

DRAFT

WISCONSIN STATE ASSEMBLY

MANUAL FOR COMMITTEE CLERKS

Prepared under the direction of

Assembly Chief Clerk

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OVERVIEW

The committee clerk is an integral part of the legislative process in the State of Wisconsin. In addition to the regular duties performed by the staff person in a legislator's office, the committee clerk is responsible for the preparation of committee hearing notices, records and reports and is the legal custodian of a committee's official documents. While a proposal is in the possession of a committee, the clerk acts as an extension of the Assembly Chief Clerk's office in that the clerk during that time performs the role of the chief clerk's staff as record keeper and legal custodian.

This manual, written specifically for committee clerks, is an attempt to shed some light on the duties of the clerk from the time a proposal is received in committee to the time that proposal leaves the committee. Together with the "Manual on Committee Procedures and Powers", it serves as a guide for clerks in the performance of their functions. In addition, the "ComClerk Manual" has been written to assist you in the use of the computer program designed to aid committee clerks in maintaining records and producing reports.

INTRODUCTION OF PROPOSALS

When a state representative wants to introduce a proposal, the author has it drafted and subsequently jacketed. After obtaining any co-authors, the representative submits the proposal to the Assembly Chief Clerk's Office (One East Main - 4th Floor) for introduction. The proposal is then numbered and the title, relating clause and authors are entered into our computer system.

The proposal, along with others submitted to our office, is then taken to the office of the Speaker where it is reviewed and a decision is made on the appropriate committee referral within 7 working days. Once a decision has been made on a committee referral by the Speaker, the proposal is returned to the Assembly Chief Clerk's Office. The committee referral information is entered on the jacket and the proposal is forwarded to the proper committee. At that point the proposal is considered introduced and it is sent to the printer with the assigned bill, joint resolution or resolution number, authors and committee referral entered on the top of the front page. It is these printed copies which are filed in your office bill file by the sergeant-at-arms staff.

When the proposal, enclosed in a jacket, is forwarded to the designated committee, the committee clerk signs to indicate receipt of the proposal. Once a proposal is received and signed for by the clerk, the actual jacket remains in the possession of the committee clerk, and it is the clerk's responsibility until that proposal is reported out of the committee. Do not permanently remove anything from the jacket. From time to time, you may need to make copies of an item in the jacket, but always return the original document to the jacket. Also, all jackets in the possession of the committee clerk at the conclusion of the two year session need to be returned to the Assembly Chief Clerk's office. Under no circumstances are they to be thrown in the trash or recycled. They should be treated as legal documents.

In the 1997-98 session of the Wisconsin Legislature, approximately 1500 bills were introduced for consideration. Of that number, under 350 became law. The committee begins the process of determining which of the many bills deserves to become law.

You will notice that the word "proposal" is used repeatedly throughout this manual. "Proposal" is defined in Assembly Rule 95 to mean any resolution, joint resolution or bill introduced in the legislature.

BEGINNING A RECORD OF COMMITTEE PROCEEDINGS

Content of the Record of Committee Proceedings

A "Record of Committee Proceedings" is exactly what the term implies --- a record of what happened to the proposal while it was in committee. The components of that record are 1) what happened at the public hearing, and 2) what happened at the executive session. Joint Rule 31 (1) and (2) describe the requirements for a committee record:

JOINT RULE 31. Record of committee proceedings.

- (1) The chairperson or acting chairperson of each committee of the legislature shall keep, or cause to be kept, a record, in which there shall be entered:
 - (a) The time and place of each hearing, and of each meeting of the committee.
 - (b) The attendance of committee members at each meeting.
 - (c) The name of each person appearing before the committee, with the name of the person, persons, firm or corporation in whose behalf such appearance is made.
 - (d) The vote of each member on all motions, bills, resolutions and amendments acted upon.
- (2) Such record shall be ready and approved before the expiration of 10 days after each committee meeting or at the next regular meeting of the committee.

The previous section lists the types of information that should be entered into committee records. Some other types of information, which have been entered on the proposal's jacket by the Assembly Records Clerk, should not be entered into the committee record. Examples of information which should not be included are: receipt of fiscal estimates, receipt of LRB corrections, receipt of amendments offered by legislators, requests by legislators to be made coauthors, previous action by a different committee, previous Assembly floor action and Senate action.

Immediately upon receiving a proposal in committee, the clerk should store the relating clause and authors in the computer for use in the various documents prepared by the committee clerk. Next, the clerk should start a Record of Committee Proceedings for the proposal (see samples). Initially the Record of Committee Proceedings needs to be created by entering the bill number, relating clause, authors, date and committee referral entries to the record. This information can be found on the proposal's cover sheet inside the jacket. Later, after each public hearing and executive session, the Record of Committee Proceedings will need to be updated.

One cannot stress enough the importance of the committee record. Copies of other documents, such as the public hearing notices and committee reports, are not saved past the end of the biennial session. Committee records, because they contain information not found anywhere else, are preserved on microfilm and become part of the permanent collection of the Legislative Reference Bureau. (Currently, the LRB has on microfilm all committee records since 1951). Therefore, since they become part of the historical record, it is imperative that the information contained therein is accurate.

Format of the Committee Record

As a guide to committee clerks, samples of committee records are included as attachments to this manual. The LTSB staff and the Senate and Assembly Chief Clerks' staffs have developed a computer application entitled "ComClerk" to make your job easier and to gain some consistency in the format of committee records. The program allows you to "steal" information (i.e. relating clauses, authors and committee membership) from the TEXT2000 computer system used by the LRB and Chief Clerks so you don't need to type them each time you do a record or report. However, you will need to "update" the list of proposals in your committee each time new legislation is received in committee and you will need to "update" the list of members of your committee whenever changes are made.

PUBLIC HEARINGS

Introduction

Upon introduction in the Assembly, legislation is usually referred to committee by the Speaker of the Assembly. In other instances, legislation is referred to a committee by action of the Assembly, either by a motion and vote or by a unanimous consent request during a floor session. The role of the committee in the process is to review the legislation and make a recommendation to the Assembly. Although not required by state law or legislative rule, committees usually hold public hearings on proposals. At these hearings, legislators, agency representatives, lobbyists and the general public testify on the merits and demerits of proposed legislation.

Planning a Hearing

Since most legislation does receive at least one public hearing, the first step in the committee process is normally the scheduling of a public hearing and posting a public hearing notice. To do that, you need to determine when and where the public hearing will be held, and most importantly, what the hearing will be about.

Subject of the Public Hearing

Public hearings may be held on Assembly Bills, Assembly Joint Resolutions, Assembly Resolutions, Senate Bills, Senate Joint Resolutions and Clearinghouse Rules referred to your committee. Each of these is an official legislative document contained in a jacket delivered to you by the Assembly Records Office. In addition, committees sometimes hold hearings on proposals not yet introduced (Legislative Reference Bureau draft numbers and Legislative Council draft numbers), sections of the Wisconsin Administrative Code, and miscellaneous topics. "Topics" is a word which covers anything related to the subject matter area under the purview of your committee. Informational hearings on topics are used to explore a subject and perhaps develop legislation. One common practice is to hold hearings on that part of the executive budget which is relevant to your committee and formulate recommendations to the Joint Committee on Finance. That is one way in which Assembly standing committees can have a role in the development of the most important bill of the session --- the state budget.

Location

There are many committees but only a few committee hearing rooms. Therefore, in accordance with Assembly Rules 9 (9) and 11 (3), each committee is assigned a specific hearing room (see Attachment 5). Assembly hearing rooms are presently located in the Capitol. In addition to the regular meeting rooms, larger rooms such as the Assembly Chamber are sometimes available when it is anticipated that your customary hearing room will not accommodate the number of persons expected to attend a particular hearing. Under Assembly Rule 11 (3), arrangements must be made with the Assembly sergeant-at-arms office for use of any room. However, the Assembly Chamber, North Hearing Room and 225 NW may not be used on a session day.

