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☞ Details: Committee clerk information

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

1995-96

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Insurance, Securities and Corporate Policy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Thomas T. Melvin



Assembly Chief Clerk

Office:
1 East Main, 4th Floor
P.O. Box 8952
Madison, WI 53708
(608) 266-1501

Legislative Hotline:
(toll-free) 1-800-362-9472

Date: December 28, 1994

To: Committee Clerk
Committee on Insurance, Securities and Corporate Policy

From: Ken Stigler
Assembly Records Clerk

Subject: 1995-96 Manual and Training for Committee Clerks

Although everyone is anxious to get acquainted with their new duties, the "Committee Clerks Manual" cannot be finalized at this time because the Assembly does not adopt rules for the session until the first week of session in January. To some extent, the material contained in the manual may be affected by any rule changes.

It is my understanding that few rule changes will relate to committee procedures. One possible change being considered is to impose a requirement on a committee chair to report a bill out of committee within a certain period of time after an executive session is held. If such a change is adopted, I will incorporate it in the manual. Soon thereafter, I will be able to provide you with a new manual with all of the necessary attachments and sample documents.

In the meantime, I would like to provide you with the text of the manual as it currently stands. This will give you a chance to get a head start on your new duties. Please read it over and jot down any questions you may have. Furthermore, I welcome your ideas for improving this manual.

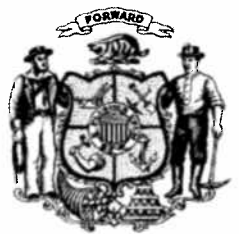
Also, I would like to let you know where we now stand on getting you some training. The WILIS staff and I are working on updating the committee clerk routines developed in Wordperfect. Depending on the magnitude of the rule changes, we will probably be ready to conduct training sessions late in the first week or second week of January. I will be in touch with you later with exact dates. Training will be conducted in the WILIS training room on the 4th floor at 17 S. Fairchild. At that time, you will be given the necessary instruction and a manual to install and use the committee clerk macros.

In addition to the written "Committee Clerk's Manual", "Manual on Committee Powers and Procedures" and WILIS "Committee Clerk Routines" manuals, I am available at all times to advise you on legislative procedure and paperwork requirements. A major part of my job involves dealing with the committee clerks --- getting the bills to committee and getting them back from committee. During busy times, it is not uncommon for me to have several phone conversations per day with some committee clerks.

Unless the Assembly is in floor session, I can be reached at my office in Room 402, 1 E. Main Street, 6-2406. Also, for those of you who use Office/Vision, my userid is stiglm.



WISCONSIN STATE LEGISLATURE



Thomas T. Melvin



Assembly Chief Clerk

Date: January 23, 1995
To: All Committee Clerks
From: Ken Stigler
Assembly Records Clerk

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1 East Main, 4th Floor
P.O. Box 8952
Madison, WI 53708
(608) 266-1501

Legislative Hotline:
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Subject: 1995-96 Manual

Attached please find a new manual for committee clerks. Around the holidays, I had provided each of you with the text of last session's manual. I have now updated the manual to incorporate the new rule change (Assembly Rule 17m) requiring committee chairs to report proposals out of committee within 7 working days after the executive session if they receive a positive vote (i.e. motions for passage for Assembly Bills, adoption for Assembly Joint Resolutions and Assembly Resolutions, concurrence for Senate Bills and Senate Joint Resolutions prevail).

Also, I have made other minor changes in wording to clarify some points. In my opinion, if you have read the version of the manual given to you earlier, you need not read the new text. However, please throw out the old version and replace it with this one for future reference.

It took longer for me to come up with more and better committee record and report samples to attach to the end of the manual. These samples are from last session and earlier sessions. Since they were not produced by committee clerks using the new Wordperfect routines, they do not exactly conform to the new format developed for you by Lynn Curtis of the WILIS staff. They are, however, attempts to provide you with samples of the content of various types of committee records and reports. For example, you should note that you can have in the Assembly: amendments, substitute amendments, amendments to amendments, amendments to substitute amendments and amendments to amendments to substitute amendments. You should also note the different wording for different types of proposals (see pages 14-16 of the text of the manual).

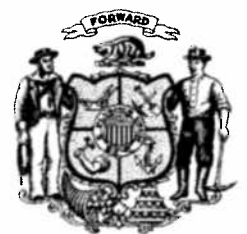
By now a few of you have undergone baptism by fire and have already had public hearings, executive sessions and reported proposals out of committee. At the other extreme, many of you have not yet had anything referred to your committee. To refresh everyone's memory, I would like to remind you of what you should be doing when a proposal or Clearinghouse Rule is received in committee:

1. Create the bill documents (number, relating clause and authors) using your Wordperfect routines.
2. Begin a Record of Committee Proceedings for the proposal using the bill documents and date of referral to your committee.
3. Keep your chairperson apprised of everything received in committee.
4. For Clearinghouse Rules only, notify the members of the committee the receipt of a Rule and deadline for action.

