



# A Citizen's Guide to Participation in the Wisconsin State Legislature

*Prepared by the Wisconsin Legislative Council Staff, 2017*

## Introduction to the Legislature

The Wisconsin Constitution states: *The legislative power shall be vested in a senate and assembly.* With these few words, the Constitution creates a bicameral legislature, that is, a legislature with two houses. The “legislative power” granted to the Legislature is the power to create, amend, and repeal laws. The two houses of the Legislature are the Wisconsin State Assembly and the Wisconsin State Senate. At the federal level, the legislative power is vested in the Congress, consisting of the U.S. House of Representatives and the U.S. Senate.

Wisconsin is divided into 33 Senate districts, with roughly equal populations, and each Senate district is divided into three Assembly districts. Thus, the Senate consists of 33 Senators and the Assembly consists of 99 Representatives. Senators serve four-year terms and Representatives serve two-year terms. In November of each even-numbered year, all 99 Representatives are elected. The terms of Senators are staggered, so half of the Senators are elected in one legislative election and the other half are elected two years later, in the next election.

## **FUNCTIONS OF THE LEGISLATURE**

### **LEGISLATION**

Law-making is the principal function of the Legislature, and it does this through legislation. Bills are the form of legislation used to create, amend, and repeal laws. Most of the laws are codified in the Wisconsin statutes, the state's legal code. Correspondingly, the bulk of bills make changes to the statutes.

In addition to passing bills, the Legislature adopts resolutions, which are used for a variety of purposes. The most important, but least often used, purpose is to amend the Wisconsin Constitution. Resolutions are also used to create, amend, and repeal the internal operating rules of the Legislature. In addition, the Legislature uses resolutions to express its views or

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sentiments on various matters. These include honoring members of the Armed Services killed in action; recognizing individuals who have made exceptional contributions to society; and urging Congress or others to take certain actions or to support certain policies.

### ***OVERSIGHT OF THE EXECUTIVE BRANCH***

In addition to making laws, the Legislature exercises oversight of the executive branch. It does this in at least three ways:

- The Joint Legislative Audit Committee oversees the work of the Legislative Audit Bureau, which conducts both financial audits of state agencies and program audits of state government programs. Frequently, a program audit is conducted when there appear to be problems in a program. The audit report recommends changes to the program to address problems found. If the problems are great enough, a program audit may lead to legislation to correct the problems.
- The Legislature sets the budgets for state agencies every two years, and the Joint Committee on Finance, assisted by the Legislative Fiscal Bureau, plays a large role in the biennial budget process. This process ensures that each agency's budget gets a complete review by the Legislature at least once every two years.
- A legislative committee or an individual legislator may, from time to time, ask a state agency to brief the committee or the legislator on programs administered by the agency, especially if there appear to be problems in the program. Again, these briefings can lead to recommendations for changes to a program or legislation to address larger problems.

### **LEGISLATIVE SESSIONS**

The word "session" is used in various ways with regard to the Legislature. The "biennial session" is the two-year cycle that begins after each election. A "floor session," also called a "floor period" in this context, is a period of one or more consecutive weeks when the Legislature is scheduled to meet. "Floor session" can also refer to a meeting of one house of the Legislature, on a particular day; in this context, this is also called a "daily session."

#### ***BIENNIAL SESSION***

A biennial session begins in the first week of each odd-numbered year. The first days of the new session are dedicated to the inauguration of the members and organization of the Legislature. In late January, the Governor submits his or her proposed state budget to the Legislature. While the Joint Committee on Finance begins work on the budget, other committees begin work on other legislation, and the Legislature will meet several times to act on these bills. However, the focus of the Legislature remains largely on the budget until its passage, usually in late June.

Following a summer recess, the Legislature returns to address the rest of its business for the session. Typically, from September until the following April, the Legislature meets for two- or three-week floor periods, separated by periods set aside for committee work. The last floor period for enacting legislation is usually in March or April, with one more floor period

scheduled after this for the limited purpose of considering gubernatorial vetoes of bills the Legislature has passed.

The Legislature does not meet again after the veto review floor period unless the Governor calls it into special session, or it calls itself into extraordinary session, to address legislation on a specific topic. The Governor may call a special session at other times, as well. In this case, the special session runs concurrently with the general session.

The period from the veto review floor period until the convening of a new Legislature the following January is often referred to as the “interim” or “study” period. The Legislature engages in two activities during the interim. First, it forms study committees to develop legislation for the following session; these study committees are described below. Second, the members return to their districts and run for re-election, after which the biennial cycle starts again.

