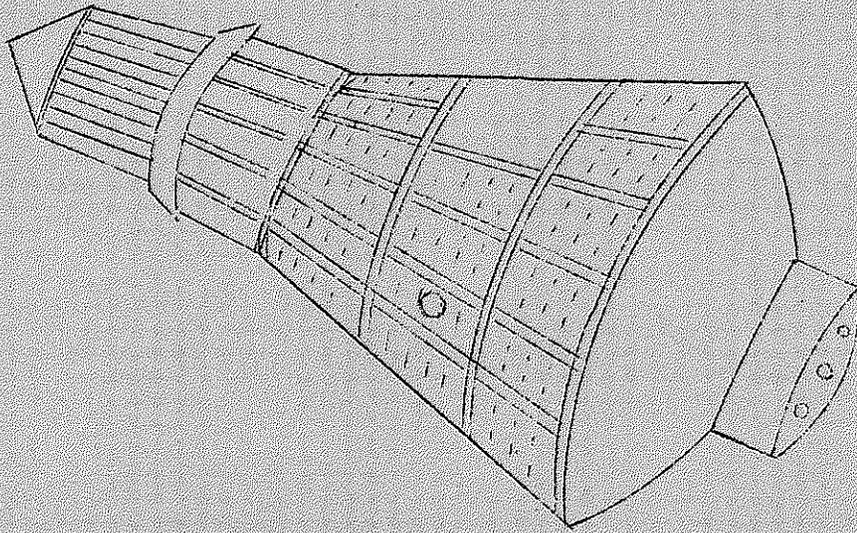


# WISCONSIN LEGISLATIVE REFERENCE LIBRARY REPORT



AN INTRODUCTION TO THE ORGANIZATION  
AND OPERATION OF THE LEGISLATURE  
IN WISCONSIN

Wisconsin Legislative Reference Library  
State Capitol  
Madison, Wisconsin

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AN INTRODUCTION TO THE ORGANIZATION AND OPERATION OF THE  
LEGISLATURE IN WISCONSIN

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AN INTRODUCTION TO THE ORGANIZATION AND OPERATION OF THE  
LEGISLATURE IN WISCONSIN

I. INTRODUCTION

For more than half a century the Wisconsin Legislature has enjoyed an enviable reputation as one of the great pioneers among the states in the field of legislative organization and substance.

Wisconsin was the first state to have an automatic voting machine in a legislative chamber. It created the first working legislative reference library. It began the printing of bills upon introduction before the turn of the century. It was a pioneer in the widespread use of public hearings. It was an early advocate of continuous revision of the statutes. More recently, it was the first state to require that the fiscal effect of all measures be set forth in the measure.

Workmen's compensation, unemployment compensation, the open primary election, the state-wide income tax, vocational education, are but a few of the substantive areas in which this state pioneered. Nor has this bold and venturesome spirit subsided. In the past decade Wisconsin has been the first state to enact a law permitting people who do not meet residence qualifications to vote for presidential electors, the first to supervise welfare funds, and the first to require seat belts in autos.

It is, therefore, a distinct honor to serve in the Wisconsin Legislature with its great tradition, and to live in a state in which the legislative process enjoys such a reputation. This reputation was acquired by the diligent effort of a succession of legislators over a long period stimulated by the continued interest of an alert electorate. It could be lost by complacency or by the erroneous assumption that further improvement is impossible. There is a continuing need for dedicated legislators and citizens if Wisconsin is to maintain its fine reputation.

Since 1949 some special effort has been made in Wisconsin to acquaint the new legislators with the organization and procedures of that body prior to the convening of the regular session. This followed a trend which is reflected in a variety of ways in more than half of the states today, recognizing that modern legislation, especially where the session is limited, requires that the neophytes must early be given a conducted tour over at least a small part of the vast and uncharted areas with which a member of the Legislature must ultimately become acquainted.

Since 1951 the Legislative Reference Library has prepared a series of documents intended to provide some of the most obvious information needed by the new legislators. These documents appear to have been of value, not only to the new legislators, but also to the ever-present group of citizens who are experiencing their first contact with the legislative process.

Obviously we cannot foresee every problem which might arise, but experience leads us to believe that the information which will

help to smooth the path of the freshmen lawmakers falls into 5 general categories which concern:

1. The bread and butter problems of getting acquainted with the physical setup of the Legislative.
2. The organization of the Legislature.
3. The basic principles of legislative procedure.
4. The aids available to legislators.
5. Some clues to the nature of Wisconsin state government.

An understanding of the legislative process in Wisconsin is not acquired in a day. It will reveal itself to the new legislator gradually as the session progresses. His effectiveness is dependent upon how rapidly he assimilates the tremendous amount of procedural detail which is necessarily involved in the democratic method of enacting laws. He is not alone in this predicament. There are others equally new at the business of being a legislator, and there are those whose privilege and duty it is to help the new legislator over the early hurdles. It is hoped that this document will in part serve such a need.

II. THE BREAD AND BUTTER PROBLEMS OF BEING A LEGISLATOR

1. Introduction. After the struggle to win an initial election to the State Legislature, the successful candidate may have some misgivings about the impending experience concerning which he may have little or no knowledge. He may never have seen the Legislature in action or even visited the Capitol. The fear that he may do something wrong may diminish the enjoyment he should get from an experience few are privileged to have or it may stay him from taking one decisive action needed to assure the passage of a good proposal or the defeat of a bad one. These very basic items may help to smooth the way.

2. Certificate of Election. Sometime subsequent to the November election each successful candidate for the Legislature will receive from the election official with whom he filed his nomination papers a document certifying that he has been elected. In cases of a contested election such certificate is not issued until the contest is resolved.

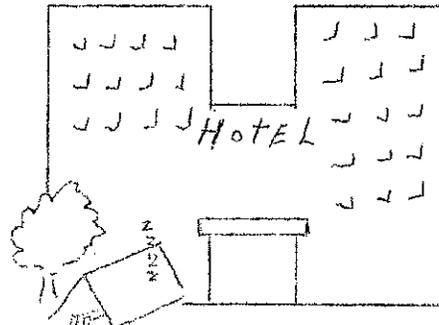
3. Leaves of Absence from Employment. There is no law which requires employers to grant an employe time off to be a legislator. Some employers do not encourage participation in public affairs while others permit leaves for such purposes. A candidate for the Legislature should have faced this problem in advance so that he knows what the attitude of his employer will be. Those who are self-employed or who operate exclusively as coupon clippers and dividend depositors do not have this problem.

4. Finding a Place to Live in Madison. During much of the session legislators are in Madison from Tuesday a.m. to Thursday p.m. but late in the session they may be here 5 days a week. On the basis of past experience we can predict that the legislators will be in Madison from the middle of January until at least the end of June, and again for one to 3 weeks in the fall. During the last 2 sessions the Legislature was present much longer.

Many years ago many legislators stayed in homes or boarding houses. Then followed many years in which hotels were more popular. In the last few sessions, however, some legislators have gone back to finding a room or small apartment.

In 1961-62, 7 members lived at home, 19 in private dwellings, 15 at the Claridge Apartment Hotel, and 2 at the Madison Club. The remaining members lived in hotels which ranked as follows in terms of members staying there:

Lorraine Hotel	34
Belmont Hotel	29
Park Hotel	20 (Being replaced by motel)
Edgewater Hotel	6
Capital Hotel	1



The classified ads of the Capital Times and Wisconsin State Journal contain lists of rooms available. Occasionally rooms are advertised on the bulletin boards in the Legislature. The Madison Chamber of Commerce on East Washington Avenue may also have some rooms or apartments listed. The city Housing Assistance Center at 2419 Truax Field will also help legislators find living quarters.

5. Parking Your Car in Madison. Each member of the Legislature is given a decal for his auto at the beginning of the session by the Sergeant at Arms of his house. This entitles him to park in the approaches to the Capitol and in the first 3 stalls on each side of each approach on the inside of the square. They do not give him any special privilege to park on the streets of Madison.

Most of the streets on or near the square have parking meters. There are off-street parking lots or ramps operated by the city or private persons on all sides leading to the square. Only one inside parking garage near the square is available, Gill's Garage.

Madison is not very charitable toward illegal parkers.

6. Eating in Madison. Madison has many good eating places at various price levels both near and away from the square.

Most of the downtown spots are crowded between 11:45 a.m. and 12:30 when the state employes have their lunch hour.

Rennebohm's, Dykeman's, Baron's and Manchester's and the various hotel coffee shops are among the most easily accessible moderate lunch spots.

Hoffman House, Simon House, Rohde's, Town Club and the various hotels are among the various places near the square specializing in food.

Among the places away from the square are the Embers, Nob Hill, The Pines, Cuba Club and Leske's.

A little brochure called This Week in Madison which contains ads for most of the eating places may be obtained from the cashier in many of the better known places.

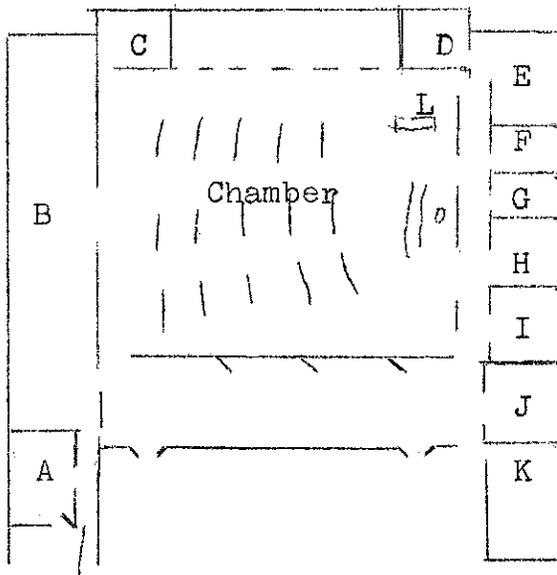
Legislators are reminded that it is illegal to accept any food, drink, entertainment or other thing of value from a lobbyist from the time of the general election until sine die adjournment of the Legislature and during special sessions.

7. The Working Space for Legislators. All parts of the legislative suite are in the State Capitol. Most of the rooms with which the legislators are concerned are on the so-called second floor which is 2 floors above the ground floor, in accordance with the European system of numbering.

Because all wings of the Capitol may look alike, it is well to orient oneself. The refreshment stand on the ground floor is in the east wing. The Assembly Chamber is directly across in the west wing 2 floors above the ground floor. The Senate Chamber is in the south wing on the same floor as the Assembly Chamber.

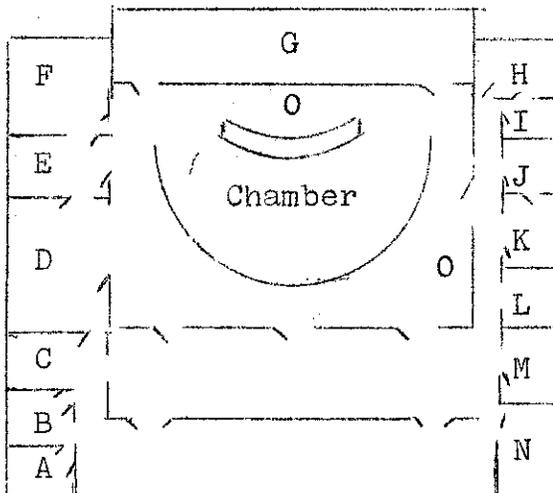
The following diagrams may help to locate the key places in each wing.

Assembly Suite  
West Wing-Second Floor



- A. Document Room
- B. Lounge
- C. Sergeant at Arms Office
- D. Speaker's Secretary
- E. Speaker's Office
- F. Chief Clerk's Office
- G. Asst. Chief Clerk's Office
- H. Clerical Pool
- I. Revision, Engrossing, Enrolling Office
- J. Cloak Room
- K. Toilet (Mens)
- L. Press Tables

Senate Suite  
South Wing-Second Floor



- A. Majority Floor Leader
- B. Speaker pro tempore
- C. Committee Chairmen
- D. Majority Party Caucus Room
- E. Minority Leader's Office
- F. Minority Party Caucus Room
- G. Lounge
- H. Lieutenant Governor's Office
- I. Lieutenant Governor's Secretary's Office
- J. Clerical Pool
- K. Chief Clerk's Office
- L. Sergeant at Arms Office
- M. Clerical Pool
- N. Toilet (Mens)
- O. Press Section

Between the Senate and Assembly wings is the legislative post office where each member has a box which should be checked at least twice a day. In the past a coffee bar has been maintained in the post office.

Each house has a document room where one may secure additional copies of bills, amendments, acts, journals and other printed documents issued during the session. The Assembly Document Room is shown on the preceding diagram. The Senate Document Room is room 314 SE, directly above the Senate Highway Committee room.

The Capitol having been designed prior to woman suffrage, no provisions for ladies rest rooms was made in the legislative suites. There is a ladies rest room directly below the men's rest room in the Assembly, and in the north wing on the second floor.

The offices and hearing rooms for the Standing Committees are located in the west and south wings on the second and third floors. Desk space is generally provided for each chairman, but not for each member of the committee. The Committee Clerk may be able to assist individual members of her committee with correspondence if her workload for the committee and committee chairman is not too heavy.

8. The Perquisites of Office. A legislator is entitled to a variety of monetary and other benefits by reason of his office. In order to receive these benefits, he must comply with various conditions which the Chief Clerk will inform him about from time to time. He should be sure to reply promptly to every request for information from the Chief Clerk because failure to do so may result in the loss of some benefit on which there is an arbitrary deadline.

The monetary benefits include \$300 per month salary payable about the middle of the month. The salary checks are hand distributed during the session and will be sent as directed during the interim.

Each legislator receives up to \$175 a month living expenses during the session determined by what he certifies each month, and mileage to and from his home by the most usual route each week at the rate of 7¢ per mile for the first 2,000 miles each month, and 6¢ for the rest. He also gets one trip at 10¢ a mile. He must certify as to the distance at the beginning of the session and it is assumed that he claims mileage only for miles traveled in his own car. He is also eligible for actual and necessary expenses plus mileage for work on interim committees.