Again, unless the Assembly is in floor session, I can be reached at my office in Room 402, 1 E. Main Street, 6-2406. Also, for those of you who use Office/Vision, my user id is stiglkm.



WISCONSIN STATE LEGISLATURE





AGENDA
COMMITTEE CLERK MEETING
JANUARY 27, 1995

- I. INTRODUCTION
 - A. Who is Who
 - B. Purpose of the Meeting
 - C. Need for Coordination in the Majority

- II. CAUCUS STRUCTURE IN BRIEF
 - A. Policy, Media and Research

- III. COMMITTEE AND CAUCUS COOPERATION
 - A. General
 - B. Policy Team
 - 1. Policy Research
 - 2. Hearings
 - 3. Liaison Among Committees
 - a) Clerk Meetings
 - 4. Liaison with the Senate Caucus
 - 5. Bill Summaries
 - a) Providing Information: attendance, amendments, appearances, notes, votes and comments.
 - 6. Post-hearing / Pre-floor Consultation
 - C. Media Team
 - 1. Hearing Coordination

**RAY CAREY
DIRECTOR**

100 NORTH HAMILTON ST.
ROOM 406, P.O. BOX 8952
MADISON, WI 53708-8952

TEL: 608 266-1452
FAX: 608 264-6999

Assembly Committee on Criminal Justice and Corrections

Policies and Procedures

(1) MEETING DAYS

A. **PUBLIC HEARINGS:** ROOM 321 NORTHEAST IS THE REGULARLY ASSIGNED MEETING ROOM ON ALTERNATING THURSDAYS. THE CHAIR WILL MAKE EVERY EFFORT TO START PUBLIC HEARINGS **PROMPTLY** AT 10:00 A.M. ON MEETING DAYS.

B. **EXECUTIVE SESSIONS:** WILL BE HELD FOLLOWING PUBLIC HEARINGS WHENEVER POSSIBLE BUT MAY BE SCHEDULED ON OTHER DAYS WHEN NECESSARY.

Every effort will be made to accommodate the schedules of the respective committee members whenever possible.

(2) ATTENDANCE

A. "EXCUSED" ABSENCES: THE RECORD OF COMMITTEE PROCEEDINGS WILL NOTE AN "EXCUSED" ABSENCE ONLY WHEN THE CHAIRMAN IS NOTIFIED AT LEAST ONE HOUR BEFORE THE SCHEDULED START OF A COMMITTEE MEETING.

Without the notification, the committee record will reflect that a member simply is "absent."

B. **ROLL CALL--PUBLIC HEARINGS:** AFTER THE ROLL IS CALLED FOR A PUBLIC HEARING, THE ROLL WILL BE LEFT OPEN FOR ABSENT MEMBERS UNTIL THE HEARING IS ADJOURNED. MEMBERS WHO ARE TARDY FOR THE ATTENDANCE ROLL CALL MUST ANNOUNCE THEIR PRESENCE TO THE CHAIRMAN IN THE PRESENCE OF THE COMMITTEE IN ORDER TO ENSURE THEY ARE RECORDED AS PRESENT.

Do not rely on the committee clerk to automatically note your arrival if you are not present during the call of the roll. By announcing your presence to the chair, your presence will be duly reflected in the committee record.

C. **ROLL CALL--EXECUTIVE SESSIONS:** AFTER THE ATTENDANCE ROLL IS CALLED FOR AN EXECUTIVE SESSION, THE ATTENDANCE ROLL WILL BE LEFT OPEN FOR ABSENT MEMBERS UNTIL THE EXECUTIVE SESSION IS ADJOURNED.

1. MEMBERS WHO ARE TARDY FOR THE ATTENDANCE ROLL CALL MAY ESTABLISH THEIR PRESENCE BY CASTING A VOTE DURING THE EXECUTIVE SESSION.

2. A MEMBER MUST BE PRESENT IN ORDER TO BE RECORDED AS VOTING.

3. THE VOTING ROLL MAY BE HELD OPEN UNTIL THE ADJOURNMENT OF THE EXECUTIVE SESSION IN ORDER TO ALLOW ALL MEMBERS WHO HAVE INDICATED THEIR PRESENCE TO VOTE. HOWEVER, ABSENT MEMBERS MUST RETURN AND VOTE IN THE PRESENCE OF THE COMMITTEE IN ORDER FOR THE VOTE TO BE RECORDED.