If your chairperson wishes to hold a hearing outside the State Capitol and related buildings, you must, pursuant to Joint Rule 84 (1), obtain written permission from the Speaker of the Assembly (see Attachment 1). Permission must be received before the hearing notice may be inserted in the "Weekly Schedule of Committee Activities". To hold a hearing outside the Capitol, you must arrange for a meeting room in the area where you plan to hold the hearing. Commonly used facilities include state, university, county and municipal buildings around the state. Sometimes a small fee is charged for the use of a meeting room. You should have that fee billed to the Assembly Chief Clerk. It will be paid by the Assembly Chief Clerk's office and will not be deducted from your office account. Also, you need to contact the sergeant-at-arms office to make staffing and transportation arrangements with the sergeant's staff.

One last set of restrictions imposed on out-of-town committee meetings are contained in Assembly Rule 11:

(11)(b) Beginning on July 1 of each even-numbered year and ending on the date of the general election of that year, a committee may not meet in this state outside the city of Madison without the prior joint authorization by the speaker and the minority leader.

(11)(c) Beginning on the day on which a special election to the legislature is called, and ending on the day on which the special election is held, no committee may meet within the legislative district in which the special election is called, except in the city of Madison, without the prior joint authorization by the speaker and the minority leader.

If so desired, you may arrange for use of a state vehicle to transport committee members, committee staff, Legislative Council staff and sergeant-at-arms staff to the site of the hearing. Contact Mary Ellis in One East Main - 4th Floor (266-1108) to reserve a state vehicle. Since only a limited number of state cars are available, you are advised to put in your request for a state car at least one week in advance. As with the hearing notice, permission must be obtained from the Speaker's office to hold the hearing outside the Capitol before a state vehicle may be reserved. Please note that only one person, the committee clerk, from the chairperson's office is allowed to be reimbursed for expenses related to a committee hearing. Also, it should be noted that the state discourages the use of a personal car for travel by reimbursing employees at a lower per mile rate. Currently that rate is only 19 cents per mile compared to the legislator's in-district mileage reimbursement rate of 29 cents per mile.

When you return from your travels, you will be required to file a "Travel Voucher" (see Attachment 2) to receive reimbursement for your actual expenses. Limitations on the amount of reimbursable expenses are contained in the "Assembly Travel Reimbursement Guidelines" memo issued by the Office of the Assembly Chief Clerk (see Attachment 3).

Time

As stated in the previous section, there are many committees but only a few hearing rooms. Therefore, in accordance with Assembly Rules 9 (9) and 11 (3), each committee is assigned a specific hearing day by the Speaker when committee appointments are made at the beginning of session. Under this schedule some committees may meet once a week, but most are permitted to meet only once every two weeks. For this purpose, the biennium has been divided into alternating "even" and "odd" weeks. However, the terms "odd week" and "even week" do not necessarily correspond with the calendar dates. For instance, although a Tuesday falls on the 16th of the month (an even number), it is not necessarily an "even" week. Consult the "Odd-Even Calendar" (Attachment 4) and "Committee Hearing Day and Room Schedule" (Attachment 5) issued by the Speaker's office in January 1999 to determine when your committee is allowed the use of a hearing room. In order to reserve your hearing room, call the sergeant-at-arms office (6-1503).

There is one important restriction on when committees may meet. Under Assembly Rule 12 "... no committee may meet while the assembly is in session". Therefore, before scheduling a hearing, you should consult the legislature's session schedule (Senate Joint Resolution 1). The periods labeled "committee work periods" are most advantageous for holding public hearings. When the legislature is in session (floorperiods), it is wise to consult the majority leader's office before scheduling any hearings for Tuesday, Wednesday or Thursday. An unexpected turn of events can, and often times does, cause the Assembly to remain in session longer than planned, thus canceling or postponing any planned public hearings.

Preparing a Hearing Notice

Once all of the details of your hearing are arranged, it is time to prepare a public hearing notice. What is required, under Assembly Rule 14, is that the committee hearing notice "shall give the day, hour, place and nature of business, or number, author and title of any proposal, to be considered". Also, section 19.84 (2) of the Wisconsin Statutes, commonly referred to as the Open Meetings Law, requires that "every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, ... in such form as is reasonably likely to apprise members of the public and the news media thereof".

Usually, the public hearing is held separately from the executive session. That is, the two meetings are held on different days. However, if your committee plans to hold an executive session at the conclusion of the public hearing, it should be noted at the bottom of your hearing notice. Three possible ways of wording that executive session notice are:

1. An executive session may be held on any of the above listed proposals following the public hearing.
2. An executive session may be held on Assembly Bills 1, 15, 37, 55 and 146, Assembly Joint Resolution 4 and Senate Bills 5, 22 and 300 following the public hearing.
3. Legislative attorneys have advised that language such as stating that "an executive session may be held on any matter pending in the committee" is vague and not in compliance with the law.

Deadline

Joint Rule 75 requires that the chief clerk publish a "Weekly Schedule of Committee Activities" once a week. The deadline for submittal of hearing notices is Monday at noon for hearings to be held at least one week later. For example, notice for a hearing to be held on Friday, January 22, 1999 would have to be received not later than noon on Monday, January 11, 1999. As stated earlier, hearings held outside the Capitol must be approved in writing by the Speaker's office before inclusion of the hearing notice in the "Weekly Schedule of Committee Activities". This booklet is printed on Monday afternoons and is available in the Document Room on Tuesday mornings. If Monday is a holiday and the Assembly is closed, you will be asked to submit your hearing notices by noon on the previous Friday.

Number of Copies

The Assembly Chief Clerk requires the submission of 1 copy of the hearing notice to Jody Nussbaum (6-2545) in One East Main - 4th Floor. Jody, in conjunction with the Senate Chief Clerk's office, will take your hearing notice, along with those submitted by other committee clerks, and prepare the printed "Weekly Schedule of Committee Activities" booklet.

In addition to the copy delivered to Jody in One East Main Street - 4th Floor, you should post 1 copy each on the Assembly and Senate bulletin boards located outside the respective chambers and outside the Document Room in the basement of 1 E. Main. Also, send a copy to each member of your committee, a copy to each of the main authors and cosponsors of the proposal to be heard at the public hearing, a copy to the Hearing Room Coordinator in the sergeant-at-arms office, and a copy to your Legislative Council committee staff attorney. Usually, the hearing notice contains many proposals scheduled for a hearing. Therefore, it is advisable to devise a means of identifying which proposals are authored by which legislators. For example, a committee clerk could highlight on the hearing notice each occurrence of an author's name. Remember to save a copy of the hearing notice for your files and a copy to post on your hearing room door on the day of the hearing.

It is NOT necessary to file copies in the 33 press bins and post on the bulletin board in the Press Room. The inclusion of any hearing notice in the "Weekly Schedule of Committee Activities" serves as notice to the media of any hearing.

Hearings on LRB Numbers

It is permissible, although not recommended, to post a notice of and hold a hearing on an LRB number, a draft which has not yet been introduced. However, a hearing on an LRB number does not constitute a hearing on the proposal because it has not been introduced. One problem is that you will most likely have to make copies of the proposal for the members of the committee and the public since it will not be available in the Document Room.

If the draft does receive a number and is referred to your committee between the time a hearing notice is posted and the time of the hearing, it will be considered a hearing on the bill. Once the bill is introduced, however, you must comply with the requirement that a fiscal estimate be available.

In preparing the hearing notice for an LRB number, please list the specific draft number whenever possible. For example, use 0099/3 rather than just 0099.