Members are eligible for social security coverage, coverage under the Wisconsin Retirement Fund, Group Life Insurance, Group Health Insurance. Decisions regarding some of these matters must be made early and are irrevocable in some cases so it is important that new legislators be alert to notices about them from the Chief Clerk.

Legislators are entitled to copies of various official documents such as the statutes, session laws, bound journals and various official reports. They are also entitled to copies of the Blue Book

published during their term of office, 200 for Assemblymen and 300 for Senators, as well as highway maps. A complete list of the documents to which a member is entitled will be found in Section 35.84 of the Statutes.

9. Legislative Immunities. A member cannot, under the Constitution, be held accountable for words said during debate on the Floor. He is immune from arrest except for treason, felony and breach of the peace. He is also immune to civil process during the session and for 15 days before and after the session. A legislator's salary cannot be attached until 15 days after sine die adjournment. Legislators are excused from jury duty, may be exempt from military service, and may secure the continuance of any action before a court or commission in which a party or attorney during the session.

10. Conduct of a Legislator. It is the duty of the presiding officer to preserve order and he is assisted by the Sergeant at Arms and his staff. The Senate expressly prohibits the reading of newspapers, smoking and appearing on the floor without a coat, but the Assembly rules are silent on these matters.

Both houses prohibit unexcused absences. If a member must be away, he asks for leave of absence for that period in advance, or if he is called away unexpectedly, he has some other member secure leave for him.

Before a member speaks from the floor, he must rise, address the chair and be recognized. If 2 members rise simultaneously, the chair determines which has the floor. If a member wishes to interrupt a member who has the floor, he addresses the chair, normally asking if the gentleman will yield for a question or short statement. If the member yields, he does not thereby lose the floor. Members address the chair from their seats, rising to do so.

In the Senate a member addresses the chair as Mr. President, in the Assembly as Mr. Speaker. Members are never addressed by name on the floor, but as the Senator from the 21st or the gentleman from Dane 2nd. Members may speak but twice on the same matter at the same stage without leave of the house, must confine their remarks to the subject, may not read from printed material without permission, and must not speak disparagingly of any member.

Members may leave the floor except during a call of the house, during a vote or when the presiding officer is addressing the house. Members may not cross the floor between a member speaking and the chair.

If a rule or procedure is violated, a member may call such violation to the attention of the presiding officer by raising a point of order. After the point has been stated, the presiding officer may rule, either then or later, and the ruling is recorded in the journal as a precedent for future action.

A member must vote if he is present on the floor.

11. Lobbyists and the Legislators. Approximately 300 persons register each session as lobbyists whose function it is to work for the passage or defeat of certain types of legislation. They are an accepted part of the legislative process, recognized and regulated by statute.

While some people assume that lobbyists should be shunned and talked to only in dark corners, in reality they serve an important and often necessary function. Many times they are the experts on the subject without whom the legislator would be completely at sea. Members sometimes seek them out for information.

Lobbyists seek out the legislators to discuss the measures in which they are interested. One of the member's most difficult tasks is to be courteously attentive to their conversations without using up all available time listening to endless reiterations.

Lobbyists are restricted in Wisconsin. They must register with the Secretary of State, report their expenses for entertainment and cause their employers to report their lobbying costs. They cannot accept a fee conditioned on the passage or rejection of a measure. They cannot furnish anything of value to a legislator or other state officer or employe. They are not permitted on the floor of either house during a daily session or for a period before or after such daily sessions.

12. Your Mail. No successful legislator ignores his mail.

The only official recognition of mail is the biennial resolution in both houses to provide each member with a given amount of stationery, the availability of stenographers in the typist pool and dictating machines to prepare correspondence and the existence of the legislative post office. Wisconsin does not officially provide an allotment of stamps for each member as do some states.

Three types of mail should be mentioned. The first consists of form letters and cards and personal letters urging legislators to vote for and against measures. Legislators normally devote more attention to such mail if it appears to be a personal letter. The second type of letter requests information about the status of legislation and a variety of other things. The Legislative Reference Library is one agency which is geared to help you gather the data to answer such mail. The third type is an immense volume of information sent to legislators including reports, mimeographed releases, pamphlets, etc. Few legislators digest them all or have the facilities to file them effectively. RATHER THAN DISCARD THEM DONATE THEM TO THE LEGISLATIVE REFERENCE LIBRARY WHICH WILL FILE THEM FOR FUTURE USE.

13. The Legislator and the Press. The Madison and metropolitan newspapers and various news services maintain reporters at the Capitol throughout the year. Some of these people have had long service in Madison and know their way around. Not only do they gather general news items, but several of them write feature articles and columns.

It should be pointed out that many of these men are a gold mine of information. They can, for example, often tell you if a proposal you may be considering was proposed before and what happened to it.

Newspapermen deal constantly with people, and in so doing develop substantial ability to size up people. It is a dangerous practice to try to impress them unless you are sure of your grounds. They can cut you down to size with a few appropriate words discreetly inserted in a news story. If you are capable and hard working, they will quickly discover it. Because the press depends on you for their stories, they are your friends until you cause them to be otherwise. Modern news networks are phenomenal in their coverage and dispersion of news. The comments of a big city reporter may filter down to your home community.

14. Leisure Time Activities in Madison. While a legislator has enough work to do attending sessions, studying bills and reading background material on them, he has opportunity and substantial sources for leisure time activity. There are fine eating places and 4 movies near the square. As a university town, there is hardly a night on which there is not a lecture, athletic contest, play or other activity to which outsiders are welcomed. His own political party may provide evening meetings to brief him on rules and the content of measures.

Wives of legislators who accompany them to Madison may enjoy attending sessions of the Legislature or committee meetings of the other house as well as of the house in which their husbands are members.

Madison has several shopping districts which may attract visitors.

The Memorial Union and the State Historical Museum on the University campus have an almost continuous series of exhibits, and there are many lectures and other campus activities to which the public is invited. The campus is but 8 blocks from the Capitol.

Some manufacturing plants and other facilities such as the Forest Products Laboratory provide tours. These and many other activities are listed in a weekly publication called This Week in Madison which is circulated widely in the business district.

15. The Political Organization of the Legislature. Members of the Legislature run for office on a political basis, and the political groups in the Legislature exercise a strong influence on a substantial part of the activities of the Legislature. Although there are many things done by the Legislature in which there are no major political overtones, within the over-all organization of the Legislature there is a strong organization within the parties.

Prior to the organizational meetings of the Legislature, the party caucuses of each house meet to select their candidates for legislative offices.

Both parties also select their party leaders. These consist of the floor leader and his assistant who direct the party activities on the floor of the house, and their caucus chairman who conducts the meetings of the caucus. The latter is an important position because it entails bringing the members of the caucus into agreement regarding matters which will come before the house.

Once the session begins, caucus meetings are held at stated intervals or whenever needed. Sometimes they are held before the daily meeting of the session, and the proposals to be considered on the floor that day are discussed and decisions made regarding the party attitude. Later in the session the day's deliberations may be recessed temporarily while the caucuses meet. As the session draws to a close and more bills are being given final disposition, caucuses tend to be more frequent.

Not every proposal is considered by the caucus because many are not considered partisan issues, nor is agreement reached on every measure considered by the caucus. Party organization, however, does play an important part in the legislative process not only for the party in control but for the minority party as well. The importance of the latter is illustrated, for example, by the fact that in England the minority group is called Her Majesty's loyal opposition.

16. The Vocabulary of the Legislature. There are many words which are associated with the legislative process and have a special meaning when used in connection therewith. Joint Resolutions, for example, are "adopted" while bills are "passed". The house "recesses" during a daily session for a caucus but "adjourns" at the end of the day. Actions are "rescinded" but records are "expunged".

Section 990.01 of the statutes contains an every increasing list of word definitions including such words as adult, minor, person, week, month and year. In addition, many chapters and sections of the statutes begin with some definitions essential to an understanding of such chapter or section.

The most comprehensive set of definitions relating to the legislative process will be found in Rule 97 of the Revised Assembly Rules adopted in 1961. This rule defines about 100 of the most common words or phrases used in connection with legislation.

### III. ORGANIZATION OF THE LEGISLATURE

(For a full account of the first day read the Journals of both houses)

1. Meeting Time. The Legislature meets in regular session every odd year on the second Wednesday in January at noon. Thereafter both houses meet at 10 a.m. unless a different hour is set, and no more than 3 days may elapse between meetings unless such adjournment is authorized by joint resolution.

2. Presession Caucus. Generally on the Tuesday afternoon or Wednesday morning before the session begins the members of each political party in each house hold a caucus at which they seek agreement on the nominees of their parties for the offices of their respective houses and the designated leaders of the political organization in each house. They select nominees for the position of Speaker, Speaker pro tempore, Chief Clerk and Sergeant at Arms in the Assembly and President pro tempore, Chief Clerk and Sergeant at Arms in the Senate. They also select their floor leader, assistant floor leader and caucus chairman and secretary.

3. The Session Begins. Promptly at 12 o'clock noon on the second Wednesday in January of odd-numbered years each house is called to order. The Lieutenant Governor presides over the Senate and the Chief Clerk of the prior session presides over the Assembly. It is customary for the Senate Chief Clerk of the prior session to be present. A prayer is then offered in each house. Members occupy any chairs which are available at the time.

4. The Official Roll is Called. The prior Chief Clerk of each house reads a communication from the Secretary of State listing the newly elected members. On the Senate side this list contains the newly elected members who represent about half of the membership, and the Assembly list contains all the members in the Assembly because all are elected every 2 years. After reading the lists the roll is called.

The members thus listed then take the oath of office, administered in the Senate by the President thereof to the new members who have come to the front of the chamber and in the Assembly traditionally by the Chief Justice of the Supreme Court who normally makes a short speech after he has finished.

Because about half of the Senate membership is composed of holdover Senators, it is necessary to call the roll once more to include all members of the Senate, new and holdover.

5. Selection of Officers. Both houses now proceed to the election of their officers consisting of the President pro tempore, Chief Clerk and Sergeant at Arms of the Senate, and the Speaker, Speaker pro tempore, Chief Clerk and Sergeant at Arms in the Assembly. It should be noted that the Chief Clerks and Sergeants at Arms are elected from outside the membership, all others from within.

Normally the majority and minority parties each nominate candidates, but it is not unusual for both parties to support the

same candidate, especially for the office of Chief Clerk or Sergeant at Arms where the incumbent has served for some years. Normally the elections are cut and dried, but on occasion in the past several ballots were necessary to make a selection. Well planned campaigns for some posts have been conducted after the November elections in some years.

It should be pointed out that while temporary staff may now be employed to open a session, under the present arrangements the employes of the new Legislature cannot be hired until after the election of officers because the officers choose their helpers from names certified to them by the Bureau of Personnel. This means that employes cannot be procured and trained until after the meeting of the first day. We must emphasize that all employes are selected after examination under the merit system.

Each officer, when he is elected, is escorted to the podium by a delegation of members and sworn in. The oath which each member and each officer takes is found in section 19.01 (1m) of the statutes and reads as follows:

"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 \_\_\_\_\_ to the best of my ability. So help me God."

6. The Organizing Resolutions. Both houses now proceed with the adoption of a series of simple resolutions setting themselves up in business. One resolution notifies the other house that they are organized. A second adopts the rules of the prior session as is or with amendments as the rules of the session. A third authorizes the Chief Clerk to arrange for a clergyman to open each daily session with a prayer. A fourth provides stationery for each member. A joint resolution approved by both houses notifying the Governor that the Legislature has organized is also adopted, and sometime near the beginning of the session the 2 houses seek to adopt the joint rules of the prior session with or without amendment.

These simple resolutions are generally much alike in both houses. The major differences are in those concerned with committee appointments and seating. We consider these under separate headings.

7. The Seating Arrangements. In the Senate the seating arrangements are made by the Committee on Committees whose recommendations are approved by the Senators. This committee, a group of 3 members, is created every session by resolution. In the Assembly a resolution is passed each session setting out the principles on which seating is based. Certain people including the women and those with physical handicaps are given first choice. Then the members of the prior session get their choice. Then those who served in prior sessions other than the last one can pick. Finally the new members select. In each category the majority party members get first choice in alphabetical sequence and then the minority party members.

8. Committee Assignments. While the assignment of members to committees does not normally occur until later in the first or second

week, it is an organizational detail in which the members would be interested. The committee assignments are proposed by the Committee on Committees in the Senate and approved by the membership. In the Assembly all standing committee assignments are made by the Speaker.

Members are generally given an opportunity to express a preference for committee assignments, but there is no assurance that their preference will be honored. There is no cut and dried procedure regarding the committee appointments. Seniority is given some consideration, as is party regularity and ability, but parties are not represented on all committees nor in their proportionate strength. By and large the choice committee assignments go to the members of the majority party with some experience who have shown ability to get things done and who follow the party line.

In the Senate members formerly served on only one committee, but now in both the Senate and Assembly members serve on more than one committee. In the Senate the work is divided among about 9 major committees while in the Assembly about 25 committees have some work although a few of them have very little to do and seldom, if ever, meet.

