HOW A BILL BECOMES A LAW

The legislature decides policy by passing bills. A bill must pass both houses of the legislature and be signed by the governor before it becomes law. Other proposals introduced in the legislature also support the body’s policy-making function. Joint resolutions, which must pass both houses, may propose constitutional amendments, develop a session schedule, or modify the rules that govern both houses. They do not require the governor’s signature. Simple resolutions, which are adopted by only one house, may organize the house at the beginning of the session, propose changes to house rules, or ask the attorney general for a legal opinion on a bill.

Introducing a Bill. A bill that proposes to change existing law will usually amend, create, repeal, renumber, renumber and amend, or repeal and recreate one or more sections of the Wisconsin Statutes. After the Legislative Reference Bureau (LRB) drafts a bill, it is ready for introduction in one of the legislative houses. Each measure must go through regular procedures and be passed by the house of origin before it can go to the other house, where the process is repeated.

No one but individual legislators or legislative committees may introduce a bill. However, the statutes direct the Joint Committee on Finance to introduce the governor’s executive budget bill without change. The legislator who introduces a bill is its “author”; others in the house of origin who support the bill may sign on as “coauthors”. The measure may also list “cosponsors” from the second house.

When passing laws, legislators act as the representatives of the people. Therefore, the constitution requires that every bill introduced in the legislature begin with the words: “The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:”.

Fiscal Estimates and Bill Analyses. Fiscal estimates put a price tag on legislation. In 1953, Wisconsin pioneered fiscal estimates, often called “fiscal notes”, and many other states have copied this important legislative tool. Every measure that increases or decreases state or general local government revenues or expenditures must be accompanied by a reliable estimate of its

Occasionally, standing committees of the Senate and Assembly hold joint hearings. Representative Kathy Bernier, chairperson of the Assembly Committee on Campaigns and Elections, and Senator Devin LeMahieu, the chairperson of the Senate Committee on Elections and Local Government, held such a hearing in March 2015, on campaign finance. (Jay Salvo, Legislative Photographer)
short-range and long-range fiscal effects. Agencies that would ultimately administer the proposed program or be affected by the measure, should it be enacted, prepare most fiscal notes. In the highly technical area of public retirement systems, the Joint Survey Committee on Retirement Systems prepares fiscal estimates with the assistance of Legislative Council staff. In these cases, the note must evaluate not only the fiscal effect of a proposal but also its legality under state and federal laws and its desirability as a matter of public policy.

Since 1967, the LRB has prepared an analysis of each bill introduced in the legislature. The analysis is printed in the bill immediately following the title. Analyses are not updated to reflect amendments approved during the legislative process, so they usually describe only the content of the bill at introduction.

**Introduction, First Reading, and Referral to Committee.** A bill is introduced when the chief clerk of the author’s house assigns it a number and records the introduction for the house journal. Traditionally, the “first reading” took place when the clerk read that part of the proposal’s title known as the “relating clause” – the clause that briefly describes the subject matter of the bill, e.g., “relating to the powers and duties of state traffic patrol officers and motor vehicle inspectors” when the house was meeting. In recent times, the clerk usually distributes a report showing the numbers and relating clauses of proposals offered for introduction which takes the place of an actual reading. After first reading, the presiding officer usually refers the proposal to the appropriate standing committee for review. Generally, bills that appropriate money, provide for revenue, or relate to taxation are referred to the Joint Committee on Finance before they can be enacted into law.

**Committee Hearings.** All committee proceedings are open to the general public. Neither assembly nor senate rules require a chairperson to schedule a hearing. If a hearing is held, anyone may speak to the committee to support or oppose a measure or merely to present information to the committee without taking a position. Persons may also register for or against a proposal or submit written comments or petitions without making an oral presentation.

Committees do not keep verbatim transcripts of their hearings, but they do maintain appearance records listing persons who testify or register at the hearing, together with any printed information those parties submit relative to bills and resolutions before the committee. Records for the current legislative session are filed in the office of the committee chairperson. Copies of appearance records for prior sessions, beginning with the 1951 session, are filed in the LRB. Records from 1997 to the present are available on the legislature’s Internet site.

The chairperson of a committee decides whether or not to take action on a particular proposal. If the decision is to act, the chairperson will call an “executive session” of the committee. In the session, committee members discuss the bill and may ask questions of persons in attendance, but no further public testimony is taken. At the close of the executive session, the committee decides whether to recommend passage of the bill as originally introduced, passage with amendments, or rejection. If the result is a tie vote, the committee can report the bill without recommendation. A committee’s decision is contained in a brief report to the house. (Bills that receive a negative recommendation are almost never reported to the floor.)

The following is an example of a committee report to the assembly from the *Senate Journal*, January 16, 2015:

The committee on Jobs and Public Safety reports and recommends:

**Senate Joint Resolution 2**

Relating to: election of chief justice (second consideration).