Advance Notices

Advance notice of hearings -- more than one week ahead of time -- may be submitted for inclusion in the "Weekly Schedule of Committee Activities". In this way the notice appears in the schedule more than one time and gives everyone extra time to prepare for the hearing. Once an advance notice is received by the Assembly Records Office, it still needs to be re-submitted on the succeeding Monday. However, please note on the notice if there are any changes made from the original hearing notice. Of course, you would also need to notify everyone else whom you notified of the hearing originally. Due to the uncertainty of hearings scheduled far in advance, the chief clerk's office usually does not print notices scheduled more than two weeks in advance.

Amended Notices

When you amend a hearing notice by adding or deleting proposals, changing times, changing dates, etc., you should treat it one of two ways.

If the changes are made soon enough to be incorporated in the "Weekly Schedule of Committee Activities", distribute copies as you normally would for a hearing.

However, if the changes are made too late to be incorporated in the "Weekly Schedule of Committee Activities", distribute copies as you normally would for an executive session notice. (Post on the Assembly Chamber and Senate Chamber bulletin boards and outside the Document Room in the basement of 1 E. Main, send copies to committee members, committee attorney, authors of the proposal, deposit a copy in each of the 33 press bins and post one on the bulletin board in the Press Room). In that way, the press will be made aware of the hearing, and you will be in compliance with the notice requirements of the Open Meetings Law. Also, please notify the Assembly Records Office by providing us with one copy of the amended hearing notice.

When you prepare an amended notice, note on the notice that it has been amended, and state in what way the notice has been amended. Also, if time permits, send copies to any other recipients of the original notice.

Cancelled Hearings

If a scheduled hearing is cancelled or postponed, please attempt to notify everyone as you would for an amended notice. Be sure to notify the sergeant-at-arms office so the hearing room can be made available for other meetings.

Emergency Hearings

As stated earlier, the purpose of a public hearing is to hear the public testify on the merits of proposed legislation. However, sometimes in the rush of the legislature to pass a proposal, the chair of a committee deems it necessary to expedite the hearing process. In these cases, the hearing is held without publishing a notice in the "Weekly Schedule of Committee Activities". This is legal but the Open Meetings Law still contains certain restrictions. Section 19.84 (3) of the Wisconsin Statutes requires that "public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting." You may wish to consult your Legislative Council attorney before scheduling any meeting with less than 24 hours notice.

Even under these circumstances, the committee clerk is still responsible for complying with the other rules and statutes requiring that copies of proposals and fiscal estimates be made available.

Copies of the hearing notice should, instead of being distributed as a normal hearing notice, be distributed in accordance with the instructions for an executive session notice. (Post on the Assembly Chamber and Senate Chamber bulletin boards, and outside the Document Room in the basement of 1 E. Main, send copies to committee members, Hearing Room Coordinator in the sergeant-at-arms office, committee attorney, authors of the proposal, deposit a copy in each of the 33 press bins and post one on the bulletin board in the Press Room). In that way, the press will be made aware of the hearing, and you will be in compliance with the notice requirements of the Open

Meetings Law. Also, please notify the Assembly Records Office by providing us with one copy of the emergency hearing notice. Be sure that this is all completed at least 2 hours prior to the start of the meeting.

Joint Hearings

Joint Rule 21 provides for the holding of joint hearings by chairpersons of standing committees in the Assembly and Senate. Joint hearings expedite the legislative process by allowing the committees of both houses to hold hearings at the same time. Thus, when the proposal reaches the other house for consideration, committee members are already familiar with the issue so another hearing may not be necessary.

Unless otherwise requested by the committee clerk, hearing notices for joint hearings will be published in either the Assembly or Senate part of the "Weekly Schedule of Committee Activities", not both. Therefore, it is only necessary for a committee clerk from one of the houses to submit the notice to their respective Records office for publication.

Typically, messenger staffing is provided by the sergeant's staff who's hearing room is being used. However, a notice to the Hearing Room Coordinators in both houses is appreciated.

Audio Tape Recording

On occasion, the chairperson of a committee may desire to tape record a committee hearing. A tape recorder may be obtained for this purpose from the Legislative Council Office in One East Main - 4th Floor (6-1304). You are responsible for setting up the equipment in the hearing room and returning it to the Legislative Council at the conclusion of the hearing. Audio cassette tapes for the recorder are available from the Assembly Chief Clerk's office.

Once a tape is made of a public meeting, it becomes a public record and may not be erased. Under the Open Records Law, anyone may request to listen to the tape or obtain a copy of the tape.

At the end of the two year session, the tape should be forwarded to the Assembly Records Office along with other miscellaneous committee materials. It will eventually end up in the hands of the State Historical Society. For further information, see the section on "Disposition of Miscellaneous Committee Materials").

Items Needed for the Hearing

Since the purpose of a public hearing is to hear the public testify on the merits of the proposed legislation, it is necessary for the public to have information on which to base that testimony. The information required to be made available before a public hearing is held consists of the following: 1) copies of the proposal being heard and any amendments to the proposal, and 2) copies of the fiscal estimate(s) on the proposal.

Copies of the Proposal

Assembly Rule 14 (3) states that "no hearing shall be held until copies of any of the legislation scheduled for hearing are available to the public." In practical terms, that means the committee clerk is responsible for making sufficient copies of any proposal or amendment that has not yet been printed, delivered to the document room and placed in the members' bill files by the sergeant-at-arms staff.

Copies of the Fiscal Estimate

Bills requiring a fiscal estimate are so marked in the upper left corner of the bill jacket as FE-STATE and/or FE-LOCAL. Joint Rule 49 (2) states that "bills requiring fiscal estimates shall not be voted on by either house, and shall receive neither a public hearing nor be voted on by a standing committee, prior to the receipt of the original fiscal estimate for the bill." Section 13.093 (2)(a) of the Wisconsin Statutes contains similar language prohibiting the holding of a public hearing prior to receipt of a fiscal estimate.

Since Joint Rule 42 (3) allows state agencies a minimum of five working days to prepare a fiscal estimate and Joint Rule 48 allows the author of a bill another five working days to review that fiscal estimate, it can be as long as two weeks after a bill is introduced before your committee receives a fiscal estimate for a bill. On the other hand, sometimes fiscal estimates have been prepared by the affected departments, at the request of the bill's author, prior to introduction. In these cases, the fiscal estimate accompanies the bill when it is introduced and both are sent to the printer at the same time.

Just as the bill was delivered to your office upon its introduction, fiscal estimates are delivered to you by the Assembly Records Office and an entry is made on the jacket that you have received a fiscal estimate. If you have not yet received a fiscal estimate for a bill by the day before the scheduled public hearing, you will need to check on its status. It could be in one of several places: 1) the agency preparing the estimate, 2) the DOA Budget Office which acts as the clearinghouse for all fiscal estimates, 3) the LRB, 4) the author of the proposal who may still be reviewing it, 5) the LRB again, or 6) the Assembly Records Office. The best way to begin your search for a needed fiscal estimate would be to call Deborah Uecker (7-0371) or e-mail "deborah.uecker@doa.state.wi.us" in the Department of Administration Budget Office and ask her to check on its status. Timely handling of fiscal estimates has become more of a problem now that the legislature is spread out over several buildings around the Capitol.

Preparing the Hearing Room

On the day of your hearing, the sergeant's office will have a messenger assigned to staff the public hearing. The messenger will be in the hearing room about 15 minutes before the hearing starts to get instructions and make sure everything is in order. If you have any special need or requests for the messenger, please try to contact them in advance so that appropriate arrangements can be made for such things as ordering lunch, setting up extra chairs, changing seating arrangements, bringing in televisions, VCR's, overhead screens and dry eraser boards. It is the messenger's duty to fill the pitchers with ice water, provide coffee, hand out registration slips to those attending the hearing and perform such other tasks as the committee clerk may request. For the hearing, the messenger collects the registration slips and gives them to the committee clerk.