The standing committees in existence in 1961 were as follows:

Senate

Agriculture  
Conservation  
Contingent Expenditures  
Education  
Governmental and Veterans Affairs  
Highways  
Interstate Cooperation  
Judiciary  
Labor, Taxation, Insurance and  
Banking  
Legislative Procedure  
Public Welfare

Joint Committees

Finance  
Revision, Repeals and Uniform Laws

Assembly

Agriculture  
Commerce and Manufactures  
Contingent Expenditures  
Education  
Elections  
Engrossed Bills  
Enrolled Bills  
Excise and Fees  
Highways  
Insurance and Banking  
Judiciary  
Labor  
Municipalities  
Printing  
Public Welfare  
Revision  
Rules  
State Affairs  
Taxation  
Third Reading  
Transportation  
Veterans and Military Affairs

While this discussion has been confined to standing committees which are committees appointed for the duration of the session to expedite the handling of legislation, there are a variety of other kinds of committees. They include special committees which are

created for a particular purpose, interim committees which are normally study committees and act between legislative sessions, conference committees which are special committees created to seek agreement between the 2 houses on particular bills, investigative committees which are created to conduct a specific investigation, joint committees which are composed of members of both houses or members of the Legislature and others. By the careful selection of such descriptive terms it is possible to very clearly describe a committee. Thus a joint legislative interim investigative committee would be a committee consisting of members of both houses chosen to act during the interim in making an investigation.

9. The Physical Arrangement of the Legislative Personnel. The people associated with the legislative process might be divided into 6 groups according to their location. At the very front of the chamber is the presiding officer, normally the Lieutenant Governor in the Senate and the Speaker in the Assembly. He stands at the podium. Both houses have pro tempore presiding officers and provide for the temporary assignment of others to the task.

Immediately below and in front of the presiding officer is the Chief Clerk and his staff who do all the clerical work of recording what happens. In Wisconsin the Chief Clerk generally acts as the reading clerk, but in some states he acts more as the manager of the clerical staff. On his right sit the journal clerks who prepare the text of the journal, and on the left are the record clerks who make the necessary notations on all documents which flow through the legislative process. In Wisconsin only the actions are recorded. There is no verbatim report of the proceedings. The visible members of the Chief Clerk's staff are augmented by many additional clerical employes who work behind the scenes.

The third segment of the legislative personnel are the members of the house themselves. They occupy the floor on the chamber. The 33 Senators and 100 Assemblymen sit in accordance with a plan approved. Each member has a desk and is given certain documents essential to an understanding of what is going on. In the Assembly each desk has a series of buttons to operate the electric voting machine by which Assemblymen vote on roll calls.

The fourth segment of the personnel connected with the legislative process is the Sergeant at Arms staff. The Sergeant himself may occupy a seat near the front of the room, but his messengers are stationed so that they can run errands for the members. In addition his staff mans the document rooms and legislative post office.

Next is the press. They sit in the alcove to the right of the Senate Chamber and at tables at either side of the rostrum in the Assembly. These are the men and women who translate the legislators' actions into word descriptions which appear in the newspapers throughout the state.

Then there are the lobbyists, registered and voluntary, who appear on the legislative scene in some numbers. The registered lobbyists are those remunerated for their work, while the voluntary lobbyists are those who do it free. They are not permitted on the floor of the house before, during or after sessions, but may sit

in the spectators' seats, and frequently occupy a substantial portion of the space available.

Finally in the galleries we find observers watching the proceedings. Some of them are vitally interested in a piece of legislation under consideration. Others are interested in the legislative process generally. Some have no interest at all but are herded into the galleries as part of a school tour. Most legislators are only vaguely conscious of the spectators, but to other legislators, the appearance of a large audience is the automatic signal for them to rise and expand on the topic under consideration or any other item closely or even remotely related thereto.

10. The Documents on the Legislator's Desk. Beginning with the first day an ever-increasing pile of documents, which the legislator will presumably use with understanding, will accumulate on his desk. They include the following:

Bills. Each bill as it is printed is filed in numerical order in a cover on each legislator's desk; the Assembly bills in a black cover, the Senate bills in a red cover. As amendments are introduced and printed, they will be filed after the bill to which they apply. A bill is a proposal which, if enacted, will become law.

Joint Resolutions. Similar books are maintained on each legislator's desk for Senate and Assembly joint resolutions and amendments thereto. Joint resolutions are used to amend the state constitution, adopt joint rules, adjourn, memorialize deceased officials and Congress and deal with the internal problems of the Legislature as a whole.

Acts. As bills become law they are printed separately and filed numerically in a cover as are bills. One such book appears on each legislator's desk. After each 200 acts there will be a cumulative index to them.

Journal. Each morning the journal of the prior day's session, on colored paper, is laid on each member's desk, and in the course of the new day's session the prior day's journal is corrected and approved. As approved it is reprinted and ultimately bound and indexed. The journal is not a verbatim report of what is said, but merely a record of the actions taken.

Calendar. Each day's measures are scheduled in advance for consideration by each house, and as the session progresses, the schedule of bills becomes substantial. In fact, sometimes the schedule for a day is not completed and must be held over until the next day. This schedule is called the calendar, and a printed copy is on each member's desk when he arrives in the morning.

Bulletin of Proceedings. After the second week a cumulative weekly bulletin is prepared listing each bill, joint resolution or resolution by number, title and each step in the action thereon completed to date. The measures are also indexed by subject and by author, and the final issue provides an index to each action.

Hearing Bulletins. Toward the end of each week the program of public hearings for the next week is released as a bulletin listing each measure to be heard, the time of the hearing, and the room in which the hearing will be held.

Manuals. The rules of procedure for each house are published in manuals which provide a variety of other information. They are minutely indexed to assist the legislator in finding the rules applicable to specific situations.

11. The Routine Business Begins. Once the houses are organized, the routine business of introduction and consideration of legislative measures begins. It is a foregone conclusion that some 1,500 bills will be introduced in the course of a normal session, not because that number of bills is necessary to provide the changes in the law, but because it is customary for the Legislature to provide great freedom in the introduction of measures. The same bill may be introduced at least twice; once in each house, or sometimes even more than once in either house.

12. The Executive and the Legislature. It is customary at the conclusion of the organizational ceremonies for the Legislature to notify the Governor by joint resolution that both houses are organized and that they are prepared to receive any communications he may wish to submit to them. This is the invitation for the Governor to give his state of the state message reciting the objectives which he may have for his administration including specific legislative proposals. Within the first week the Governor normally gives his message either in person or by submitting it to the chief clerks for reading.

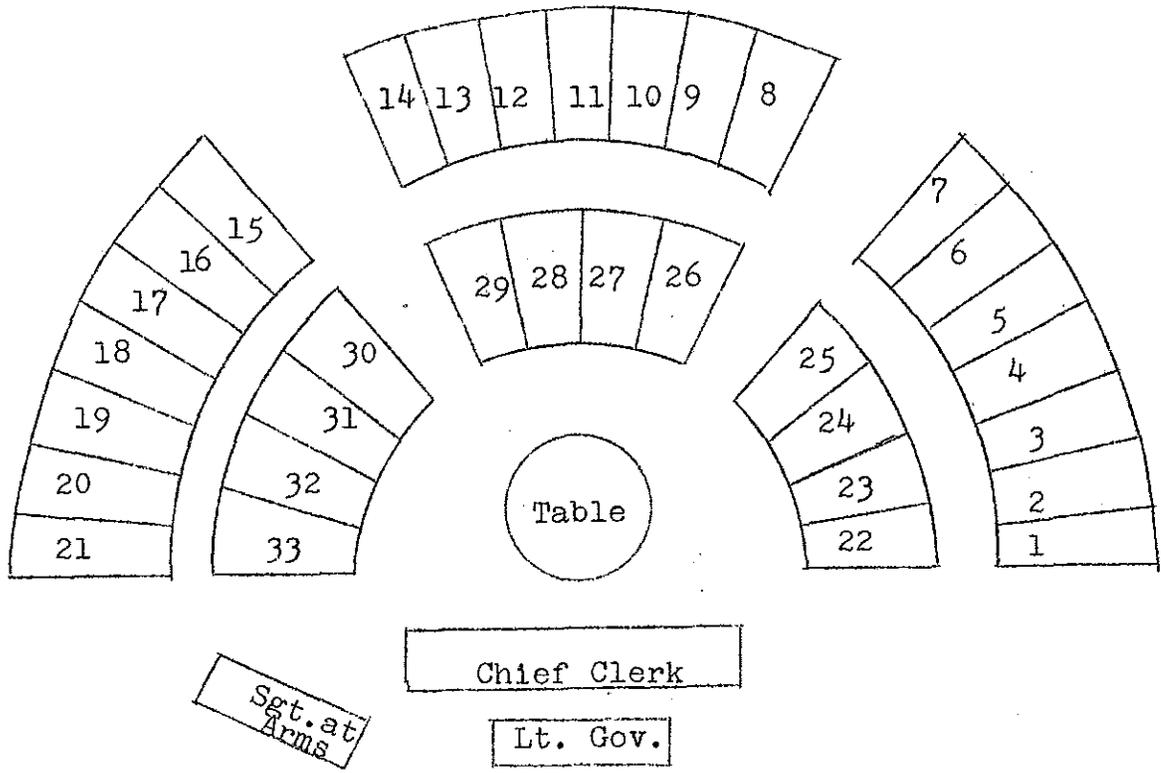
Wisconsin operates under what is called an executive budget which means that the governor prepares a biennial budget for the Legislature to consider. When he submits it, he normally presents a message explaining its contents.

From time to time during the session the Governor may seek to address the Legislature on special subjects. Normally the Legislature acquiesces to his request to be heard, but in 1962 the Legislature refused to hear a message on reapportionment.

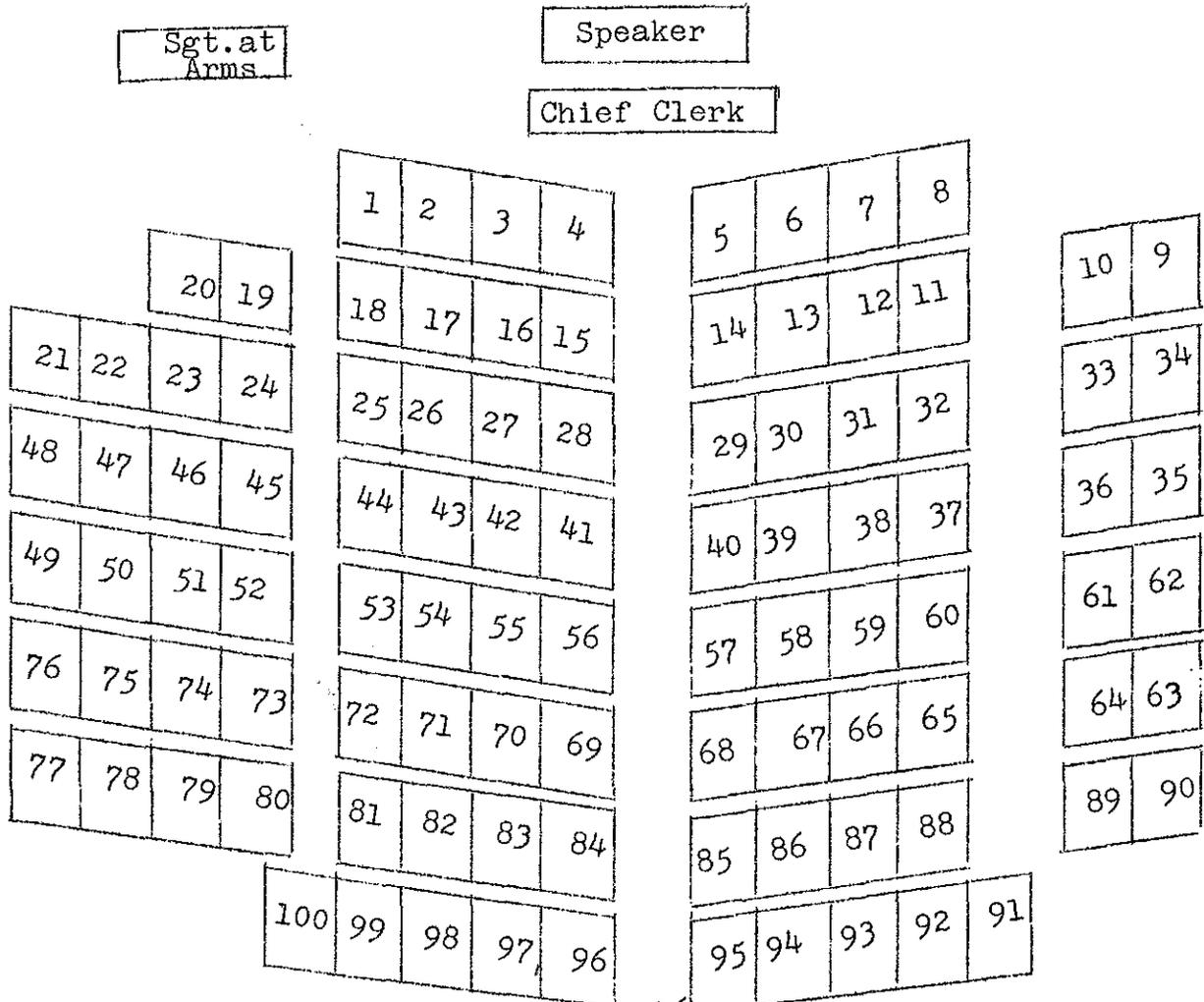
The Governor has an opportunity to act on all bills which pass both houses, and if he chooses to reject any of them, he must accompany his veto with a message setting forth the reasons for his veto. The Legislature may then seek to pass the measure over his veto by a two-thirds vote.

Throughout the legislative session the Governor and his staff seek support for his legislative program, and the Governor may, if he feels it desirable, appear before standing committees in behalf of his program.

SEATING ARRANGEMENT IN SENATE



SEATING ARRANGEMENT IN ASSEMBLY



#### IV. THE BASIC PRINCIPLES OF LEGISLATIVE PROCEDURE

1. The Rules of Procedure. In order that the Legislature proceed in an orderly fashion, there must be some rules of procedure. These are in part constitutional, in part statutory and in part provided by joint rules and the rules of each house. If any gaps remain, they are covered by Jefferson's manual of parliamentary practice. The National Legislative Conference recommends that Mason's Manual be substituted for Jefferson's or given parallel status.

