

The Political Process 101

Background facts about the Wisconsin Legislature

Wisconsin's Legislature is made up of two elected bodies, or houses – the Assembly and Senate. In November of the even-numbered years, voters elect all 99 state representatives who serve two-year terms in the Wisconsin Assembly. There are an estimated 5.2 million persons living in Wisconsin, which comes to about 52,000 persons for each Assembly district. Wisconsin's 33 state senators serve four-year terms. A Senate district contains three Assembly districts.

Each two-year session of the Legislature begins in January of odd-numbered years. The Legislature sets its own session schedule by adopting a Joint Resolution. The resolution divides the two-year session into floor periods and committee work periods. Floor periods range in duration from a week to several months during which legislators formally debate proposals in the Assembly and Senate chambers. Floor periods alternate with committee work periods for each two-year session.

The governor may call additional special sessions on specific subjects as he or she wishes. Also, the Legislature may call itself into extraordinary session to address a particular issue. Between floor periods and committee work, legislators respond to the needs and concerns of their constituents.

When the session begins, each house elects its leaders and members of each party. Representatives to the Assembly elect a Speaker who presides over the house during floor periods, appoint members to various standing and joint committees and refer bills to a particular committee.

All committees consist of representatives from both major political parties. With a few exceptions, every bill introduced in the Legislature is referred to a standing committee.

Much of the Legislature's work is done in these committees. Of the 1,500 to 2,000 bills introduced in a two-year legislative session, roughly one-fourth will become law. Most bills that do not pass die in committee. The goal of the legislative process is for each proposal to receive the thoughtful and deliberate consideration that is due every proposed law in the democratic system.

From idea to bill draft

Legislators get ideas for legislation from a variety of sources. Sometimes a specific constituent problem sparks the need for a legislative fix; sometimes a special interest group will approach a legislator and ask his or her sponsorship of legislation; sometimes the legislator will have read about legislation in another state or develop an idea from a conference he or she attended. Whatever the motivation, the legislator will then get a bill drafted (with the help of one of the attorneys from the state's Legislative Reference Bureau). The attorneys research and draft ideas into formal legal language.

A drafting attorney makes sure that the bill will have the intended changes without interfering with the rest of Wisconsin's legal structure.

Once the bill draft meets with the legislator's approval, the legislator will circulate the draft for co-sponsorship. During this time, other members of the legislature may sign on to the draft. While the draft is circulating, it usually is referred to by its LRB reference number which has no correlation to the bill number given in legislation.

Once circulation is complete (usually a week to 10 days), the lead sponsor (also called author) will introduce the legislation, which will be assigned a bill number. If the lead sponsor is from the Assembly, the bill will be an Assembly Bill. If the lead sponsor is from the Senate, the bill will be introduced in the Senate. It will be given the next consecutive bill number of the respective house. Sometimes, the legislation is introduced in both houses. When this happens there is an Assembly Bill and a Senate Bill (with different numbers). They are referred to as companion bills. The name of the lead legislator followed by those legislators who asked to have their names added during the circulation period, will appear on the bill.

The journey of an Assembly bill

A bill begins its journey with its first reading on the floor of the Assembly, the formal announcement that the bill exists. The saga of the bill might just as easily have begun in the Senate as a Senate bill, or simultaneously in both houses.

The bill is then referred to a standing committee of the Assembly. The Assembly has more than 40 standing committees. Copies of the bill are printed and made available free to interested parties at the Legislative Document Room. They are then posted electronically.

Each committee deals with specialized subjects such as elections, agriculture, commerce, environment or highways. The committee chairperson may schedule a public hearing where anyone can speak for or against the bill, or attend just to observe. People may register for or against the bill without testifying or they may provide information without taking a position on the bill.

Openness is an important ingredient in Wisconsin government and is guaranteed by the Wisconsin Constitution and the state open meetings laws. Bills rarely receive committee approval without a public hearing.

Many of the people who testify before a committee are lobbyists. Lobbyists are individuals who represent the views of industries, organizations and government agencies. Along with testifying at public hearings, they also meet with individual representatives and senators to provide information and explain their client's position on legislation.