You will need the following items for the public hearing:

- jacketed bills and resolutions being heard
- appearance/registration slips (provided by sergeant's office) - (Attachment 8)
- blue slips for other legislators in attendance (provided by sergeant's office - see Attachment 14)
- blank scratch pad and pencil for each member (provided by sergeant's office)
- set of Wisconsin Statutes
- gavel and block (provided by sergeant's office)
- attendance and roll call sheets (Attachments 9 and 10)
- name plates for each committee member (provided by sergeant's office)
- a copy of the hearing notice to post outside the room
- extra copies of bills, resolutions and fiscal estimates not yet printed and distributed
- water and cups for members (provided by sergeant's office)

The normal procedure is to seat the vice-chairperson to the left of the chairperson and the committee clerk to the right of the chairperson, with the Legislative Council staff attorney next to the clerk at the head table. The remaining members of the committee are seated in the order that their names appear on the official list of committee members issued at the beginning of session by the Speaker of the Assembly. Generally, Democrats sit to the right of the committee chair and Republicans to the left. However, the Assembly Rules are silent on seating arrangements. At the beginning of the biennium, the sergeant's office will provide you with a blank seating chart to be completed and returned. This seating chart will be kept on file in the sergeant's office. Any subsequent changes in committee

membership during the session should be reported to the sergeant's office so that the seating arrangements can be modified.

One more important thing necessary to conduct a public hearing is enough committee members to form a quorum. A quorum is defined as one more than half of the members of the committee. If you notice the lack of a quorum prior to the start of the meeting, ask the messenger to call the offices of committee members.

The Public Hearing

The committee chairperson calls the meeting to order and asks the committee clerk to call the roll. The roll is called in the order that the members are listed on the committee assignment. Assembly Rule 11 (1) states that "a majority of any committee constitutes a quorum for the transaction of business." If a member is tardy for the attendance roll call, but appears at the hearing later, be sure to change the attendance roll call to show that member as being present.

Prior to and during the hearing, the committee clerk needs to get the hearing appearance and registration slips from the messenger. First, these slips need to be separated into two groups -- one group for appearances and one group for registrations. Once sorted into these two groups, they again need to be sorted -- this time by bill number. Finally, the chairperson may also want them sorted into pro and con categories on each bill.

Appearances

As each proposal is heard, the chairperson will call for "appearances for" and "appearances against" the measure. It will be the responsibility of the clerk to get the full name, address and organization represented for each person speaking. This information is obtained from the registration slip. If the person fails to present a registration slip, ask the messenger to have that person complete one after they have finished testifying. Be sure that only those persons who actually speak are listed on your Record of Committee Proceedings as "appearances".

Rather than testify for or against a proposal, some people testify "for information only". They also should be listed as part of your committee record.

Registrations

Many persons, in attendance at the committee hearing, may wish to fill out a registration slip even though they do not speak at the hearing. Such registrations are listed in the Record of Committee Proceedings as either registrations for or against the proposal. Please list them in alphabetical order in the Record of Committee Proceedings under their respective categories.

One problem that arose in a previous session concerned who should be considered as "registering". A group interested in a particular piece of legislation obtained a registration slip and made hundreds of copies. Members of the group then filled out these registration slips at the organization's meeting and one member of the group then brought them to the public hearing. Obviously, the ramifications of this for the committee clerk's workload would be tremendous. Therefore, in the absence of any written rule, you are advised not to accept registration slips for persons who are not actually in attendance at the hearing.

After the Public Hearing

After the public hearing is over, the committee clerk's duties are far from over -- in fact, they have multiplied. The clerk is responsible for submitting a copy of the committee attendance record for the hearing to the office of the Assembly Chief Clerk. In addition, the blue slips of legislators in attendance who are not committee members, should be attached to the attendance sheet for submission to the office of the Assembly Chief Clerk. This is done for tax purposes; any legislators in attendance at a meeting then have proof to support their claim of a tax deduction for that day. However, it is not necessary to submit the blue slips to the chief clerk's office if the meeting was held on a day when the Assembly met. Nor is it necessary to submit them for meetings held outside Madison.

The clerk is also required to bring the proposal jackets to the Assembly Records office, or at least notify the Assembly Records Office, of all the proposals on which public hearings were held. The Records Clerk will make the

notation "Public hearing held" on the jacket and that notation, as are all others on the jacket, will be entered into the Bulletin of Proceedings. Whenever possible, please bring the jackets to us on the same day as the hearing was held. Other legislative offices and the general public are accessing bill histories online daily and our goal is to keep them as current as possible.

Update Record of Committee Proceedings

Finally, now that the public hearing is completed, it is time to update the Record of Committee Proceedings on each of the proposals. Information which needs to be added at this time includes:

1. Date of Meeting (and Location if outside Madison)
2. List of members present and absent for the hearing.
3. Appearances on each proposal in order of appearance within the respective "For", "Against" and "For Information Only" categories.
4. Registrations on each proposal in alphabetical order within the respective categories.

If you need assistance in deciphering the names of lobbyists and organizations written on appearance and registration slips, consult the "Directory of Licensed Lobbyists" published by the State Ethics Board to determine the correct spelling.

Unless the committee chairperson plans to hold another public hearing on this proposal, the Record of Committee Proceedings will next need to be updated when you hold your executive session.

EXECUTIVE SESSIONS

Introduction

After a committee has had a public hearing and has heard all of the arguments for and against a proposal, usually the next step in the legislative process is for the committee to hold an executive session. An executive session is a meeting of a committee at which action is taken on proposals pending before the committee. For example, a committee meets and, on a roll call vote, recommends passage of Assembly Bill 1 by a vote of 8-5. Or to make things more complicated, the committee may consider several amendments before voting to recommend passage of the entire proposal.

As stated earlier, it is not required to ever hold a public hearing to report the proposal out of committee. Although there are many good public policy and political reasons to hold a public hearing, it is not a legal requirement.

However, with the single exception of bills introduced by the Joint Committee for Review of Administrative Rules under section 227.19 of the Wisconsin Statutes, an executive session is a prerequisite to sending a proposal out of committee. Unlike public hearings, which are totally discretionary, executive sessions must be held before a proposal is reported out of committee.

To reiterate the fiscal estimate requirement quoted in the Public Hearing section, Joint Rule 49 (2) states that "bills requiring fiscal estimates shall not be voted on by either house, and shall receive neither a public hearing nor be voted on by a standing committee, prior to the receipt of the original fiscal estimate for the bill." Section 13.093 (2)(a) of the Wisconsin Statutes contains similar language prohibiting the holding of an executive session prior to receipt of a fiscal estimate.

Notice

Just as a notice for a public hearing must comply with the Open Meetings Law, so must a notice for an executive session. Public notice must be given in writing and set forth the date, place, time and specific bill numbers or other business to be considered at the executive session. Post and send the executive session meeting notice just as the

public hearing notice was handled with two exceptions: 1) no copy needs to be delivered to the Assembly Records office because it does not get printed in the "Weekly Schedule of Committee Activities" (see Number of Copies under the Hearing Notices section) and 2) deposit a copy in each of the 33 press bins and post one on the bulletin board in the Press Room.

Of course, matters are simplified when hearings and executive sessions are held at the same meeting and included in the "Weekly Schedule of Committee Activities". In that situation, you may list both the hearing and executive session on the same meeting notice and you only need to make one set of copies. Copies may then be distributed as they are for normal public hearing notices.

Location and Time

The same process used for arranging a date and time for an executive session apply to an executive session. However, Joint Rule 84 (1) provides that committees may not "schedule an executive session outside the capitol unless such executive session is held in conjunction with a public meeting of the committee." (See discussion of Location and Time under the Public Hearings section).