Both houses publish a manual containing the applicable constitutional and statutory provisions, joint rules and rules of the house. At the outset of each session, the houses adopt by joint resolution the joint rules of the prior session with acceptable changes. Secondly, each house by simple resolution adopts its own rules with acceptable changes. Both these actions are taken by a simple majority, but once the rules are adopted, changes can be made only by a two-thirds vote in the Senate and by a simple majority in the Assembly.

In the course of the session questions are frequently raised regarding procedure. They are addressed as points of order to the presiding officer who is known as "Mr. President" in the Senate and "Mr. Speaker" in the Assembly. The chair may render a decision at once or take the point under advisement and render a decision later. Meanwhile the proposal under consideration is held in abeyance. When the presiding officer finally makes his decision, he may render a written statement which is subsequently incorporated in the rule as a precedent. Only in the Senate on questions of germaneness is there a limit on the length of time which the presiding officer can hold a measure under advisement.

If the legislator who raised the point of order does not agree with the decision of the chair, he may appeal from the decision of the chair and the motion is "Shall the decision of the chair be sustained?" If a majority vote "aye" the decision stands. Otherwise it is reversed.

It is essential that the rules be adhered to in order that there be no doubt as to the legality of legislation enacted. There are certain steps which must be adhered to if a proposal is to be valid. In other cases, while the procedure should be followed, failure to follow it has not invalidated an act. A veto, for example, is not effective unless the reasons for it accompany it and a banking bill is not valid unless passed with a roll call, but certain other steps may and frequently are dispensed with without adversely affecting the proposal.

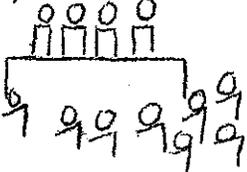
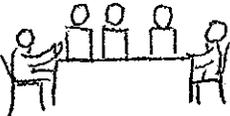
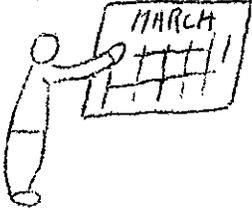
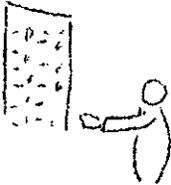
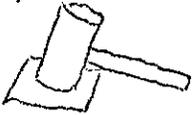
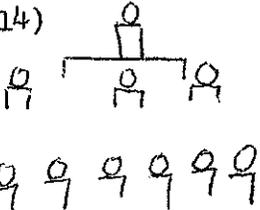
Basically the rules were devised to expedite legislation and should not be used to delay the process. It has been said that it is not so important what the rules are so long as there are rules.

2. The Kinds of Legislation. There are essentially 3 kinds of legislative proposals; bills, joint resolutions and resolutions.

Bills result in laws and require passage by the house of origin, concurrence by the second house, and action by the Governor. Bills become laws if the Governor signs them or if he permits them to become laws without his signature by failing to sign them within 6 days

COURSE OF A BILL INTRODUCED IN THE ASSEMBLY

This basic sketch does not consider many variations from the simplest process.

<p>(1)</p>  <p>Bill introduced by member, group of members, committee or Legislative Council.</p>	<p>(2)</p>  <p>Referred to Com. on Revision for correction of form. Returned to house.</p>	<p>(3)</p>  <p>Read by title by Clerk; referred to committee by Speaker. May omit (4) and (5) and go to (6).</p>	<p>(4)</p>  <p>Public hearing before committee.</p>
<p>(5)</p>  <p>Committee executive session makes recommendation on bill and returns it to Assembly.</p>	<p>(6)</p>  <p>Bill referred to calendar for 2nd legislative day.</p>	<p>(7)</p>  <p>Bill before house; question is on engrossment.</p>	<p>(8)</p>  <p>Bill is debated on floor of Assembly.</p>
<p>(9)</p>  <p>Amendments from the floor are introduced.</p>	<p>(10)</p>  <p>Debate is closed by vote to engross and read a 3rd time. Referred to committee for engrossment.</p>	<p>(11)</p>  <p>Engrossing clerk makes copy of bill as amended.</p>	<p>(12)</p>  <p>Bill ready for 3rd reading. Debate, but no amendment. If passed, transmitted to Senate.</p>
<p>(13)</p>  <p>Procedure in Senate similar except committee consideration may be omitted.</p>	<p>(14)</p>  <p>Senate votes on concurrence. If rejected, bill is dead. If concurred in, bill is enrolled.</p>	<p>(15)</p>  <p>Bill is enrolled in Assembly and signed by officers.</p>	<p>(16)</p>  <p>Governor considers bill. He may sign, veto or fail to act.</p>

during the session or are passed over his veto. Most bills affect the statutes which are the permanent coded law of the state. Other bills if enacted into law are described as session laws and do not become part of the permanent code or statutes.

Joint resolutions are devices used to get agreement between the 2 houses on matters not requiring the Governor's approval. They relate to such things as the joint rules, memorials to Congress, the initiation of interim studies, the eulogy of deceased dignitaries, and amendments to the State Constitution.

Resolutions deal with the internal operation of a house and concern matters affecting the membership of that house only.

Bills and joint resolutions are printed in slip form immediately upon introduction, and copies are placed on the members' desks as soon as received. Resolutions are printed in full in the journal upon introduction, but are not printed elsewhere.

Bills, joint resolutions and resolutions are each numbered consecutively in each house, and the suffix "S" and "A" is added to indicate the house of origin.

Bills as enacted into laws are called acts and as acts are numbered consecutively in order of their enactment regardless of the house of origin. They are likewise printed individually when enacted, and are filed on the members' desks in numerical order.

Joint resolutions when adopted and concurred in may be enrolled, and if so, they receive consecutive numbers beginning with 1. All joint resolutions which are approved are not, however, enrolled. There is, therefore, no sure way of knowing from the number if a joint resolution has been approved or not.

Resolutions retain the same number whether or not adopted.

3. The Anatomy of a Bill. Article IV, Section 17 of the Constitution provides that "...no law shall be enacted except by bill." Bills may create a new law or amend or repeal existing law or do a combination of these things.

A bill has several parts and an understanding of the parts will help in an analysis of the proposal.

Bill Number. Bills are numbered consecutively in order of introduction for each house beginning with number 1. The house in which introduced is designated by the letter "S" for Senate and "A" for Assembly appearing directly after the number.

Title. The title starts out "A Bill to...". It normally has 2 parts; a list of existing statutes or session laws affected by it and a short statement of what the bill is about, called the relating clause. If the bill appropriates money, provides a penalty or establishes rule-making power, the title includes the provisions "and making an appropriation, providing a penalty or establishing rule-making powers."

Enacting Clause. The next part of the bill is the enacting clause which states "The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:" This is required by article IV, section 17 of the Constitution and without it, the bill has no validity.

Body of the Bill. The remainder of the bill is the substance of it. Most bills affect the statutes or general law. Thus the parts of the bill follow the numerical sequence of the sections of the statutes they affect. Parts of a bill affecting sections 40.05, 59.71 and 102.61 would appear in that order although the first section may amend, the second repeal and the third create. If the proposal is temporary in nature or for some reason does not affect the statutes, the sections of the bill follow in a logical sequence.

If the bill repeals an existing provision, the bill merely states that the section is repealed. If the bill creates a provision, the text of the new material is given. If the bill amends a provision by deleting some and adding other material, the material being deleted is stricken through and the new material is underlined in the typed version of the bill and italicized in the printed version.

Mechanical Section. At the end of the bill provisions relating to the effective date, nonseverability of sections, conditions under which it becomes effective, and other processes necessary for the proper enactment of the proposal are included if any are required, but only if some special arrangements are contemplated.

Fiscal Notes. Since 1957 each proposal which increases or decreases the cost or revenues of state government must have a note attached to it showing what the effect will be. The requestor is informed that a measure needs a fiscal note when he picks up the draft. He may direct that the note be secured then and hold off introduction until it is received or he may introduce the measure whereupon the fiscal note is procured automatically thereafter. No vote may be taken on a measure requiring a fiscal note until the note is procured.

4. Acts, Session Laws and Statutes. The laws enacted by the Legislature and signed by the Governor, permitted by him to become law without his signature or passed over his veto are published in 4 different forms. After both houses have approved identical versions of the proposal, it is enrolled by the Chief Clerk's office in the house of introduction. This entails inserting all the approved amendments in the bill and its reproduction in that form. 1,200 copies of this version are then printed and a copy is sent to the Governor in that form for his consideration. If he signs it or permits it to become law without his signature, the bill is given an act number and published in the official state paper, which in recent years has been the Wisconsin State Journal, published in Madison. The 1,200 copies are called an act or slip law and copies of them are placed in numerical order in covers on each member's desk. Additional copies may be obtained from the document room.

When the session is over, the Secretary of State assembles all the acts in numerical order and publishes them in a volume called the

session laws. It also contains such things as the more significant joint resolutions, an index to the sections of the statutes affected by those acts prepared by the Revisor of Statutes and a subject-matter index also prepared by the Revisor.

In recent years the Legislature has adjourned early in the summer temporarily and has returned in the fall for a short session to clean up the loose ends. Generally this adjourned session has passed some laws, and these have been published in a second volume of the session laws.

If a special session of the Legislature is held, the acts passed by it may be published as a separate volume or published in the session laws of the next regular session. The 3 acts passed by the 1958 special session were published in the front of the 1959 session laws.

Finally most of the acts passed by a Legislature are integrated into the statutes after each session and the statutes are republished. The statutes are a compilation of all but a few of the general laws in effect in the state. As we have said this 2-volume work is republished each biennium and sold. It puts into compact form the overwhelming proportion of the existing laws.

The statutes are organized on a subject-matter basis and all laws relating to a particular subject are in a separate chapter. Thus, Chapter 13 relates to the Legislature, Chapter 40 to Public Schools, Chapter 59 to Counties, Chapter 70 to Property Taxes, etc. Each chapter is broken down into sections, subsections, paragraphs and subdivisions, and each act of the Legislature which deals with the statutes creates, amends, repeals or renumbers a specific section or part thereof of the statutes.

5. The Genesis of a Legislative Measure. How does a legislative measure come into being? While it is true that some ideas which result in legislative proposals originate with the legislators themselves, many of the proposals which come before the Legislature are at least suggested by a variety of other sources. In fact, every conceivable source of ideas is a source of a legislative proposal. There are, however, perhaps a half dozen usual sources of proposals.

The legislator himself may seek office on the basis of certain proposals which he feels should be enacted into law or may evolve specific proposals after he has come into office.

The Governor, in his message on the state of the government, in subsequent special messages or as part of his program for the effective administration of the state government may propose broad or specific measures to be considered by the Legislature.

The many agencies of state government which carry out the laws may similarly suggest new programs for the state to carry out changes in existing programs or minor adjustments of existing laws to make their administration more effective.

The Legislature itself, through its vast machinery of interim studies may trigger a variety of proposals varying from major

revisions of the substantive law to minor changes to improve administration.

Special interest groups representing such varied interests as the farmers, hunters, veterans, barbers, tree trimmers, merchants may through their organization submit specific proposals or general suggestions for legislative measures.

Individual citizens may suggest ideas or specific proposals to solve problems in which they have a broad interest or a specific difficulty.

All of these proposals, generated by an almost limitless variety of sources, constitute the supply of ideas upon which the work of a legislative session is based. Some represent sound proposals carefully worked out, others may be impractical, crackpot or selfish suggestions. The legislators must screen these many suggestions and proposals as they come to them in an effort to keep the legislative program within reasonable limits.

No state of which we are aware offers a greater opportunity to the people as individuals or as members of special interest groups to have their proposals considered by the Legislature than does Wisconsin. Proposals of merit can be exposed to legislative scrutiny with relative ease if the originators have a basic understanding of the legislative process. Little success can be anticipated if the proposal is initiated in the last days of the session when the work load is overwhelming, and programs which entail tremendous technical preparation and study normally do not succeed if introduced too late.