Once the public hearing ends, the committee may meet in executive session during which members can vote on each proposal and formulate their recommendations to the house. Executive sessions also are open to the public, but differ from public hearings in that only committee members may participate.

Some executive sessions are held directly following the hearing. Most are held on a different day and may be several months after the hearing.

Committee work

Committee hearings and informal discussions may lead to improvements in a bill. While opponents may not defeat a bill, they may have an impact on its provisions. Concerns about a bill that are brought to the sponsor's attention (either in committee or by way of contact directly to that legislator in his or her office or in his or her district) may find their way in a substitute amendment offered by its original author. A substitute amendment is like a substitute in basketball or football. It replaces the original, the starter.

The committee may vote to approve the substitute amendment and can entertain simple amendments made by other members of the committee. A majority of the members of the committee need to vote to recommend the bill for passage in order to vote the bill out of committee. If a majority of the committee does not vote in favor of the bill, the bill may die in committee (unless the bill is further amended such that a majority of committee members agree).

In addition, if a bill has impacts on the state's budget, it also may be referred to the Joint Committee on Finance. This committee, consisting of members from both the Assembly and Senate, considers all bills that spend state money, raise revenue or relate to taxation. The Joint Committee on Finance can amend the bill. Once voted out of committee, the bill will return to the Assembly floor for its second reading.

Much of the floor activity of the Legislature is concerned with the second and third readings of proposals in each house. During the second reading, lawmakers consider amendments and, by adopting or rejecting them, may make changes to the bill.

The number of amendments varies with each bill. Members of each house may propose further amendments to the product that come out of committee and each amendment receives separate consideration. Many bills do not survive a second reading. Some are indefinitely postponed while others may be referred to various committees for further study and never return.

Second reading: amendments offered

The Wisconsin Assembly votes either by voice vote – all in favor say “aye,” those opposed, “no” – or by a roll call vote registered by an electronic voting machine. On a roll call vote, representatives press a button on their desks that registers green for “aye” and red for “no” on a lighted board on the chamber wall. The board automatically tabulates the vote for and against. In the Senate, the chief clerk who calls the name of each senator in turn takes roll call votes. Noncontroversial bills usually are voted by voice vote in the Senate.

If the bill passes the Assembly, it is sent to the Senate where it undergoes a process similar to that which it had experienced in the Assembly. The Senate could concur with the same bill the Assembly passed, it could amend the bill and pass a different version, or it could fail to take up the bill.

If the Senate adds amendments, the bill will have to return to the Assembly for its concurrence in the Senate's changes. Occasionally, Senate and Assembly versions of a bill differ significantly. The bill then is sent to a conference committee where the differences could be worked out. A conference committee usually consists of three members from each house appointed because of their special interests in that particular bill. Bills returned from a conference committee must be voted up or down. They may not be amended.

On to the governor's desk

After a bill passes both houses of the Legislature in identical form, it is enrolled and sent to the governor for his or her signature. The governor may approve a bill, veto it, or in the case of an appropriation bill, veto it in part. If the governor vetoes a bill or vetoes any part of an appropriation bill, he or she must state to the Legislature the reason for the veto.

If the governor opposes the bill and decides to use the veto power, he or she would have to send a veto message to the Assembly within six days (Sundays excepted) of having received the bill. If the governor did not sign or veto the bill within the allotted time, the bill would become law without the governor's signature. This rarely happens, however.

The Legislature informally furnishes the governor's staff with copies of the enrolled bill for analysis. When the research is completed, the chief clerk's office delivers an official copy of the bill. If the governor does not request a bill, a deadline is set for when all bills must be sent to the governor. In the case of a veto, the Legislature may override or pass the bill over the governor's veto by a two-thirds vote of the members present in each house. If the Legislature does not respond to a veto, it will be sustained.

The day the governor signs a bill is known as the law's date of enactment. The bill then becomes an act or law. Most laws take effect the day following the date of publication. The date of publication must be within 10 working days of enactment. A notice is then published in the official state newspaper alerting the people of Wisconsin of the new law.