The Executive Session

An executive session is a meeting of a committee in which the committee members vote to make a recommendation to the Assembly on the disposition of one or more proposals. The committee chairperson calls the meeting to order and asks the committee clerk to call the roll. The roll is called in the order that the members are listed on the committee assignment. Assembly Rule 11 (1) states that "a majority of any committee constitutes a quorum for the transaction of business." If a member is tardy for the attendance roll call, but appears at the hearing later, be sure to change the attendance roll call to show that member as being present.

Business Before the Committee

Under the Open Meetings Law, business is restricted to those subjects enumerated in the meeting notice. However, the order in which that business is considered is at the discretion of the committee chair. For the benefit of the members of the committee and any others in attendance, the chairperson should probably announce the order in which business will be discussed. This will alert committee members to have their amendments ready on time.

Parliamentary Procedure During the Executive Session

Assembly Rule 11 requires that "insofar as applicable, the rules of the assembly apply to the procedures of standing committees and special committees." Therefore, within the committee, the rules on voting, amendments and motions should govern the committee's actions. These rules are contained in the "Manual on Committee Procedures and Powers" and are repeated here for your convenience.

9. Voting:

- a. All motions must receive a second in order to be placed before the committee for a vote.
- b. All committee votes must be taken on a roll call vote in the presence of the committee.
- c. A member must be present in order to be recorded as voting. The voting roll may be held open until the adjournment of the executive session, in order to permit absent members to vote. However, absent members must return, and vote in the presence of the committee, in order for the vote to be recorded. If an absent member is unable to vote during the executive session, upon timely request, the absent member may have the committee report show how the member would have voted if he or she had been present.
- d. Every committee member who is present must vote.
- e. Members vote in the order in which named to the committee.

f. A committee may reconsider any action taken on a proposal, up until the time that the proposal is reported out to the Assembly.

10. Amendments:

- a. The order of considering simple and substitute amendments is governed by Assembly Rule 55.
- b. Amendments may be drafted and offered in committee, using the preprinted forms provided by the Chief Clerk for that purpose.
- c. Committees may offer amendments only to proposals currently before the committee.
- d. The matter of germaneness of amendments is resolved by the Speaker and the Assembly. Points of order on the germaneness of amendments are not in order within the committee. (If the question is raised, the chairperson should advise the proponent that the point of order can be raised on the floor of the Assembly, and the committee should continue deliberation on the amendment in question.)

11. Motions on introduction of proposals. The following motions are in order during an executive session:

- a. Bills, resolutions and joint resolutions.
 - i. Introduction.
- b. Amendments (simple and substitutes).
 - i. Introduction only.
 - ii. Introduction, and then a subsequent motion on adoption. (It is an improper motion to move introduction and adoption.)
 - iii. Only adopted amendments are reported out.
- c. Bills or amendments received during executive session (i.e. which are not already introduced) must be offered by the committee (not an individual member).

12. Motions on Assembly proposals already introduced. The following motions are in order during an executive session:

- a. Bills.
 - i. Passage.
 - ii. Indefinite postponement.
- b. Amendments (simple and substitutes).
 - i. Adoption.
 - ii. Rejection.
 - iii. Only adopted amendments are reported out.
- c. Bills, with amendments.
 - i. Passage, as amended.
 - ii. Indefinite postponement, as amended.

13. Motions on Assembly resolutions and joint resolutions. The following motions are in order during an executive session:

- a. Resolutions and joint resolutions.
 - i. Adoption.

- ii. Rejection.
 - b. Amendments (simple and substitutes).
 - i. Adoption.
 - ii. Rejection.
 - iii. Only adopted amendments are reported out.
 - c. Resolutions and joint resolutions, with amendments.
 - i. Adoption, as amended.
 - ii. Rejection, as amended.
14. Motions on Senate bills and joint resolutions. The following motions are in order during an executive session:
- a. Bills.
 - i. Concurrence.
 - ii. Nonconcurrence.
 - b. Joint resolutions.
 - i. Concurrence.
 - ii. Nonconcurrence.
 - c. Assembly amendments to Senate proposals (simple and substitutes).
 - i. Adoption.
 - ii. Rejection.
 - iii. Only adopted amendments are reported out.
 - d. Senate proposals with Assembly amendments.
 - i. Concurrence, as amended.
 - ii. Nonconcurrence, as amended.
15. Report without recommendation:
- a. Motion to that effect is not in order.
 - b. Can result only if:
 - i. Vote for passage or concurrence is a tie: or
 - ii. Successive motions for indefinite postponement, rejection or nonconcurrence and passage, adoption or concurrence fail.
 - iii. Bills introduced by the Joint Committee for Review of Administrative Rules under s. 227.19 (5) (e) or 227.26 (2) (f), Stats., are recorded as reported without recommendation if withdrawn, prior to committee vote, under Assembly Rule 15 (6).
16. Motions to Table. Motions to table a bill to a time later than the adjournment of the meeting are not in order, since the motion does not form the basis for a recommendation to the Assembly for final action and conflicts with the authority of the chairperson to decide when a proposal shall receive committee action. (A chairperson may, at any time, withdraw a proposal from consideration.)

After the Executive Session

After the executive session is over, the committee clerk's duties are far from over. Again, the clerk is responsible for submitting a copy of the committee attendance record for the executive session to the office of the Assembly Chief Clerk. In addition, the blue slips of legislators in attendance who are not committee members, should be attached to the attendance sheet for submission to the office of the Assembly Chief Clerk. As with the public hearing, the blue slip requirement is waived if it is a day on which the Assembly met, or if the meeting was held outside of Madison.

The clerk is also required to bring the proposal jackets to the Assembly Records office, or at least notify the Assembly Records Office, of all the proposals on which executive sessions were held. The Records Clerk will make the notation "Executive session held" on the jacket and that notation, as are all others on the jacket, will be entered into the Bulletin of Proceedings. Whenever possible, please contact us on the same day as the executive session was held. It is especially important that this be done when amendments are offered in committee.

Committee Amendments

Amendments need to be dealt with promptly, so that the Assembly Records office can reserve numbers for your amendments and make them a priority over any new amendments that may be submitted to our office after the executive session. If your committee voted to introduce an amendment, it needs to be numbered even if the committee did not adopt the amendment.

Some of your amendments offered in committee may be already drafted by the LRB, others may be handwritten on amendment forms (see Attachment 6) and others may only be a concept which has not been committed to written amendment form. We will number all three types. It is the responsibility of your office to get the amendments drafted by the LRB. Let them know that you need this amendment because it was recommended for adoption by the committee. The LRB attorney and the Legislative Council attorney assigned to your committee may have to consult on the details of the amendment. When the amendments have been drafted, pick them up at LRB and have your chairperson check them over to make sure that they accurately represent the intention of the committee. Then bring them to us. We will again process them and send them to the printer. (See Assembly Rule 53). All amendments need to be drafted before a proposal can be reported out of committee.

Update Record of Committee Proceedings

Finally, now that the executive session is completed, it is time to update and complete the Record of Committee Proceedings on each of the proposals. Information which needs to be added at this time includes:

1. Date of Meeting (and Location if outside Madison)
2. List of committee members present and absent for executive session.
3. Motions on amendments previously introduced.
4. Motions to introduce new amendments.
5. Motions on the just introduced amendments.
6. Motions on the proposal.
7. Roll call votes on amendments and on the proposal.
8. The outcome of the committee's vote and its recommendation (i.e. Motion carried; passage recommended).
9. Signature of the committee clerk on the completed record.