Adoption:

Ayes: 3 – Senators Langgaard, Vukmir and Lasee.

Noes: 2 – Senators Risser and L. Taylor.

*Van Wanggaard*  
Chairperson

Committee chairpersons determine the scheduling of committee hearings. A committee is allowed a reasonable period to consider matters referred to it. A majority of the members of the assembly may withdraw a bill not reported by an assembly committee 21 days after the date
of referral by motion or petition. In the senate, a majority may vote to withdraw a bill from a
committee at any time but not during the 7 days preceding any scheduled committee hearing nor
the 7 days following the date on which the hearing was held. In both houses, when an attempt is
unsuccessful, all subsequent motions to withdraw the same proposal require at least a two-thirds
vote of the members. In practice, bills are very rarely withdrawn from committees without a
committee report.

Scheduling Debate. Both the senate and assembly make use of a daily calendar to schedule
proposals for consideration. In the 2015 Legislature, all proposals reported by senate standing
committees are referred to the Committee on Senate Organization; in the assembly, they are
referred to the Committee on Rules. These committees schedule business for floor debate.

Parliamentary Procedure. The rules of parliamentary procedure, which are guides for each
house, facilitate the legislative process and are printed in pamphlets, titled “Senate Rules” and
“Assembly Rules”. Each house may create new rules and amend or repeal its current rules by
passage of a simple resolution. “Joint Rules” deal with the relations between the houses and
with administrative proceedings common to both. Changes in joint rules require the passage of
a joint resolution.

Parliamentary procedure may seem unduly cumbersome to the onlooker, but it helps the hous-
es operate in an organized fashion. The process is designed to protect the minority in its right
to be heard and to promote careful deliberation and orderly consideration of all legislation. For
particularly difficult procedural questions, the presiding officer of each house has access to such
of the Chair.

Second Reading. Once a bill is scheduled for house action, the clerk gives it a second reading
by title. The purpose of a second reading is to consider amendments. An amendment may be a
“simple” amendment, which makes changes within the bill, or a “substitute amendment”, which
completely replaces the original bill. Members may offer, debate, and vote upon amendments
at any time prior to a vote to “engross” the measure and read it a third time. Engrossment of a
bill incorporates all adopted amendments and all approved technical corrections into a proposal
in its house of origin. The rules of both houses require a formal delay after the proposal is en-
grossed, which gives legislators time to reconsider the issues raised by the bill. In many cases,
however, the rules are suspended by unanimous consent or a two-thirds vote so that second and
third readings can occur on the same legislative day.

Third Reading. The purpose of the third reading is to make a final decision on a proposal
itself. After a third reading, the proposal is put to the house for a vote with the following ques-
tions: “This bill having been read 3 separate times, the question is, ‘Shall the bill pass?’” (for the
senate) or “Shall the bill be passed?” (for the assembly). Members can debate the bill’s contents
at this point, but it is not subject to amendment. When all members finish speaking they vote. A
bill may pass on a voice vote, unless a roll call vote is required by the state constitution, by law
or legislative rule, or by request of a prescribed number of members.

Action in the Second House. If the bill passes, it is “messaged” to the other house, where it
goes through substantially the same procedure as in the first house. In the second house, how-
ever, the bill may be referred directly to the daily calendar without referral to a standing commit-
tee. When the second house concurs in the bill, whether with or without additional amendments,
the measure is messaged back to the house of origin.

If the second house amends the bill before concurring, the house of origin must vote upon
those amendments. If the original house rejects amendments or further amends the bill, the
resulting proposal may be sent back to the second house. The bill may pass repeatedly between
the two houses, or the legislature may create a conference committee, made up of members
representing both houses to iron out the differences between the 2 versions. The compromise
version, drawn up by the conference committee, cannot be amended in either house when it is
brought to a vote. When both houses have agreed on identical wording of a bill, the LRB enroll-
it in its final form, incorporating any amendments and corrections approved by both houses, and
the measure is forwarded for the governor’s signature.
On average about 1,600 bills were introduced in each of the past 10 legislatures, but only about 20 percent of those passed. Bills fail for many reasons: the house of origin may vote to “indefinitely postpone” or “table” a bill and then never take it up again; the second house may vote to “nonconcurs” or may concur but with amendments unacceptable to the house of origin; or the proposal may “die in committee” and never be reported back to the house. An unsuccessful proposal does not carry over to the following legislature. A member must reintroduce it as a new bill.

**Action of the Governor.** The governor has 6 days (excluding Sundays) in which to act on the bill by 1) signing it, in which case it becomes law; 2) vetoing it in whole or, if an appropriation bill, in part; or 3) failing to sign it within 6 days, in which case it becomes law without the governor’s signature. Partial veto of words or numbers within a bill is permitted in the case of bills that contain an appropriation. If the governor signs the bill but vetoes part of it, the portion not vetoed becomes law.