4. THE VOTING ROLL WILL BE CLOSED AFTER ALL MEMBERS WHO HAVE INDICATED THEIR PRESENCE HAVE VOTED.

5. IF AN ABSENT MEMBER IS UNABLE TO VOTE BEFORE THE ROLL IS CLOSED, THE ABSENT MEMBER MAY, BEFORE THE PROPOSAL IS REPORTED OUT OF COMMITTEE, HAVE THE COMMITTEE REPORT REFLECT HOW THE MEMBER WOULD HAVE VOTED HAD HE OR SHE BEEN PRESENT.

5. IF THERE ARE NO VOTES CAST DURING AN EXECUTIVE SESSION, A MEMBER WHO IS TARDY FOR THE ATTENDANCE ROLL CALL MUST ANNOUNCE HIS OR HER PRESENCE TO THE CHAIRMAN IN THE PRESENCE OF THE COMMITTEE IN ORDER TO BE RECORDED AS PRESENT.

3. MOTIONS

A. NO UNANIMOUS CONSENT: ALL MOTIONS ENTERTAINED WILL BE CONSIDERED MOTIONS FOR A ROLL CALL VOTE. NO VOTES WILL BE TAKEN BY UNANIMOUS CONSENT.

This policy affords members the greatest opportunity to vote their conscience and avoids the confusion that can result when members are not present when the motion is made but later arrives.

B. INTRODUCTION AND ADOPTION OF AMENDMENTS: MOTIONS TO INTRODUCE AND ADOPT AMENDMENTS WILL BE CONSIDERED TWO DIVISIBLE MOTIONS AND WILL BE TAKEN UP SEPARATELY.

4. DRAFTING AMENDMENTS

A. 24-HOUR POLICY: MOTIONS TO INTRODUCE AMENDMENTS SUBMITTED TO THE COMMITTEE LESS THAN 24 HOURS BEFORE A SCHEDULED EXECUTIVE SESSION WILL NOT BE ENTERTAINED.

Time is needed to read, copy and distribute the amendment. If a proposal receives executive action on the same day it receives a public hearing, accommodations will be made for any amendments that may be needed.

B. LRB DRAFTING REQUESTS: PLEASE DO NOT ASK THE LRB TO DRAFT AMENDMENTS FOR SUBMISSION TO THE COMMITTEE IF THE 24-HOUR POLICY CANNOT BE SATISFIED.

Let the drafters work on more urgent requests and save the amendment for the floor.

C. AMENDMENTS NOT IN WRITTEN FORM: ONLY AMENDMENTS THAT ARE IN WRITTEN FORM ARE PROPER SUBJECTS OF A MOTION FOR ADOPTION.

If there is a need for an amendment that is not in written form, it must be reduced to writing before the committee will act on it. Executive action on the proposal may be held over when necessary.

5. PUBLIC HEARINGS

A. TIME LIMIT: PUBLIC TESTIMONY WILL BE LIMITED TO 5 MINUTES PER SPEAKER, SOME LATITUDE GIVEN TO PRIMARY AUTHORS, BEFORE MEMBERS MAY ASK QUESTIONS. THE CHAIRMAN GENERALLY WILL ASK QUESTIONS FIRST.

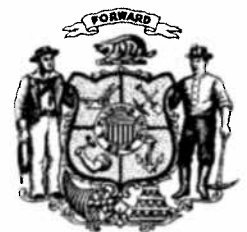
B. WRITTEN TESTIMONY: PREFERENCE IS TO HAVE WRITTEN TESTIMONY MADE AVAILABLE FOR DISTRIBUTION TO COMMITTEE MEMBERS RATHER THAN HAVING PUBLIC WITNESSES READ IT TO THE COMMITTEE.

6. PER DIEM SLIPS

PLEASE COMMUNICATE TO LEGISLATORS WHO ARE NOT COMMITTEE MEMBERS THAT PER DIEM SLIPS WILL BE ACCEPTED ONLY WHEN PERSONALLY DELIVERED BY THE NON-MEMBERS.



WISCONSIN STATE LEGISLATURE



WISCONSIN STATE ASSEMBLY

COMMITTEE CLERKS MANUAL

**Prepared under the direction of
Assembly Chief Clerk
Thomas T. Melvin**

**January 1995
Madison, Wisconsin**

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3. Travel Voucher Form
4. Travel Memorandum No. 2
5. Speaker's Committee Hearing Day and Room Schedule
6. Notice of Public Hearing
7. LRB - Fiscal Estimate Release Form
8. Assembly Hearing Slip
9. Committee Meeting Attendance Sheet
10. Executive Session Roll Call Sheet
11. Executive Session Motions and Roll Call Sheet for CHR
12. SAMPLE - Letter to Committee members announcing receipt of CHR
13. Committee Amendment Form
14. Blue Slips - Legislators in Attendance at Committee Meeting
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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.

