emergency purposes from such \$500 \$750 emergency fund shall be regarded as income.

SECTION 2. 49.22 (2) (b) 1 of the statutes is amended to read:

49.22 (2) (b) 1. \$500 \$750 in liquid assets which may be retained by the recipient free of the control of the county agency.

.....  
\*Section 990.05. *Wisconsin Statutes: Laws and acts; time of going into force.* "Every law or act which does not expressly prescribe the time it takes effect shall take effect on the day after its publication."