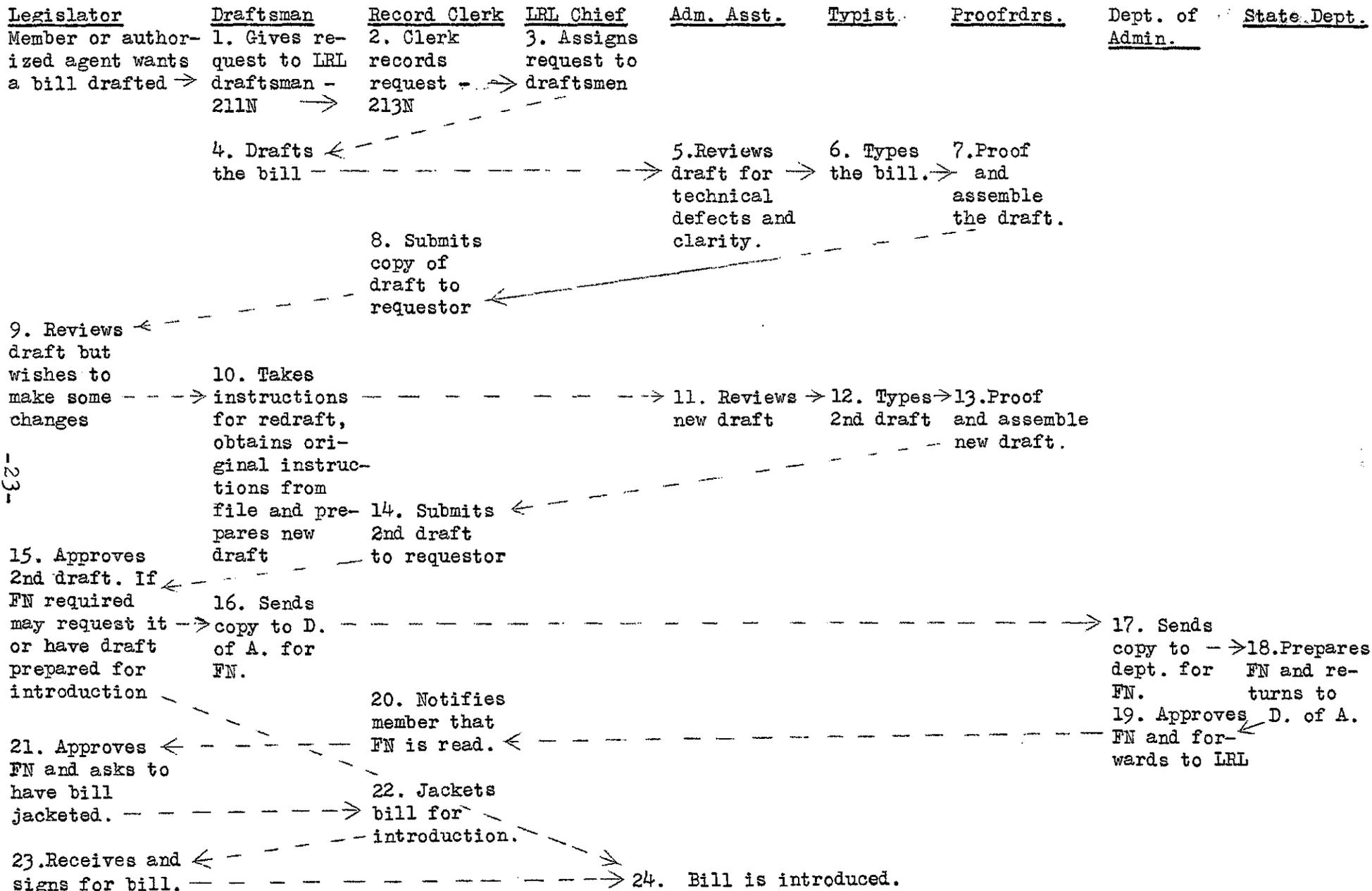
6. How to Get a Bill Drafted. Not only are many legislators committed to the introduction of certain measures as a result of their campaign promises and election but before the session is over, many of them will have been requested by their constituents to seek the enactment of some changes in the laws. In some states legislators must have their proposals prepared on their own initiative by a variety of sources including private attorneys. In Wisconsin the Legislative Reference Library will draft a legislator's proposals free of charge.

How does a legislator proceed to get a bill drafted? He can visit the office of the Legislative Reference Library in the north wing of the second floor of the Capitol, and explain what he wants to a bill draftsman, or he can send a letter explaining his request. If one of his constituents asks him to introduce a bill, he can bring in whatever information he receives or send such person to the library with the request that the bill be drafted. Drafts are not prepared by the Reference Library for private citizens without a request from a legislator or committee.

It is the task of the Legislative Reference Library to put the legislator's ideas into proper form and not to furnish the ideas.

The work of the Legislative Reference Library is confidential. A request is not disclosed to anyone until it is introduced. Thus, if the legislator does not know the details of what he wants, he must provide permission for the draftsman to talk to someone who knows

PREPARATION OF MEASURES FOR INTRODUCTION IN WISCONSIN LEGISLATURE



what must be done if he is to complete the job.

Once a draft of a proposal is prepared, it is submitted to the legislator for approval. If it does not meet his desires, it will be changed until it is correct.

When the legislator finally approves the bill, it is prepared for introduction. The bill draftsmen are located in Room 211N. Legislators can pick up bills and approve fiscal notes at the counter in Room 213N.

With 133 individual legislators, many committees, state agencies and others all seeking prompt drafting service, the burden is great. It takes time to evolve a high grade draft. The difficult we do at once, the impossible takes a little time.

7. Introduction of Bills. Any bill may be introduced in either house of the Wisconsin Legislature by any member or group of members of the house, any legislative committee or the Legislative Council. There are 2 major restrictions on this privilege. The first is that all bills must be introduced under the proper order of business. If legislators were able to jump up at any time to introduce measures, the session would soon be in bedlam. Therefore the daily work is divided into various orders of business, one of which is the introduction of bills, and when that order is reached or returned to, bills may be introduced.

The second restriction on the privilege of introducing bills is Joint Rule 18 which provides that the time for the introduction of bills shall expire with the 44th day of the legislative session. Only if the title is submitted to the Legislative Reference Library within the 44 days and the material for the bill is submitted by the end of the 58th day may the bill be introduced after that date. Thus it is important to have the titles to bills in the hands of the Legislative Reference Library by the end of the 44th day and the instructions in their hands by the end of the 58th day.

It is still possible to get bills introduced after the deadline, but the process is quite cumbersome. It may be done by:

- a. Unanimous consent.
- b. Suspension of the rules.
- c. Through the Joint Committee on Finance.
- d. Through the Senate Committee on Legislative Procedure.
- e. Through the Assembly Committee on Rules.
- f. Through the Joint Committee on Revisions, Repeals and Uniform Laws.

8. An Outline of the Steps in Considering Legislation in the House of Origin After Introduction

(1) The bill is read by title and referred to a standing committee.

In the Senate it is read once; in the Assembly twice.

In the Senate  
it is referred to

In the Assembly it is first  
referred to the Committee on Revi-  
sion for correction and when  
reported out favorably, it is  
referred to

A  
STANDING  
COMMITTEE

THE  
CALENDAR

(2) IF IT GOES TO A STANDING COMMITTEE,  
THE COMMITTEE MAY

Hold a public hearing  
and then

Do nothing until  
the bill is with-  
drawn by the house

Hold an executive session  
at which they recommend  
that the house

Pass it

or

Amend it  
and pass  
it

or

Indefinitely  
postpone it

or

Amend it and  
then kill it

(3) When it is returned to the House

This is the  
end

It is debated and

Engrossed

or

Amended and Engrossed

or

Indefinitely postponed

This is the end

(4) After engrossment, it is placed on the calendar again and when it comes up, it is read a third time, debated a second time, but not amended, and then

Passed

or

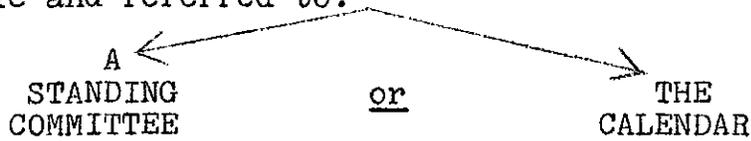
Indefinitely  
postponed

This is the end.

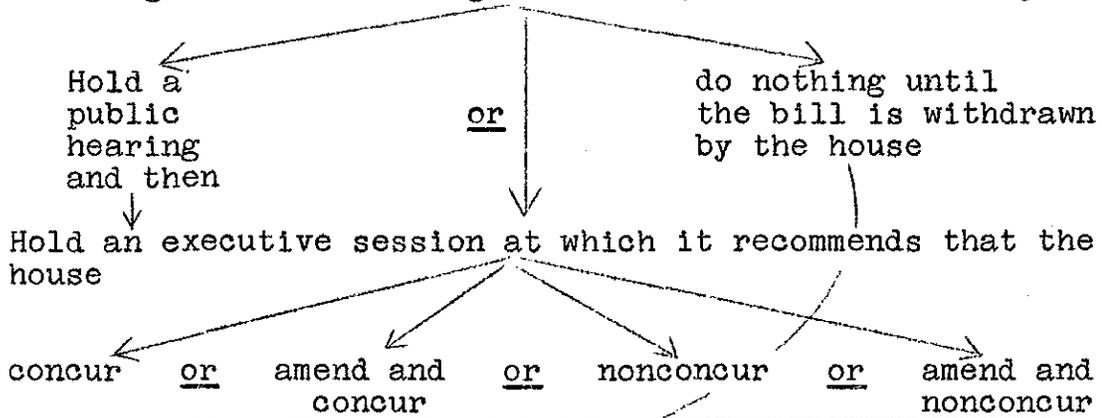
(5) If it passes, it is messaged to the other house after one day has elapsed during which a motion to reconsider may be entered.

9. An Outline of the Steps in Considering Legislation in the Second House

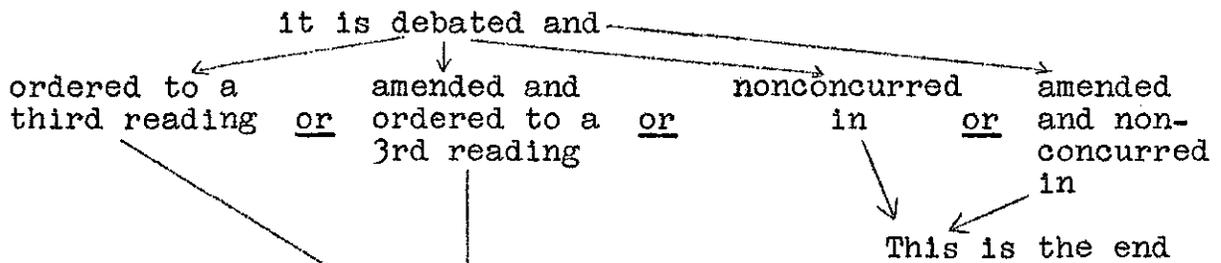
(1) Upon receipt from the house of origin, the bill is read by title and referred to:



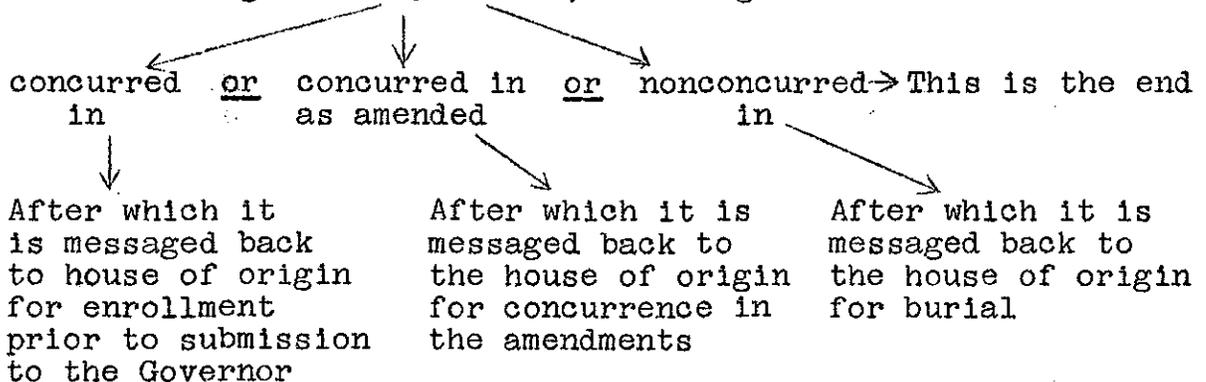
(2) If it goes to a standing committee, the committee may:



(3) When the proposal is returned to the house



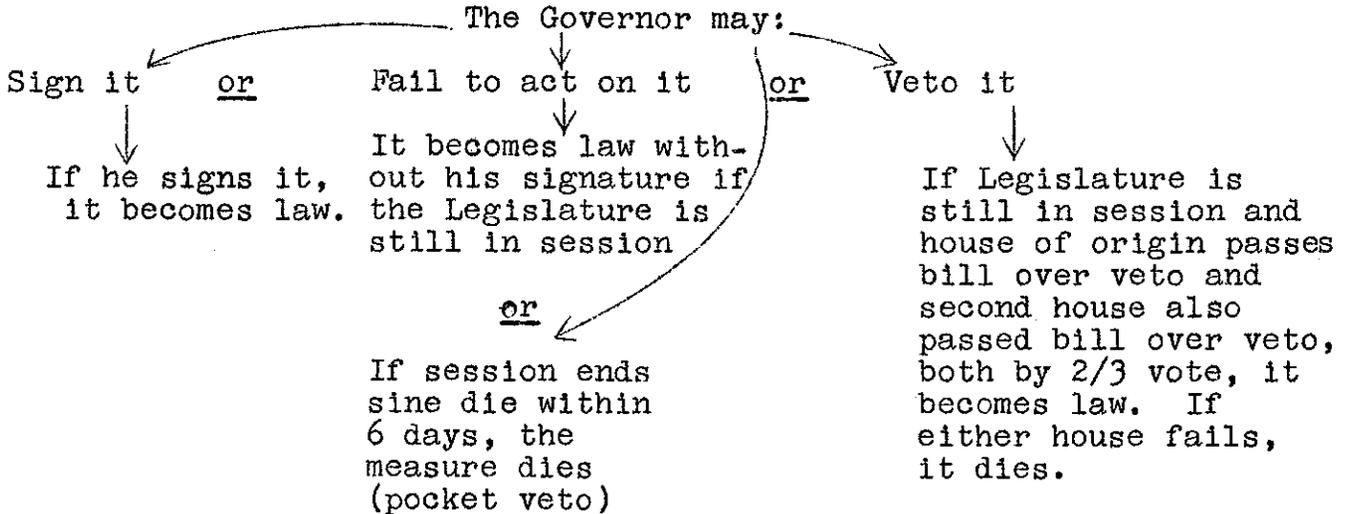
(4) After being read a 3rd time, it is again debated and



(5) It is messaged back to the house of origin.