COMMITTEE REPORTS

Introduction

One more step and you are finished with this proposal. That step is to issue a committee report on the proposal. Assembly Rule 17m, created in 1995, requires that "a committee chairperson shall report a proposal to the assembly within 7 working days after the committee takes executive action on the proposal if the committee recommends that the proposal be adopted, passed or concurred in". Conversely, that means that the very few proposals which do not receive committee approval (i.e. recommended for indefinite postponement, nonconcurrence or rejection) may remain in your possession for the entire balance of the legislative session. The decision, on whether or not to report those proposals out of committee, lies in the hands of the committee chairperson.

Once a decision has been made by the chairperson to report a proposal out of committee, the clerk needs to prepare a written committee report for submission to the Assembly Records office in One East Main Street - 4th Floor. One prerequisite mentioned earlier is that the committee held an executive session and voted to make a recommendation to the Assembly. That recommendation may be in the positive (passage, adoption, concurrence) or in the negative (indefinite postponement, rejection, nonconcurrence). In some circumstances, a committee may report a proposal without recommendation. See Assembly Rule 19 for details on committee reports without recommendation.

Content of the Committee Report

Assembly Rules 18 and 19 contain the requirements for the content of a committee report. Assembly Rule 18 (1) states that "when the committee to which a proposal was referred makes recommendations, the chairperson shall report in concise form the executive action of the committee. The report shall be signed by the chairperson."

Again, preparing committee reports will be made easier by using the committee clerk routines installed on your office computer. The following information should appear on the committee report:

1. A heading labeling it as a committee report.
2. Wording similar to "The committee on ... reports and recommends:"
3. For each proposal being reported out of committee, the proposal number, relating clause and authors.
4. A listing and the votes thereon for only the amendments which the committee recommends for adoption.
5. The recommendation of the committee, and the votes thereon, for the final disposition of the proposal.
 - a. passage or indefinite postponement for Assembly Bills.
 - b. adoption or rejection for Assembly Resolutions and Assembly Joint Resolutions.
 - c. concurrence or nonconcurrence for Senate Bills and Senate Joint Resolutions
 - d. adoption of report (Joint Survey Committees only)
6. The signature of the Chairperson of the committee (not the committee clerk as in the committee record).

An extensive set of sample committee reports has been provided as part of this manual. Hopefully, these examples should cover any situations which arise during the coming session.

It is permissible to have more than one proposal on the same committee report. When doing so, it is preferable to list the proposals by groups, and in numerical order within groups. First, list Assembly Resolutions, followed by Assembly Joint Resolutions, Assembly Bills, Senate Joint Resolutions and finally, Senate Bills. However, you should be cautioned that the committee report is treated as one document and is not divisible. Therefore, a committee report is held up until the Speaker makes a decision on subsequent referral of each and every proposal on the report. Also, please do not put Clearinghouse Rules on a committee report with proposals.

Reporting Out the Proposal

Unlike the posting of public hearing and executive session notices, distribution requirements for the committee report itself are minimal. To report the proposal out of committee, you need to present the jackets and 4 copies of the committee report to the Assembly Records Office. You should also retain a copy of the committee report for your own files.

In addition, you need to file the completed copies of your Record of Committee Proceedings as follows:

- *1 copy in your Record of Committee Proceedings book in your office
- *1 copy in your chairperson's bill folder
- *3 copies, including the original, in the jacket of the proposal
- *1 copy in your Record of Committee Proceedings book in One East Main - 4th Floor

Once you have completed these tasks, the committee process for this proposal has been completed.

If you ever need to revise a Record of Committee Proceedings after a proposal has left committee, add the notation "Revised on mm/dd/yr" to the first page of the record and file the new copies as you did the original.

What Happens After the Proposal Leaves Your Committee

After a proposal is delivered to our office to be reported out of committee, we check it over to make sure that everything is in order. Then we submit it to the Speaker's office for review. Under Assembly Rule 45, the Speaker determines the next step in the process.

If the proposal has little or no fiscal effect, the Speaker may refer the proposal to the committee on Rules or to the calendar. If it is the judgement of the Speaker that the proposal, because of its fiscal effect, is required to be referred to the Joint Committee on Finance, he sends it there. If it is a proposal being reported out of a Joint Survey Committee, the Speaker may refer the proposal to a standing committee.

This decision-making process may involve consultation between the Speaker's office, committee chairperson, author of the proposal, Joint Finance chairperson, Legislative Fiscal Bureau staff, etc. Needless to say, the entire process of reporting a proposal out of committee can take some time.

Apparently, some legislators, staff and lobbyists seem to be operating under the illusion that, once an executive session has been held, proposals magically and instantaneously march from your committee to the committee on Rules to be scheduled for the Assembly Calendar. They have little appreciation for the fact that their bill may have been only one of a multitude scheduled for executive session that day, and that the committee clerk has paperwork to prepare on each and every one of them. Furthermore, as stated earlier, your committee chair may not want to report the proposal out of committee immediately.

CLEARINGHOUSE RULES

Introduction

Administrative Rules are enactments of state executive branch agencies which have the same force of law as statutes passed by the legislature and signed by the governor. Rules are issued to implement, interpret or make specific legislation previously enacted into law.

For example, 1987 Senate Bill 235 (relating to providing family leave and medical leave to employees in the state) was passed by the legislature, signed into law by the governor and became Act 287 of the 1987 session. Provisions of that act vested some enforcement authority for this act in the Department of Industry, Labor and Human Relations (DILHR). On February 15, 1989 DILHR submitted Clearinghouse Rule 88-0122 (relating to family and medical leave) to the legislature for review. This proposed rule was the agency's effort to implement the legislature's intent in

passing 1987 Senate Bill 235. The committee on Children and Human Services reviewed it in the Assembly; the committee on Agriculture, Health and Human Services reviewed it in the Senate.

During the two year session, agencies submit approximately 400 proposed Clearinghouse Rules to the legislature for review. However, unlike bills, the times when agencies may submit proposed rules are not governed by the legislature's session schedule. Instead, the Wisconsin Statutes allow their submission any time from inauguration day (January 4, 1999) through October 31, 2000.

Referral

After the Legislative Council's Rules Clearinghouse has prepared its analysis of the proposed Clearinghouse Rule, an agency may submit it to the legislature for committee review. Just as jacketed bills are referred to committee by the Speaker of the Assembly, so are Clearinghouse Rules. After they are referred by the Speaker, they are delivered to your committee. This is where the process begins to deviate from the process for bills.

Copies of Clearinghouse Rules are not printed and available to the general public in the Document Room. The only copies are the ones in your jacket. Therefore, if anyone is looking for a copy of a rule while it is in your committee, you are the only source in the Assembly. The other option would be to refer them to the department which submitted the rule. After the rule is returned to the Assembly Records Office, copies can be obtained in One East Main - 4th Floor.

Requirements for the Committee Clerk

Unlike bills, the chairperson must notify, in writing, each committee member of the receipt of a Clearinghouse Rule. This should be done as soon as possible because the committee has a limited time in which to review the rule. Please place a copy of your notification letter in the jacket. A sample memo to committee members is contained in the manual as Attachment 12.

Also, unlike bills, your committee has only 30 days from the date of referral to take some type of action --- if your chairperson wants to take action. If, during the committee review period, the committee chairperson requests the agency proposing the rule to meet with the committee regarding the rule, or the chairperson publishes or posts notice that the committee will hold a hearing or meeting to review the proposed rule, the committee review period is extended for 30 days from the date of request, publication or posting. Please place in the jacket a copy of any letter requesting a meeting with the agency (see Attachment 13). Otherwise, after 30 days the appropriate paperwork should be completed and, along with the rule, should be returned to the Assembly Records Office.

Public Hearings

If your chairperson decides to schedule a public hearing, remember that your action to schedule the hearing must come within the 30 days. The hearing itself may come later.