### ***FLOOR PERIODS AND DAILY SESSIONS***

As noted earlier, floor periods are typically two to three weeks long, though some are longer. The Legislature usually meets on Tuesdays, Wednesdays, and Thursdays. However, they do not hold daily sessions all three days in each week of a floor period. Rather, they meet when there is enough legislation ready for their consideration to warrant a session. In fact, it is not uncommon that one or both houses will meet only once or twice during a scheduled floor period.

## **ACTIVITIES OF THE LEGISLATURE**

### ***DAILY SESSIONS***

Daily sessions are when bills are debated and votes are taken. The public may observe these sessions from the galleries in the Senate and Assembly chambers or on television or the Internet via the Legislature’s home page or the WisconsinEye public affairs network.

Daily sessions are very formal and follow a regular sequence of business. They are subject to many rules of procedure and decorum. Procedural rules are designed to ensure that legislation gets a thorough consideration and that all members have the opportunity to speak in debate and to offer amendments. However, rules may be suspended to expedite the process. It takes a two-thirds majority to suspend the rules, but it is often done by “unanimous consent”--if no one objects, then clearly the required two-thirds of the members approves the suspension.

The rules of decorum exist to ensure civility in the Legislature. The rule that is most evident, almost every time someone rises to speak during session, prohibits a member from addressing or referring to another member by name. If you are observing the Senate, you will hear everyone referred to as “the Senator from the \_\_\_ district;” in the Assembly, it is “the Lady” or “the Gentleman from the \_\_\_ district.”

Daily sessions begin with the Pledge of Allegiance, a prayer, announcements and various administrative matters. At this point, the house (Senate or Assembly) may recess for partisan caucuses. During these caucus meetings, the parties discuss the day’s calendar. They make

sure that their members know what the bills on the calendar are about and what amendments have been offered. They also discuss the positions that they, as a caucus, will take on each bill, although there is not a unified caucus position on all legislation. Many caucus meetings are open to the public, but some are closed, especially when the caucus is divided over a controversial issue.

The recess for caucuses may be brief, or they may take hours. When the house reconvenes, it considers amendments, first to its own bills and then to bills from the other house. This stage is called “second reading.” It then considers passage of bills, the stage called “third reading.” Once this business is completed and all actions have been messaged to the other house, the house adjourns for the day.

### ***STANDING COMMITTEES***

Standing committees are where a great deal of the Legislature’s work is done. They are created at the beginning of each biennial session, each with a specific area of jurisdiction; Senate committees generally combine several topic areas. These committees have at least three principal functions:

- To determine what legislation will advance through the legislative process. This is a power exercised largely by the committee chair, in deciding what bills to schedule for hearings.
- To educate committee members about the bills. Committee members become the experts in the Legislature on the bills that come before their committees.
- To prepare bills for action by the full house.

Standing committees hold two kinds of meetings: public hearings and executive sessions. At a public hearing, committee members learn about bills in the committee through testimony presented by the author, experts, lobbyists, and members of the public who have an interest in the bills. At executive sessions, committees prepare bills for consideration on the floor by voting to recommend adoption of amendments they consider necessary and to recommend passage of the bills they want to see advance in the process.

With very rare exceptions, standing committee meetings are open to the public, and anyone can testify at public hearings. Many, but not all, standing committee meetings are covered by WisconsinEye.

### ***STUDY COMMITTEES***

During the interim between sessions, study committees, appointed by the Joint Legislative Council, meet to develop legislation for the following biennial session. They are formed to study and develop legislative solutions for issues that are difficult to resolve in the regular course of legislative business or that legislators feel require further consideration prior to the introduction of legislation. They consist of legislators with an interest in the subject and members of the public selected based on their interest or technical expertise in the subject. Because they bring all interests together to study a problem, the legislation they develop often

has broad support and a good chance of passage in the next session. While many states use study committees, Wisconsin is one of the only states where members of the public sit on the committees as full, voting members.

## **WHO'S WHO IN THE LEGISLATURE**

There are many people doing various tasks during any legislative proceeding. To follow the action, it is helpful to know who is who.

### ***DAILY SESSIONS***

In the Assembly chamber, members sit in two blocks of seats divided by an aisle. Republican representatives sit on the side nearest the windows; the Democrats sit across the aisle from them. The Senate chamber has two concentric rings of seats. The majority party members sit in the outer ring, and the minority party members sit in the inner ring.

The most prominent person in the room during daily sessions is the presiding officer, who stands at the podium in front of the members. In the Senate this is the President; in the Assembly it is the Speaker. In front of the presiding officer is the Chief Clerk, who helps the presiding officer run the session and, with his or her staff on either side, records the events of the session and formal actions of the body.