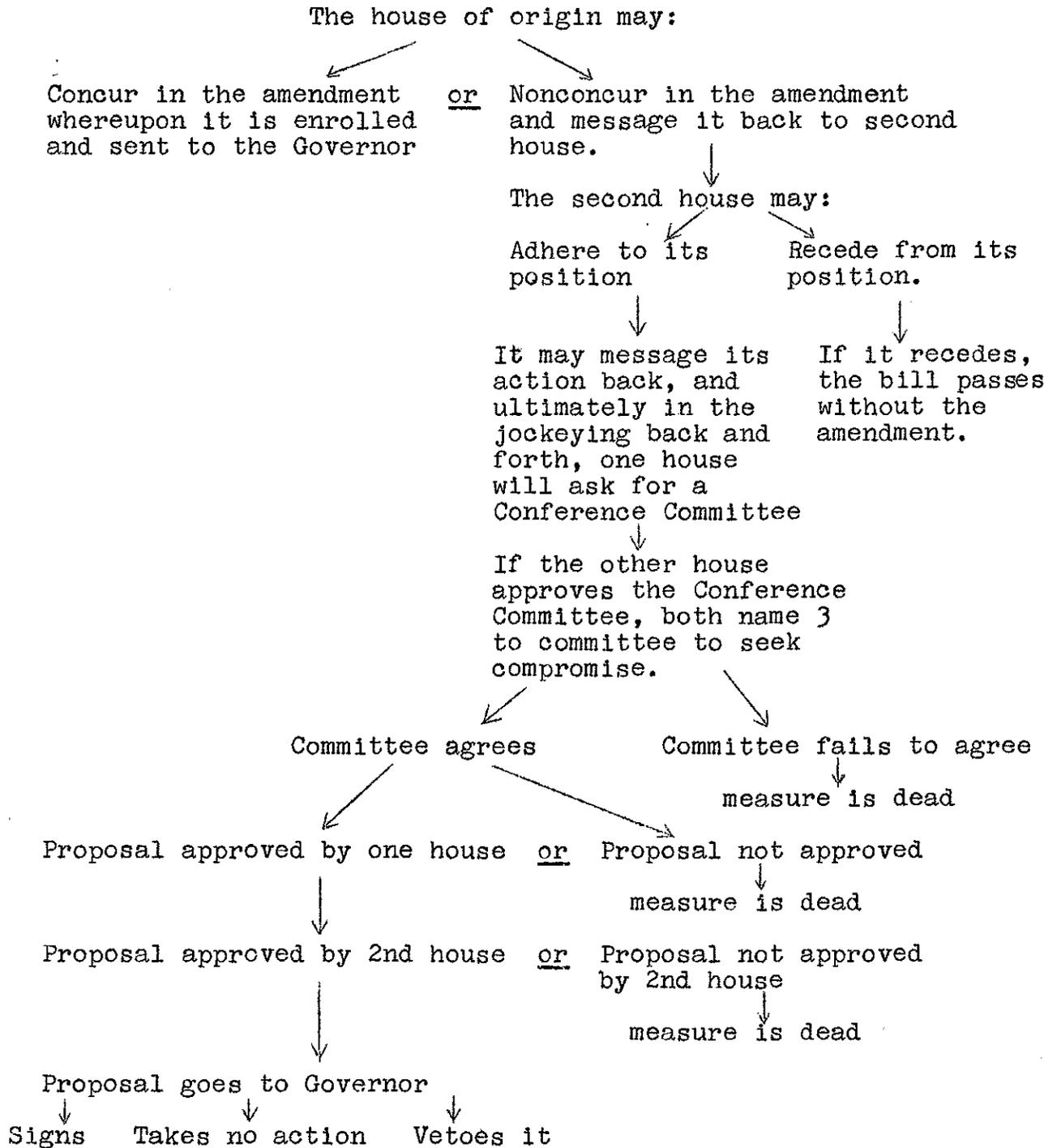
10. An Outline of the Steps a Governor May Take in Acting on Legislation

After the measure has been passed and concurred in and signed by the presiding officers of both houses and the Chief Clerk of the house of origin, the bill is submitted to the Governor.



11. An Outline of What Happens if the Second House Amends a Proposal and Concur in It as Amended

The proposal is messaged back to the house of origin



12. Introduction of Amendments.

There are 3 situations in which amendments are normally introduced to measures.

- (1) At any time after a measure is introduced, a person may request that it be withdrawn from wherever it rests for the purpose of introducing an amendment and returned. This is normally done by unanimous consent.
- (2) During the public hearing on a proposal, changes are often suggested by persons making an appearance. The committee may have such changes formalized, and report them out as amendments.
- (3) Once the proposal is under discussion and prior to engrossment amendments may be introduced.

13. Order of Considering Amendments.

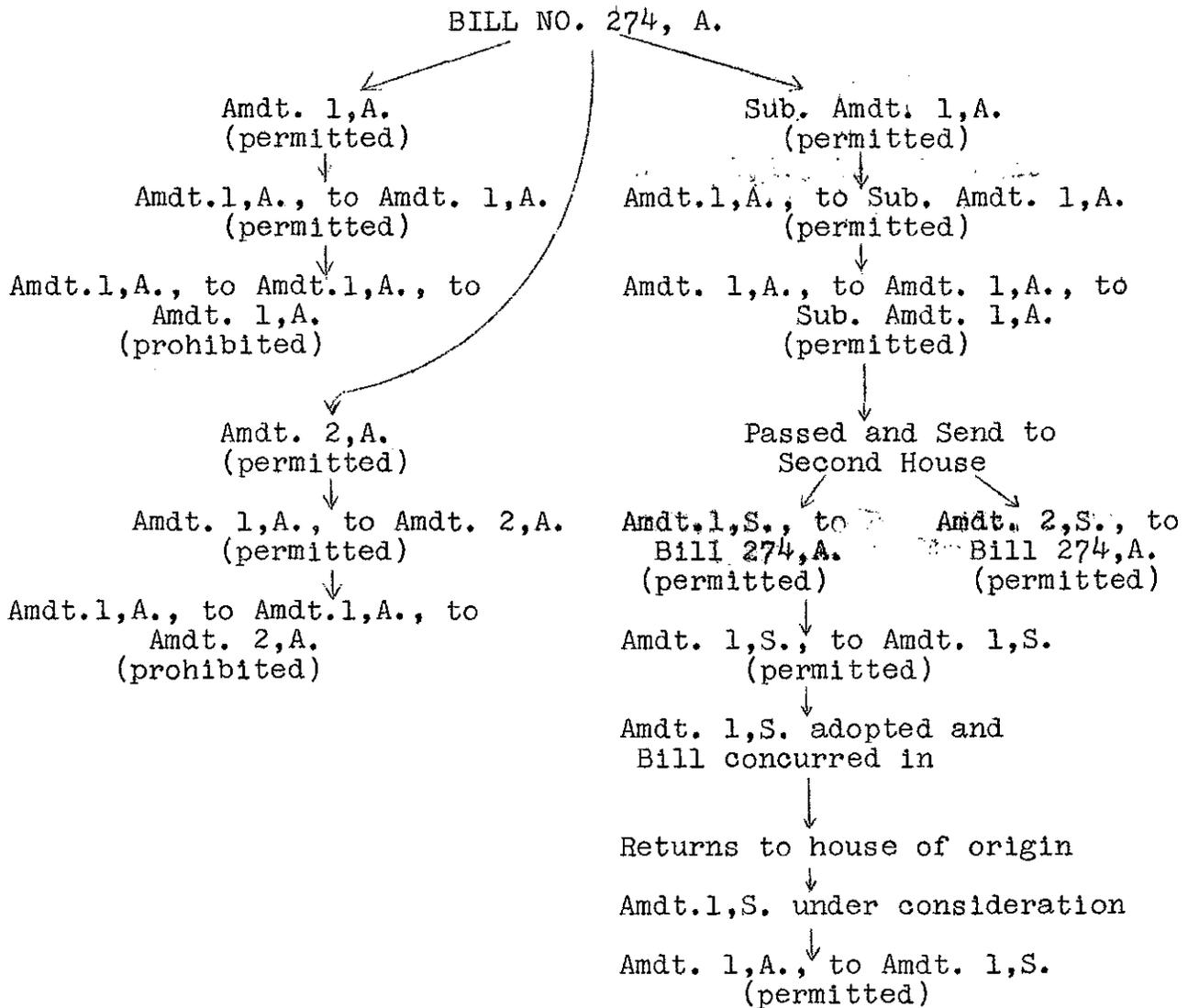
If each amendment were disposed of as soon as it was introduced, the order of consideration would not be an issue, but if the proposal reaches the engrossment stage with a variety of amendments attached, the issue of which amendment comes first arises.

The 2 houses differ on this procedure. Given the same combination of amendments in each house, the order of consideration would vary as follows:

<u>Assembly:</u>		<u>Senate:</u>	
<u>Order of Introduction</u>	<u>Order of Action</u>	<u>Order of Introduction</u>	<u>Order of Action</u>
Bill 100, A.	9	Bill 252, S.	
Amdt. 1, A.	5	Amdt. 1, S.	1
Amdt. 2, A.	6	Amdt. 2, S.	2
Amdt. 3, A.	7	Amdt. 3, S.	3
Amdt. 4, A.	8	Sub. Amdt. 1, S.	4
Sub. Amdt. 1, A.	4	Sub. Amdt. 2, S.	7
Sub. Amdt. 2, A.	3	Amdt. 1, S.	5
Amdt. 1, A.	1	Amdt. 2, S.	6
Amdt. 2, A.	2	Bill itself	8

14. Permitted Degree of Amendment.

Senate Rule 51 and Assembly Rule 53 (4) (1961 version) both prohibit amendments to the 3rd degree. The following diagram illustrates the permissible and prohibited degrees.



15. Motions to Reconsider an Action

A motion to reconsider an action may be made:

- a. Immediately after the action to be reconsidered is taken under which condition it is considered immediately.
- b. On the same day under the 3rd order of business in the Assembly or under any order of business in the Senate.
- c. On the next day under the 3rd order of business in the Assembly or under any order in the Senate.

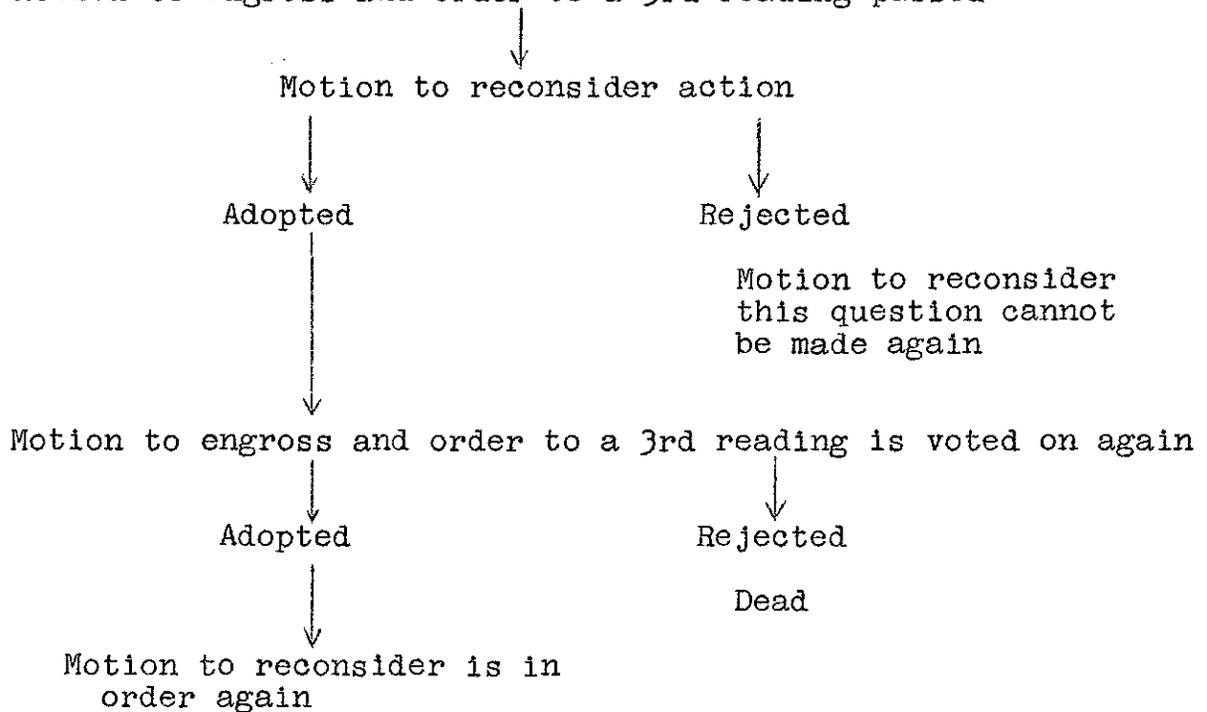
Exception. In the Assembly the motion for reconsideration can be made only at the end of a phase of the proceedings.

A motion to reconsider may be made by:

- a. Any member who voted with the prevailing side.
- b. Any member present if no roll call was taken.

Illustration of Procedure

Motion to engross and order to a 3rd reading passed



As long as the motion to reconsider is adopted, it may be raised again. Once it fails, it cannot be raised again at that phase of the proceedings.

16. Methods of Adjourning

(1) Simple motion to adjourn

Motion "I move we adjourn."

Not debatable.

Not amendable.

It means that the house adjourn until 10 a.m. on the next day not including Sundays or holidays except as affected by (3).

(2) Motion to adjourn to time certain

Motion "I move that we adjourn until 9 a.m. on Wednesday"

Debatable.

Amendable.

It means that the house adjourn to the time specified.

(3) Motion to set the time of adjournment.

"I move that when we adjourn, we adjourn until 1 p.m. tomorrow."

Debatable.

Amendable.

It sets the time of adjournment in advance. This motion is debatable and amendable, but when the motion to adjourn is made subsequently, that motion is not debatable or amendable.

17. Suspension of the Rules.

The purpose of suspension of the rules is to make it possible for a house to act unhampered by the provisions of its rules or the joint rules.

It is possible to suspend the rules of the house or the joint rules, but not possible to suspend the application of the statutes or constitution to the legislative process.

Suspension of the rules applies specifically to the rules required to take a particular action at a particular time and not to a blanket suspension of all rules for an extended time.