Notices for public hearings may be posted on the same forms as notices for legislation. About the only difference would be that, instead of notifying authors, you would be required to notify the department which submitted the rule. In addition, you should notify the clerk of the Senate committee which has the rule. It is always important to keep the Senate committee informed of your activities involving a rule.

Executive Sessions

While the public hearing process is similar for both bills and Clearinghouse Rules, the executive session is an entirely different story. None of the motions proper in executive sessions on bills (passage, concurrence, etc.) are used for Clearinghouse Rules. Instead, motions are made to object to the proposed rule, either in whole or in part, or to ask the agency to make some modifications in the rule. See Attachment 11 in this manual for use in executive sessions.

For further information on the Clearinghouse Rule review process, if you ever need it, consult the "Manual of Committee Procedures and Powers" and the "Legislative Review of State Agency Administrative Rules" prepared by the Legislative Council staff.

Committee Records and Reports

Fortunately for committee clerks, an overwhelming percentage of the few hundred Clearinghouse Rules submitted each session are noncontroversial and the work of the committee clerk is minimal. Most never have a public hearing or executive session. The only work involved would be to create: 1) a letter or memo to committee members notifying them of the rule's referral to your committee, 2) a Record of Committee Proceedings indicating that you received the rule and took no action, and 3) at the expiration of your 30 days, a committee report indicating that no action was taken on the rule. (See Attachments 34 and 39).

However, if a public hearing and/or executive session are held, a more extensive Record of Committee Proceedings will be necessary to reflect the action taken by your committee. Whatever committee executive action is taken, if any, timeliness in reporting your committee action is important. For instance, you are required, under section 227.19 (5) of the Wisconsin Statutes, to report any action objecting to an entire rule, or part of a rule, within 2 working days following your action. Fortunately, we only have a handful of objections each session.

Both your Record of Committee Proceedings and committee report should be filed the same (i.e. same number of copies) as committee records and reports for legislation.

MISCELLANEOUS TOPICS

Introduction of Proposals by Committee

Bills, joint resolutions, resolutions and amendments may be offered by committee. The motion for introduction is made in executive session and a vote on that motion is required. Bills recommended for introduction must have a record of committee proceedings and be reported to the Assembly on a committee report.

Amendments may also be offered for introduction to bills then in your committee. The amendments must be in proper form before being reported to the Assembly. This means that all amendments not drafted by the LRB must be submitted to them for drafting. In addition, if a LRB amendment draft is altered in any fashion, it must be redrafted or the change must be made as an amendment to the amendment.

In the Record of Committee Proceedings on the bill, it is preferable to have a motion and a vote for introduction prior to a motion and a vote for adoption.

On the committee report on the bill, it is preferable to have both a vote for introduction and a vote for adoption of the amendment. However, committee chairs often combine the two motions into one or introduce amendments by unanimous consent. At a minimum, we need to have a vote on adoption of an amendment. Your committee records and reports should reflect what actually happened.

Joint Committee Hearings

Notice

An appropriate phrase, e.g. "The Senate committee on Labor, Business, Veterans, Affairs and Insurance will hold a joint public hearing with the Assembly committee on Financial Institutions and Insurance on.....in Room.....etc. should be used on the hearing notice.

If the hearing will cover similar or identical bills, list both the Senate bill and Assembly bill on the hearing notice. The notice must be signed by the chairpersons of both the Senate and Assembly committees.

Follow the regular procedures and distribution for the hearing notice.

Joint Public Hearings

At the hearing, the Senate clerk calls the roll for the Senate committee members and the Assembly clerk calls the roll for the Assembly committee members.

Record of Committee Proceedings

On the record of committee proceedings, a joint hearing is indicated and members of both committees present are noted; however, for the executive session, each committee is treated separately. Of course, unless it is a joint committee, only Assembly members may vote on Assembly proposals. Simply holding a joint hearing involving a standing committee of the Senate and a standing committee of the Assembly does not give committee members from the two houses the right to vote on each other's legislation. Only the Assembly committee may report its action to the Assembly.

Committee Report

Since committee reports to the Assembly can only reflect the action of an Assembly committee, the committee report should show only the Assembly action and should only be signed by the chairperson of the Assembly committee.

Informational Hearings

Years ago, committees rarely held hearings unless there was a concrete proposal before the committee, such as a bill, joint resolution or resolution. Today, informational hearings are becoming more and more common occurrences in the legislative process. Committees are holding hearings on anything related to the subject matter area under the purview of the committee. They are holding hearings to explore a subject and perhaps develop legislation. One common practice is to hold hearings on that part of the executive budget which is relevant to your committee and formulate recommendations to the Joint Committee on Finance.

To make this process as easy as possible, it is suggested that you attempt to follow the same format in developing a Record of Committee Proceedings as you would for a bill. Depending on your specific hearing, it is possible that you may not have any "Appearances for" and "Appearances against". Instead, all appearances may fall under the category of "Appearances for information only". (See Attachment 39).

After the public hearing, it is possible that the committee may take some executive action. For example, the committee may want to vote to ask the Joint Committee on Finance to increase the appropriation for the Kid's Play Day Care Center in the governor's budget.

Subcommittees

Assembly Rule 11 (2) provides that "committee chairpersons may appoint subcommittees to consider specified subjects and report to the parent committee."

Subcommittees may hold hearings, but they report their findings only to the main committee. When scheduling a hearing, both the subcommittee and the main committee should be listed on the hearing notice.

The committee clerk must notify the Speaker's office in writing as soon as a subcommittee is appointed. The letter should include, the name of the subcommittee, the name of the chairperson, the members and the purpose for which the subcommittee was created.

Joint Survey Committees

Each session when a new legislature convenes, the Assembly adopts a resolution instituting the Assembly Rules for the session. One part of the Assembly Rules (Assembly Rule 9) creates the list of standing committees for the new

session. Over the years some committees have been eliminated while new ones have been created to deal with new areas of legislative interest. For example, the committees on Agriculture, Education, Highways, Judiciary, Labor, State Affairs and Veterans and Military Affairs have existed for years; but new committees are created each session.

However, there is one type of committee which is not created with each new session. The Joint Survey Committees (Retirement Systems, Tax Exemptions) were created years ago by statute. Sections 13.50 and 13.52 contain the language creating and determining the membership of these committees. Unlike other committees, their membership consists of persons other than legislators.

Because Joint Survey Committees are "different" than other committees, certain procedures are different for them. To begin with, the bill jackets themselves indicate when a bill must be referred to one or more of the Joint Survey Committees. Also, the "Analysis by the Legislative Reference Bureau" contained in the bill draft states that proposals require Joint Survey Committee scrutiny.

Within the committee, certain procedures differ from those of other committees. First, Joint Survey Committees do not technically introduce amendments. Instead, when a committee wants amendments introduced, the chairperson introduces the amendments at the "request of" of the committee.

Second, Joint Survey Committees do not issue the same type of committee report as other committees. While other committees use terms such as passage, indefinite postponement, concurrence and nonconcurrence in phrasing their committee recommendations, the Joint Survey Committees recommend "adoption of the report". The report referred to is a written report prepared by committee staff outlining whether or not the bill is good public policy.

Third, since the committee consists of state senators as well as representatives, all committee activities need to be coordinated with the schedule of the Senate. In preparing hearing notices, it need only be prepared by the office of one of the two co-chairpersons and submitted to one of the houses for inclusion in the "Weekly Schedule of Committee Activities".

Fourth, since business is referred to the Joint Survey Committees by each house, the chairs need to coordinate who will preside over the meetings. Joint Rule 22 provides that "any meeting of a joint committee shall be chaired by the cochairperson from the house which referred the business then before the joint committee".

Fifth, the committee is held to a higher standard in the number of votes required to adopt their reports. Standing committees only require a majority vote of the committee members present and voting, but the joint survey committees require a majority vote of all committee members. The Joint Survey Committee on Tax Exemptions consists of 9 members so any motion would require 5 votes even if only 5 members were present. The Joint Survey Committee on Retirement Systems consists of 10 members so any motion would require 6 votes even if only 6 members were present.