Bills are not sent to the office of the governor immediately following passage but are presented when the governor calls for them. The legislative session schedule, however, provides deadlines after each floor period when all bills not yet called for must be sent to the governor. It also provides a specific floor period for final legislative review of the governor’s vetoes.

If the governor vetoes a bill, in whole or part, the vetoed parts must be returned to the house of origin with the governor’s objections. A vetoed bill or part of a bill can become law despite the governor’s objections, but it requires a two-thirds vote in each house to override the veto. If either house fails to muster the sufficient number of votes, the governor’s veto is sustained, and the vetoed bill or portion dies.

**Session Laws.** Each new law is numbered as a Wisconsin Act, based on the year of the legislative session and its order of enactment, e.g., 2015 Wisconsin Act 1. The date of enactment is the date the governor approves the act, the date it becomes a law without the governor’s signature, or the date the legislature votes to override the governor’s veto. The following day is the new law’s official date of publication. On or before that date, copies of the act must be
available to the public electronically. The secretary of state must publish the act’s number, title, and original bill number within 10 working days after the date of enactment in the newspaper designated as the official state paper for publication of legal notices (currently the Wisconsin State Journal). The notice contains the date of enactment and date of publication and states the act is available for public distribution. The act takes effect the day after its official publication date, unless another effective date is specified in the law itself.

Ultimately, the LRB compiles all the laws enacted during the biennium into bound volumes, called the Laws of Wisconsin. The LRB incorporates any portions of these laws that make changes in the statutes into the edition of the Wisconsin Statutes dated for that legislative biennium. Thus, the edition identified as the 2013-2014 Wisconsin Statutes includes all statutory changes resulting from laws enacted by the 2013 Legislature.

The Budget Bill. The budget bill is the longest and most complex bill of the session. Because Wisconsin’s budget covers a 2-year period from July 1 of one odd-numbered year to June 30 of the next, its development involves a chain of events stretching over almost a year. In the fall of every even-numbered year, state agencies must submit funding requests to the Department of Administration. Their funding requests include estimates of the cost of existing services over the next 2 years and may propose changes they hope are made in their programs. The Department of Administration’s state budget office then compiles the data for review by the governor or governor-elect. While developing the budget, the governor may hold a hearing on any department’s budget request to get additional input.

State law requires the governor to deliver the budget message to the new legislature on or before the last Tuesday in January, although the legislature may extend the deadline at the governor’s request. The state budget report and the biennial executive budget bill or bills accompany the message.

In the legislature, the Joint Committee on Finance holds hearings on the departmental requests and the governor’s program initiatives. When these are completed, the committee reports the budget bill to the house of the legislature in which it was introduced. The committee’s report takes the form of a substitute amendment. The bill then follows the normal legislative procedure through both houses of the legislature and is submitted for the governor’s approval. The
The complete 2015-2016 Legislative Service consists of 6 parts, which may be ordered by subscription from the Document Sales office:

**Bills, resolutions, and amendments** (complete text of each as introduced).

**Acts** are the laws enacted in bill form by the legislature and signed by the governor or passed over the governor’s veto. The acts are distributed separately as “slip laws”.

**Journals** are a daily record of the business conducted in each house, but they are not verbatim accounts. The service provides preliminary editions of the journals (published on the morning after the legislative day on yellow paper for senate journals and green paper for assembly journals) and the final corrected editions (printed on white paper and distributed two or three weeks later).

The **Bulletin of Proceedings** contains a numerical listing of all bills and other measures introduced in each house of the legislature and a cumulative record of actions taken on each. It includes a subject index to all measures introduced and to all acts, a list of proposals introduced by each legislator, and a numerical listing of statutory sections affected by acts and enrolled bills. It is issued as needed during the biennial session.

The **Weekly Schedule of Committee Activities** lists the time and place of legislative committee hearings for the coming week and advanced notices for hearings on issues of special interest.

**Administrative Rules** lists the administrative rules submitted by executive branch agencies by clearinghouse rule number. It includes a subject index, a list of agency contacts, and a cumulative record of actions taken on each proposal.

To obtain all or part of the legislative service, contact Document Sales, Wisconsin Department of Administration, 4622 University Avenue, Madison 53705-2156 or call (608) 266-3358, or (800) 362-7253 for an order form. E-mail Document Sales at docsales@doa.state.wi.us. Any part may be ordered separately. Prepayment is required on all orders. Faxed orders are accepted at (608) 261-8150 when paying with a credit card. Subscribers receive their documents through the mail. All subscriptions to the 2015-2016 Legislative Service will expire on December 31, 2016.

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