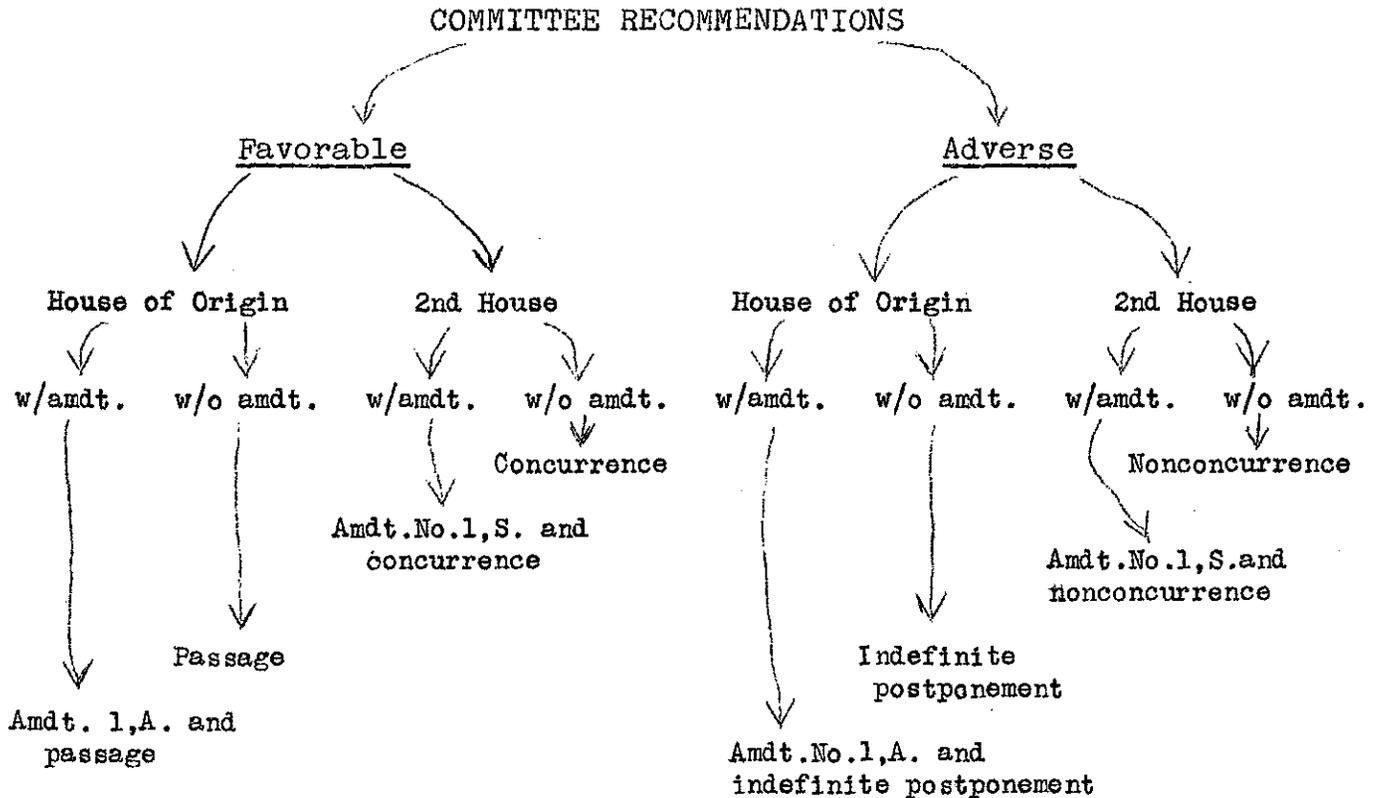
As a general rule suspension of the rules applies to:

- a. Situations where it is desired to advance a proposal more rapidly than the rules provide.
- b. Situations in which there is a desire to deviate from the normal procedure.

It is accomplished in the following manner: A member may ask unanimous consent that rule No. \_\_\_\_\_ be suspended and that (for example) the bill be considered for final passage at this time. If there is no objection, his request is granted. If there is objection, he may move that rule \_\_\_\_\_ be suspended and that (for example) the bill be considered for final passage at this time. If under Senate Rule 90, Assembly Rule 93 or Joint Rule 15, two-thirds of the members present vote favorably, the rules are suspended.

18. Committee Recommendations.

Most bills are referred to standing committees for preliminary screening. While some bills are withdrawn from committee before they can be reported out, most bills are reported out by the committee, and generally the house follows the recommendation of the committee in disposing of the bill. The following diagram depicts the various recommendations which the committee can make and the effect thereof.



NOTE: The recommendation for amendments may include substitute amendments as well as simple amendments. Senate committees report back all amendments in their possession whether their recommendation is favorable or adverse. Assembly committees report out only amendments on which their report is favorable.

19. Voting in the Legislature.

There are several methods of voting in the Wisconsin Legislature. First and foremost is the roll call in which the vote of each member present is recorded. In the Senate this is done by calling the roll. In the Assembly this is done with the voting machine which was the first such device used by a state Legislature in this country. Such a vote is required on all banking bills, joint resolutions to amend the Constitution and appropriation measures. In addition it may be demanded by one-sixth of the members present in the Senate or Assembly. The roll call is recorded in the journal which is on each member's desk when he arrives the next morning. In the Assembly when the voting machine is used, copies of the vote on any question may be secured immediately if they are requested from the Chief Clerk in advance. Normally each house has about 1,000 roll calls a session, but in 1961 there were 1,788 in the Senate and 1,955 in the Assembly.

The second method of voting is by voice vote. Under this method those in favor of a proposition vote "aye" when requested, and those opposed vote "no" when requested. The presiding officer determines the vote on the basis of the apparent number of members who voted with the majority.

The third method of voting is less tangible, but nevertheless important. It is the method of unanimous consent. By this process a member rises and asks unanimous consent that he be permitted to introduce a bill, for example, and if no objection is imposed, he may do so. Thus by failing to raise an objection, and remaining silent, the members vote for consent. If all present remain silent, it is assumed that unanimous consent exists. The most frequent use of unanimous consent is to suspend the rules.

Normally, a majority vote of those present is required. In certain cases, however, a two-thirds vote is required. Normally the presiding officer will warn the members in advance when a roll call or when more than a simple majority is required.

There is a precedent which requires that a member present in his seat must vote "yes" or "no". Unless the house is under call, however, a member is not required to be in his seat.

## V. LEGISLATIVE SERVICE AGENCIES

### Introduction

Behind the elected members of the Legislature there is a substantial number of additional people who assist the legislators in their work. A few of them who sit at the rostrum or run errands during the session are seen every day, but they constitute only a small part of the organization.

Over the years the number of people assisting the legislators and the functions they perform has increased. Prior to the turn of the century only the most essential services were provided, but subsequently Wisconsin pioneered in providing many new services such as permanent statute revision, reference assistance, bill drafting. By the late 1950's most of the essential services provided anywhere were offered in our state.

Only in the area of fiscal review and postaudit and in providing high level staff assistance to the leaders is the Wisconsin organization weak. There is no staff agency connected with these functions directly under the control of the Legislature although the Department of State Audit and the Bureau of Management of the Department of Administration work very closely with the Legislature.

Wisconsin's legislative staff organizations are relatively modest. In some states each legislator has a secretary and there are many independent interim study committees.

The diagram on the following page illustrates the organizational pattern of the legislative service agencies in the state.

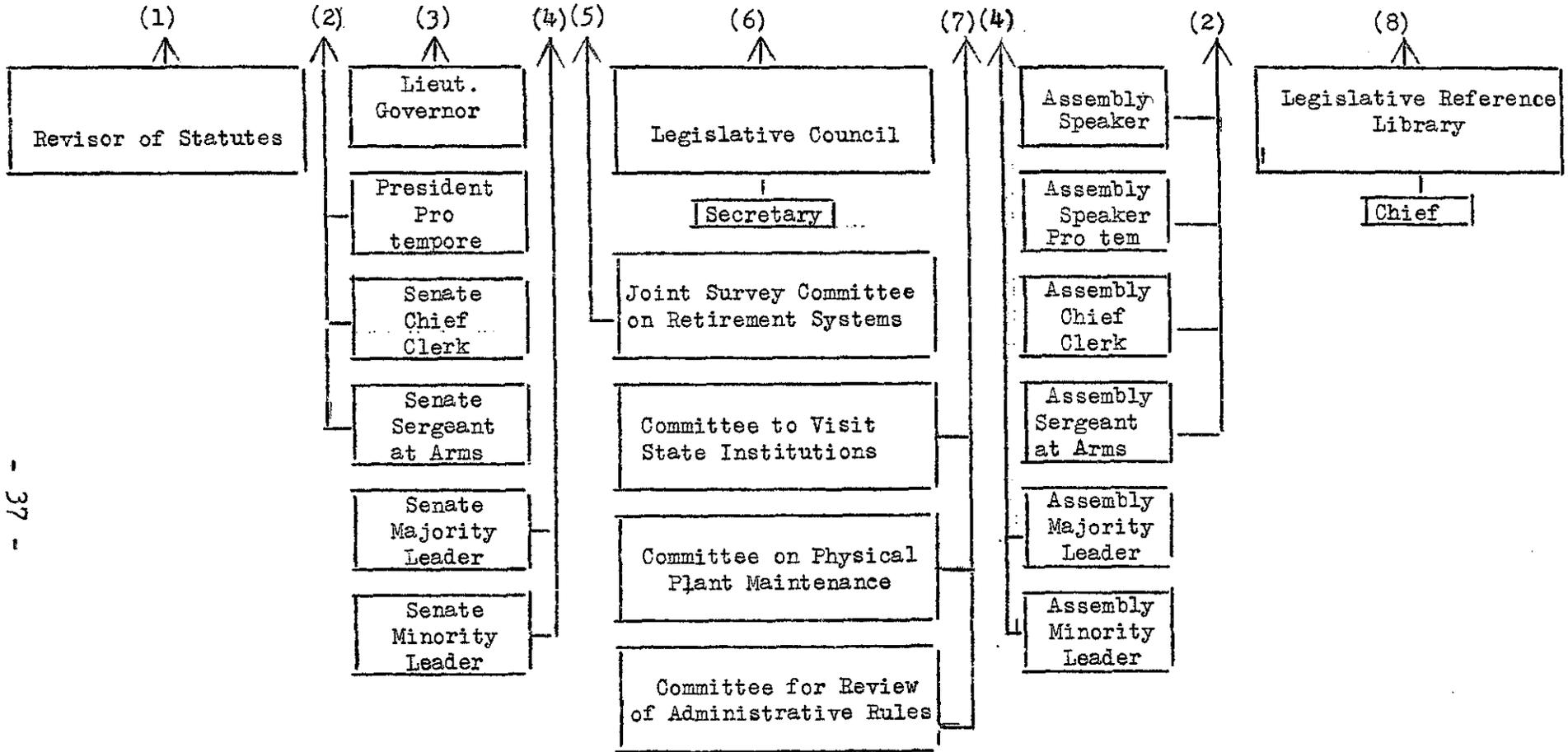
#### 1. The Staff of the Senate and Assembly.

To facilitate the work of the Legislature a substantial number of clerical employes are selected under the merit system by the Chief Clerk and Sergeant at Arms of both the Assembly and Senate. Several of these people are regularly employed in other positions in state departments during the interim period. Others are part-time employes, frequently University students.

The clerical employes selected by the Chief Clerk consist of 2 types. There are some who work directly under the Chief Clerk in connection with bill revision, typing engrossed bills, keeping the records of the session, etc. At the Chief Clerk's desk in each house, employes keep records of actions in the house, maintain the voting records, etc. In the Assembly one man at the desk operates the voting machine. The mailing room which assembles bills and other documents for distribution is also under the Chief Clerk.

Other clerical employes (stenographers) are assigned as committee clerks. They normally serve one or 2 committees depending on the workload. They keep the records, act as secretary for hearings and executive sessions, and if time permits prepare correspondence for committee members.

THE LEGISLATIVE SERVICE AGENCIES IN WISCONSIN



Legend

- (1) Appointed by Trustees of State Library who are Supreme Court Justices and Attorney General
- (2) Elected by Senate
- (3) Elected by voters.
- (4) Elected by party members of house
- (5) Two senators and 2 assemblymen appointed as are committee members, an assistant attorney general appointed by the Attorney General, the Insurance Commissioner or a designee and a public member appointed by the Governor
- (6) President pro tempore and speaker, 5 senators and 8 assemblymen appointed as are standing committees, with at least one from every congressional district
- (7) Appointed as are standing committees
- (8) Chief appointed by Free Library Commission under merit system

Employees of the Sergeant at Arms office handle the document rooms where copies of bills, resolutions and other official documents are maintained for distribution. Other employees act as messengers who run errands for the legislators, keep the members' bill files and other records up to date, call them into the chambers when a call of the house is asked, arrange committee rooms for hearings, act as messengers for the committees at hearings, guard the door of committee rooms during executive sessions, and act as a police force in keeping order in corridors and galleries during sessions of the Legislature. The Sergeant at Arms also has jurisdiction over a night janitor force to maintain the chambers and committee rooms. A night watchman for each house also comes under this group. The Sergeants at Arms operate the legislative post office.

Both the Chief Clerk and the Sergeant at Arms maintain offices adjoining the legislative chambers.

## 2. The State Library

By far the oldest continuous source of information for the Wisconsin legislator is the State Law Library located on the third floor east wing of the Capitol. The act creating the Wisconsin Territory in 1836 appropriated \$5,000 for the Library's establishment and it has been in existence ever since. For many years it and the Historical Library were at opposite ends of the Capitol. It was for many years the sole exchange unit for state documents. This function is now also performed by the Historical Library and the Legislative Reference Library. Gradually the State Law Library began its concentration on legal works which is its almost exclusive function today.

The important collections which it maintains include the session laws and statutes of every state, the federal government and many foreign countries. It also has the official court reports of all states including the reports of many inferior courts. Both the federal annotated statutes and federal court reports are available. A legal textbook collection is also maintained. Most of the legal periodicals for many years and the index to legal periodicals are available. The decisions of many administrative agencies and the reports and opinions of the Attorney Generals of other states are on file. Publications of state bar associations and private publishers' services in taxation, insurance and probate are also kept. In addition, the normal reference books are available.