Sixth, bills reported out of Joint Survey Committees usually are referred to one of the Assembly standing committees for review. After the standing committee review, the bills then are referred by the Speaker to the Joint Committee on Finance, the committee on Rules or the calendar.

Open Records Law

Wisconsin Statutes designate the chairperson of each committee, or the designee of the chairperson, as the legal custodian of committee records. Under the Open Records Law, all records are open to the public for inspection and copying except in strictly limited circumstances.

One part of the Open Records law requires the legal custodian to post a notice in the office setting forth:

- a. The committee name and location of the office.
- b. The committee records kept there.
- c. The normal business hours of the office.
- d. The name of the custodian, to whom requests to inspect and copy records are to be directed.

e. The costs, if any, for copying and mailing records.

A sample notice is included as Attachment 15. Should any situation arise regarding the Open Records Law, consult the "Manual on Committee Procedures and Powers", "Assembly Employee Handbook" and your Legislative Council staff attorney for guidance.

Location of Jackets in Your Office

The Assembly is sometimes in session well beyond the normal 5:00 P.M. quitting time when most employees depart. In fact, the Assembly has been known to be in session when employees return the next morning. Anything can, and often does, happen during these late night sessions. One possibility is that a proposal may, for whatever reason, be withdrawn from your committee by the Assembly. For this reason, it is important that your committee chairperson know where the bill jackets are kept in your office. If a jacket is removed from your office for any reason, you will be informed as soon as possible by the Assembly Chief Clerk's Office.

Committee Status Sheets

Although not required by any rule, many committee clerks find the use of committee status sheets a handy reference tool. It allows a committee clerk to view, on one concise form, the status of any bill in committee. Committee status sheets are strictly for your own use and need not be filed anywhere. A sample committee status sheet is included as part of this manual. See Attachment 16.

Petitions

Petitions received from constituents in support of, or in opposition to, measures under consideration by the legislature, may be introduced by legislators as Assembly petitions.

Petitions for introduction are delivered to the Assembly Record's office, where they are processed for referral to the proper standing committee.

Petitions referred to your committee should be retained until the end of the two year session. At that time they will be collected by us and sent with all other committee records to the Legislative Reference Bureau.

You are not required to do anything with petitions other than keep them in a file until the end of session.

COMPUTERS

Use of Computers by Committee Clerks

Computers can be a valuable tool for all of us. In the last decade, the legislature has entered the computer age by installing a personal computer in every office. To aid committee clerks in the performance of their duties, the LTSB (Legislative Technology Services Bureau) staff has developed an application titled ComClerk for use by committee clerks. Your utilization of this application will make your task easier. You will be given a manual with instructions on the use of the ComClerk application.

Computer Access to Legislative Information

Unlike the offices of individual legislators, the Assembly and Senate Chief Clerk's offices do not use Microsoft Word for legislative work. Instead, because of the large size of some of the documents we produce (i.e. Assembly Journal and Bulletin of Proceedings), and our need for integration with the LRB, we use a different set of programs. These are the same programs which the LRB uses to draft bills and the Revisor of Statutes uses to publish the Wisconsin Statutes.

Technology has now advanced to the point where many of these documents can be transferred from our program and computer to another program and computer. That is why, during recent sessions, the text of bills, resolutions, amendments, statutes, bill histories became available in FOLIO. Many of those same documents are now available to the general public on the Internet.. Anyone with a home or office computer with Internet access can view legislative information online. As time goes on, and technology advances even further, more and more information will become available in this manner.

Why is this important to you? Because one of the documents which anyone can now access online is the Record of Committee Proceedings. Therefore, it is important that your Records be as accurate as possible. Please run a spell check on your documents before considering them final.

END OF SESSION DUTIES

Return of Jackets in Your Committee

Each session, the legislature adopts a session schedule as provided for in Joint Rule 81. This has been done every session since 1971. Joint Rule 83 (4) states that "at the conclusion of the last general-business floorperiod scheduled for the spring of the even-numbered year, any bill or joint resolution not yet agreed to by both houses, and any resolution not yet passed by the house of origin, shall be deemed adversely disposed of for the biennial session".

Under the provisions of the session schedule adopted for the 1999-2000 session (SJR 1), that floorperiod ends on March 30, 2000. With the adjournment of that floorperiod, all legislation pending in your committee dies on that date.

However, this does not apply to Clearinghouse Rules. Unfortunately for committee clerks, the administrative rule-making process does not cease at this time. Clearinghouse Rules will continue to be referred to your committee until early November.

To complete the committee's legislative recordkeeping functions for the 1999-2000 session, the committee clerk needs to complete the Record of Committee Proceedings for each of the proposals remaining in committee and send the jackets to the Assembly Chief Clerk's office. This should be done as expeditiously as possible following the conclusion of that floorperiod in March 2000.

Following are the steps needed to complete the task (see the attached samples).

1. If you have not already done so, enter in your Record of Committee Proceedings any public hearings and executive sessions.
2. With a date of March 30, 2000, add one of the following entries to the committee record:
 - a. For Assembly Bills, the proper entry is "Failed to pass pursuant to Senate Joint Resolution 1".
 - b. For Assembly Joint Resolutions and Assembly Resolutions, the proper entry is "Failed to adopt pursuant to Senate Joint Resolution 1".
 - c. For Senate Bills and Senate Joint Resolutions, the proper entry is "Failed to concur in pursuant to Senate Joint Resolution 1".
1. Sign the Record of Committee Proceedings for each proposal.
2. In addition to the number of copies you may wish to keep for your own files, please make 3 copies of each Record of Committee Proceedings for transmittal to the Assembly Chief Clerk's office. Place 2 of the copies in the jacket as you have done in the past when reporting a proposal out of committee. The third copy should be filed in your Record of Committee Proceedings book in One East Main.

3. Prepare a final committee report (see attached sample) to accompany the proposals which are returned to the Assembly Chief Clerk's office. The proposals should be listed in numerical order within each category. Only numbers are necessary; relating clauses and authors are not required. The committee report should read:
"The following resolutions, joint resolutions and bills have been adversely disposed of pursuant to Senate Joint Resolution 1 on March 30, 2000."
4. When you have completed the committee records and the committee report, send the jackets to the Assembly Records Clerk at Room 402 in 1 East Main.

What happens to the committee records and jackets after the session is over? The bill jackets will be shipped to the Legislative Reference Bureau and will eventually end up in the State Historical Society. The committee records from your Record of Committee Proceedings book will be deposited with the Legislative Reference Bureau (LRB). Committee records from the 1981 session to the present, arranged in numerical order, can be found in black loose-leaf binders on the shelves in the LRB library. In addition, the LRB maintains committee records beginning with the 1951 session on microfilm.

Disposition of Miscellaneous Committee Materials

Pursuant to section 13.16 of the Wisconsin Statutes, "the chief clerks, at the close of each session shall deposit for safekeeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature." This is done in December of the even-numbered years.

At that time, any committee materials which you wish to dispose of may be compiled and given to the Chief Clerk's office for transmittal to the Legislative Reference Bureau. The LRB will review them before passing them on to the appropriate parties. This includes copies of hearing notices, hearing appearance and registration slips, attendance sheets, roll call sheets, minutes, committee records, committee reports, testimony, tape recordings and any other miscellaneous materials.

State Records Center storage boxes for these materials are available from the Supply Room in the basement of One East Main Street. Please do not write on the outside of the boxes. Instead, write a note describing the contents of each box and place the note inside the box.

Thank you for your service to the Wisconsin State Legislature and the citizens of the state of Wisconsin.

(The End)