The next most prominent persons in the chamber are the majority leader and minority leader, who have seats facing the presiding officer. These individuals guide the session by making motions on behalf of their caucuses, asking for adoption or rejection of amendments, passage or tabling of bills, etc.

Various persons are off to the sides of the chamber. These include legislators' personal staff, members of the press, and messengers (or "pages"), who distribute documents and deliver messages to members, run errands, and provide other services. The Sergeant-at-Arms is also there, to ensure decorum and security in the chamber and to supervise the messengers.

### ***STANDING COMMITTEES***

Committees are not that different from the full body, just smaller and seated at a table. The committee chair sits at the head of the table. To one side of the chair is the committee clerk. This person is a member of the chair's personal staff. The clerk helps the chair plan, organize, and run the hearing, and prepares a committee report afterward.

To the other side of the chair is the Legislative Council staff member assigned to the committee. This person's job is to answer questions from the chair and committee members regarding legal and policy matters, as well as committee procedures. The Legislative Council staff are non-partisan, and assist all members of the committee.

The Republican members of the committee are seated on one side of the hearing table and the Democratic members are on the other. Seated behind each committee member, usually, is a person from that member's personal staff. Like the legislators they work for, they are there to learn about the subject the committee is hearing. In cases when the legislator is absent or

temporarily out of the room, this staff member takes notes and collects written testimony for the legislator.

Seated or standing near the door is a messenger. The messenger collects hearing registration slips from persons wishing to testify or register in favor of or against a bill and delivers them to the committee clerk, distributes testimony to committee members, runs errands, and performs other services at the request of the committee chair and members.

### ***BEHIND THE SCENES***

Many other people work behind the scenes to make the Legislature function. All members have personal staff who perform many functions for them, including running their Capitol offices, researching ideas for legislation, preparing them for committee meetings and floor sessions, and responding to contacts from constituents. The bulk of the other legislative staff are in five non-partisan agencies:

- The Legislative Reference Bureau (LRB) provides bill drafting, research, and library services.
- The Legislative Fiscal Bureau (LFB) provides fiscal analysis of legislation and staffs the Joint Committee on Finance. The LFB has a particularly important role in the development of the biennial state budget.
- The Legislative Council (LC) works with standing committees and study committees and provides research and other services to the committees and to individual legislators and their staff.
- The Legislative Audit Bureau (LAB) conducts audits of state agency budgets and programs.
- The Legislative Technology Service Bureau (LTSB) develops and supports the computer systems used by the Legislature.

### **OTHER RESOURCES**

There are many resources providing further information regarding the Wisconsin State Legislature. Here are a few:

- For general information about the Legislature and laws relating to the Legislature, see the first several chapters of the Wisconsin Legislator Briefing Book. This book can be found on the Legislative Council's Internet site, at [http://docs.legis.wisconsin.gov/misc/lc/briefing\\_book](http://docs.legis.wisconsin.gov/misc/lc/briefing_book).
- For a detailed description of the legislative process in Wisconsin, see *How a Bill Becomes Law*, published by the Assembly Chief Clerk. To find this document, go to the Legislature's Home Page, at <http://legis.wisconsin.gov/>, and click the following sequence of buttons: Assembly; Chief Clerk; Legislative Information; and How a Bill Becomes a Law (PDF).

- For detailed descriptions of the Wisconsin budget process and of selected state programs, with particular emphasis on fiscal aspects of the programs, see the LFB Informational Paper Series, available on the LFB's Internet site at [http://docs.legis.wisconsin.gov/misc/lfb/informational\\_papers](http://docs.legis.wisconsin.gov/misc/lfb/informational_papers).
- For a comprehensive almanac of information regarding state and local government in Wisconsin, see the Wisconsin Blue Book. Hard copies of this nearly 1,000-page book can be obtained from your Representative or Senator. It can also be accessed on the Legislature's Home Page at [http://docs.legis.wisconsin.gov/misc/lrb/blue\\_book](http://docs.legis.wisconsin.gov/misc/lrb/blue_book).

There are three options for viewing legislative sessions online or on television:

- You may go to the Legislature's Home Page at <http://legis.wisconsin.gov/> and click on "Senate Session" or "Assembly Session."
- You may go to the WisconsinEye Internet site at <http://www.wiseye.org/>.
- You can watch WisconsinEye programming on cable television, on channel 363 of the Time Warner network or channel 995 of the Charter Communications network.