The materials are available on loan to legislators and officers and employes of the state for use in the capitol. If a legislator wishes to check a law on a given subject from another state, the Law Library will probably be able to help him. A legislator can also determine if a particular issue has ever been the subject of a decision of a court. He can also determine if a particular matter has ever been the subject of an article in a law review by consulting the index to legal periodicals.

## 3. Seeking Information Regarding Legislative Problems

Many years ago if a legislator wanted some information relating to a legislative problem, he had to search in a variety of places for it. Since 1901 Wisconsin has provided a central agency known as the

Legislative Reference Library to provide factual information for legislators regarding problems of state and local government. It is located in Room 221 N. in the north wing of the Capitol on the same floor as both houses.

The reference library is open from 7:45 a.m. to 5:30 p.m. during the session and later if the daily session continues. The information provided is factual and the staff makes every effort to be courteous, helpful and to provide a confidential, factual service.

Its library contains a file of official documents including all bills introduced in Wisconsin from 1899 to date, the session laws and journals since early in the history of the state, reports of state departments some of which go back to the very origins of the department, and of the Supreme Court and opinions of the Attorney General.

The files also contain studies of specific problems made in Wisconsin and other states as well as current periodic reports of state agencies of other states.

One of the unique types of material available are clipping files organized by subject. The file contains more than 125,000 clippings some of which go back near the turn of the century. These relate to many segments of state and local government such as taxes, education, law enforcement and organization.

The collection also contains many of the basic reference works available in most libraries.

One of the most important aspects of the collection is the fact that the material is classified in such minute detail that something on most subjects can be found very quickly. Every effort is made to anticipate the needs of the Legislature and to procure materials which the members may need to provide background material for their work.

Legislators may not only use the material in the library, but with rare exceptions they may borrow the materials for periods up to 2 weeks. The library has also prepared many reports bringing together the materials available in the collection on specific subjects for the most expeditious use of the legislators. These are variously called research reports, informational bulletins, briefs, Wisconsin facts and comparative facts.

The reference library can be of assistance in suggesting agencies and persons who can answer questions regarding state government operations in Wisconsin and many other problems.

Finally, the library can compile data on current operations in the state, background material on legislative proposals and enactments, data on what other states do or have done and general background materials.

Among the more recent publications of the Legislative Reference Library which are available and which illustrate the scope of the

subjects are the following:

- IB-211 Lowering the Voting Age - A Study of State and Federal Action
- IB-213 The Taxation of State-owned Property Under the General Property Tax in the Several States
- IB-215 101 Proposed Constitutional Amendments to Change the Structure of County Government in Wisconsin 1901-1961
- IB-216 The \$100,000 Debt Limit of the Wisconsin Constitution
  
- B-113 The Responsibility of Parent and Child for Each Other Under Wisconsin Law
- IB-114 Reforming the Governing Body of the County; a Resume of the Problem to Date

#### 4. The Bill Drafting Process

Although any member of the Legislature may prepare a bill himself or introduce a bill prepared by someone else, this is not the normal practice in Wisconsin. The rules regarding the form and language of bills are very well defined in this state, and bills which do not meet these standards must be corrected before they get any consideration. This is done in the revision process immediately after introduction in the assembly. There is no parallel step in the senate.

Most bills introduced into the Legislature either amend or repeal existing statutes or create new sections or subsections. To make sure that all sections affected by a bill are considered is a technical task requiring skilled legal draftsmen.

For these reasons since 1907 the overwhelming proportion of the bills introduced into the Wisconsin Legislature have been either drafted or checked by the bill draftsmen of the Legislative Reference Library. This service is free to every legislator. It is completely confidential and no information regarding what is proposed or who proposed it is divulged by the Legislative Reference Library until after the bill is introduced or the session has ended.

The process is simple. The legislator submits his request either verbally or in writing to a draftsman of the Legislative Reference Library in Room 211 N. As much detail as possible is desired. After the bill is drafted, a copy is provided the legislator for his approval. If he desires changes, new drafts are prepared until he is satisfied. When the bill is finally approved by the legislator, the necessary documents are prepared for introduction. All these materials are placed in a large envelope called a bill jacket. This is turned over to the legislator and he presents it to the Chief Clerk when he wishes to introduce the bill.

The bill drafting service is located on the second floor north in the Legislative Reference Library.

#### 5. The Revisor of Statutes

Before 1911 the Wisconsin Statutes were officially revised at intervals; Revised Statutes were published in 1849, 1858, 1878 and

1898. To find the current law it was necessary to consult the latest Revised Statutes and each of the volumes of Session Laws enacted since the latest revision. That cumbersome and unsatisfactory method is still in use in most states. It was discarded in Wisconsin by Chapter 546, Laws of 1909, which put into effect the present system of continuous revision and biennial publication of Wisconsin Statutes and created the office of Revisor of Statutes.

The Revisor is appointed by the Trustees of the State Law Library, a group composed of the 7 justices of the Supreme Court and the Attorney General. His staff--attorneys and clerks--is located in Room 321 northeast in the Capitol.

This small staff carries out some very important functions with very little publicity. As acts are passed by the Legislature, they are prepared for inclusion in the Statutes, so that the new volume may be published soon after the session is over. Minor errors are corrected at this time, under authority given the Revisor by the Legislature. Errors which cannot be corrected without legislative action are included in correction bills introduced late in the session or during the next session. Indexes to the Statutes and Session Laws and tables showing the effects of legislative action are also prepared.

The Revisor's main function is carrying out his responsibilities for the plan of the Statutes and their reduction to smallest possible bulk. He studies the sections constantly to remove duplication, to clarify language, and to eliminate obsolete material. He works with legislative committees and state officers when they prepare new laws which involve rewriting whole chapters or titles of the Statutes. It is this constant revision process which is responsible for the comparatively small bulk of the Wisconsin Statutes.

The official annotations to the Statutes--the legislative history of each section, and notes of court decisions and Attorney General's opinions construing it--are prepared by the Revisor. Periodically these notes are printed in a separate volume; a new edition of "Wisconsin Annotations" was issued in 1960. Until another edition is prepared, each volume of the Statutes will include all of the cumulative Annotations since the 1960 Annotations volume.

#### 6. Major Interim Studies - The Legislative Council

The most recently created legislative service agency in Wisconsin is the Legislative Council.

The assumption that all legislation results from proposals conceived and introduced by a single legislator is by no means true. Many of the major proposals are the result of intensive study by a committee composed completely or partially of legislators operating during the interim between sessions.

For many years one or more interim study committees were created by the Wisconsin Legislature to make intensive investigations of specific subjects. Each worked independently and some did excellent jobs while others never really got off the ground.

Operating a variety of independent studies was wholly unsatisfactory, and in 1947 the Legislative Council was created to establish a unified system for the conduct of such studies. Since then, most interim studies have been carried out by committees of the council.

How does a study originate and proceed? Normally a joint resolution or act is passed directing the council to study a particular subject, although the council may on its own initiative set up a study. The council, consisting of 15 legislators, assigns the study to a committee of the council or a specially constituted committee created in accordance with the authority setting it up.

The council has staff members who do research, take the minutes of meetings and handle the general housekeeping functions required by this organization. The committees meet from time to time, study staff reports, hear suggestions from experts and citizens, and ultimately draw conclusions and recommendations relating to the problem assigned to them.

These recommendations, often in the form of specific proposals, are referred to the council itself. If that group approves the measures by a vote of not less than 10 out of 15, the measure is introduced with the recommendation of the council. If the measures do not receive council approval, they are often introduced by individual members.

Among the major council studies in recent years which led to substantial enactments were the revision of the school laws, criminal code, children's code, motor vehicle code and administrative rules.

#### 7. Document Rooms.

Each house maintains a document room where copies of bills, amendments, acts, journals, calendars, bulletins of proceedings and hearing bulletins may be procured. They are under the jurisdiction of the sergeant at arms. The senate document room is Room 314 SE. The assembly document room is 206W.

## VI. FINDING YOUR WAY THROUGH STATE GOVERNMENT

While the embryo legislator probably has many specific questions about the operation of state government, when his constituents get acquainted with him, he will have more such questions. It is not uncommon for a legislator to come to Madison periodically with a whole pocketful of specific problems about which he wishes to learn something.

Without exception the state agencies concerned with these problems will provide the information desired because it is their job and because they are interested in having the public know how and why their tasks are done. The difficulty is to find the place and person who can answer the question most expeditiously.

One of the basic tools for identifying the agency which might help the legislator is the biennial Blue Book which describes each agency of state government and names its chief personnel. Its weakness lies in the fact that it may not describe the functions of government in sufficient detail to help one locate the precise office and person to help. It also provides much information about the state government which may answer some questions.

One can ask various people for information. The guards in the Capitol help many people to find the agency they wish to visit. Veteran legislators have learned where many offices are. The Capitol phone book may help. One of the simplest and surest ways to find out is to inquire of the Legislative Reference Library. If they do not know, they will find out who to talk to and where he is located.

Most state agencies have their main offices in the Capitol or one of the State Office Buildings. The receptionist in the main office can normally tell you where the person you wish to see is located. The demand for space has resulted in the state renting quarters in various places in Madison.

As we have said, state departments desire to maintain good relations with legislators, and will do what they are empowered to do. Do not ask them to do the impossible. Some departments desire that legislators clear all requests with the top man. On the first contact with a department it is well to try to meet the head of the agency and to ask him if he prefers that one go directly to the person desired or come to him.

A legislator may have many occasions to visit administrative departments during his term of office both to obtain information for his own use and to secure information for his constituents.

Numerically the administrative agencies are the largest segment of state government. Their total personnel exceeds 27,000. Administrative departments are headed by either single executives or boards or commissions. The executives are either elected, appointed by the Governor with or without consent of the senate, or members ex officio by reason of other positions. The administrative agencies vary in size from some which have only a part-time board and a part-time clerical assistant, to departments employing more than 1,000 people. By and large their main offices are in

Madison although a few have headquarters elsewhere.

Rooms in the Capitol designate the floor number and the wing. Thus 26 South is on the ground floor in the south wing. The room numbering system follows the European plan in which the first floor room numbers are under 100, the second floor in the 100 group, the third floor in the 200 group, etc. The room numbering system of the State Office Building follows the normal system.

It is sometimes difficult to determine which department deals with a particular subject. For example, rehabilitation of handicapped youngsters to 16 years of age is handled by the Department of Public Instruction while rehabilitation of those 16 years of age and over are handled by the Board of Vocational and Adult Education. The education of adult blind is under the Public Welfare Department while the education of blind children is under the Department of Public Instruction. Some clue to where the function lies may be obtained from the resume of administrative departments in the Blue Book. A directory of the agencies is posted in both the Capitol and State Office Buildings, and the room numbers are given in the Capitol telephone directory. The guards in each building can also assist you in locating departments.

Currently most state offices in Madison are located in the Capitol and the State Office Building 2 blocks southeast of the Capitol on West Wilson Street. About January 1, 1964 a second major office building off University Avenue at Hilldale will be open.

PUBLICATIONS OF WISCONSIN LEGISLATIVE REFERENCE  
LIBRARY SINCE JANUARY 1961Research Bulletins

- RB-133 Summary of the Measures Before the 1961 Regular Session of the Wisconsin Legislature Which Became Law Including Joint Resolutions Which Were Adopted. May 1962
- RB-134 Summary of the Unsuccessful Measures Before the 1961 Regular Session of the Wisconsin Legislature. June 1962
- RB-135 An Analysis of Wisconsin State Government. Part I: Where Does the Money Go? August 1962
- RB-136 An Analysis of Wisconsin State Government. Part II: Its Scope Measured by Civil Service Employment. August 1962
- RB-137 An Analysis of Wisconsin State Government. Part III: Its Scope Measured by Number of State Agencies. August 1962

Informational Bulletins

- IB-203 Legislative History of the University of Wisconsin General Extension Program. July 1961
- IB-204 The Nature of State Manuals. August 1961
- IB-205 How Are State Government Reorganization Studies Organized. October 1961
- IB-206 A Survey of Selected Sales, Excise or Luxury Taxes in the Several States and the Federal Government. October 1961
- IB-207 Medical Assistance for the Aged in Wisconsin, Programs and Proposals. November 1961
- IB-208 The 1961 Executive Vetoes in Wisconsin. November 1961
- IB-209 Supplementary Report on Executive Vetoes in Wisconsin in 1961-62. February 1962
- IB-210 Capital Punishment in the States with Special Reference to Wisconsin. March 1962
- IB-211 Lowering the Voting Age - A Study of State and Federal Action. March 1962
- IB-212 Legislative Organization and Procedure, Action of the 1961 Legislature on Measures Relating to. March 1962
- IB-213 The Taxation of State-Owned Property under the General Property Tax in the Several States with Special Reference to Wisconsin. April 1962
- IB-214 Disposition of Amendments to the Wisconsin Constitution Considered by the 1961 Legislature. April 1962
- IB-215 One Hundred and One Proposed Constitutional Amendments to Change the Structure of County Government in Wisconsin 1901-1961. May 1962
- IB-216 The \$100,000 Debt Limit of the Wisconsin Constitution. June 1962
- IB-217 Wisconsin Legislative Apportionment: Background, 1960 Census, and the Measures Considered by the Legislature During the 1961 Regular Session. June 1962
- IB-218 The Variations in the Legal Residence Requirements for Various Purposes in Wisconsin. August 1962
- IB-219 The Regulation of Picket Scalping. October 1962
- IB-220 Constitutional Amendments Given "First Consideration" Approval by the 1961 Legislature. November 1962
- IB-221 A Manual for the Preparation of Fiscal Notes to Legislative Proposals Introduced in the Wisconsin Legislature. Nov. 1962