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 Records 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 any 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. Once a decision has been made on a committee referral by the Speaker, the proposal is returned to the Assembly Records Office. The committee referral 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, it is the clerk's responsibility until that proposal is reported out of the committee.

In the 1993-94 session of the Wisconsin Legislature, approximately 2150 bills were introduced for consideration. Of that number, under 500 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 COMMITTEE RECORD

CONTENT OF THE COMMITTEE RECORD

A "committee record" 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 start a committee record (see samples). Initially the committee record needs to be created by entering the bill number, relating clause, authors, date and committee referral entries to your committee record. This information can be found on the proposal's cover sheet inside the jacket. Later, after each public hearing and executive session, the committee record 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, on the other hand, 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 in committee records 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 WILIS staff has developed some macros in Wordperfect to make your job easier and to gain some consistency in the format of committee records. The macros contain standardized repetitive text and names of committee members so you don't need to type them each you do a record or report. However, 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. 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 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 available in the Capitol and in 119 Martin Luther King Boulevard. In addition, larger rooms (Assembly Chamber, 421 South, 113 South - Joint Finance, 417 North - GAR Hall) 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. Also, there is a smaller conference room in the 100 N. Hamilton Building. 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 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 arrange for staffing by the sergeant's staff.

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 17 cents per mile compared to the legislator's in-district mileage reimbursement rate of 26 cents per mile.

When you return from your travels, you will be required to file a "Travel Voucher" 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 4).

Time

As stated in the previous section, 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 day. Under this schedule some committees may meet once a week, others once every two weeks.

Consult the "Committee Hearing Day and Room Schedule" (Attachment 5) issued by the Speaker's office in January 1995 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 cancelling 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. This task will be made easier by the fact that you have previously, upon receipt of the proposal in your committee, entered the relating clause and authors into your computer. 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. An executive session may be held on any of the above listed proposals as well as Assembly Bill 1, Assembly Joint Resolution 4 and Senate Bill 5 following the public hearing.

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 27, 1995 would have to be received not later than noon on Monday, January 16, 1995. 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

Presently, the Assembly Chief Clerk requests the submission of 1 copy of the hearing notice to Jody Nussbaum 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 booklet. Weekly Schedule of Committee Activities"

In addition to the copies 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. [Note: until the West wing renovation is completed, the Assembly bulletin board is outside of the North Hearing Room.] 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, 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 somehow 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.

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 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 and Senate bulletin boards, 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.

*Leg Com
Rep Green
Sen Heals
Chief Clerk*

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.

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."

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 and Senate bulletin boards, 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 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.

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. However, neither the Legislative Council nor the Assembly Chief Clerk's Office have equipment capable of making copies of tapes.

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, 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 Cindy Daggett (6-1038) 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 assign a page to staff the public hearing. The page should report to you about 15 minutes before the hearing starts to get instructions and transport any necessary materials to the hearing. It is the page's duty to set up extra chairs, fill the pitchers with ice water, hand out registration slips to those attending the hearing and perform such other tasks as the committee clerk may request. For the hearing, the page 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)
- * blank scratch pad and pencil for each member (kept in hearing rooms)
- * 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 committee 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.

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 page to have that person complete one after they have finished testifying. Be sure that only those persons who actually speak are listed on your committee record 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 committee record as either registrations for or against the proposal. Please list them in alphabetical order in the committee record 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 may then claim 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 on which public hearings were held to the Assembly Records office. 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.

Update Committee Record

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

1. Date, Time and Location of Meeting
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 appropriate section in the "Bulletin of Proceedings" Index to determine the correct spelling.

Unless the committee chairperson plans to hold another public hearing on this proposal, the committee record 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 (217 SW).

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 on pages 6-9 of 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. However, upon timely request, an 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. 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.
- g. 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. Questions 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.

- 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 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.

- ii. Successive motions for indefinite postponement or nonconcurrence and passage or concurrence fail.
- iii. Bills introduced by the Joint Committee on 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 proposals on which the executive session was held to the Assembly Records office. 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 bring the jackets to 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 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 Committee Record

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

1. Date, Time and Location of Meeting
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 passed; 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. Unfortunately for you, that step may never come and the proposal may remain in your possession for the entire balance of the legislative session. The decision, on whether or not to report a proposal out of committee, lies in the hands of the committee chairperson. Even bills with a unanimous recommendation for passage may linger in the committee indefinitely.

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.

CONTENTS 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.

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 committee record as follows:

- *2 copies, including the original, in the jacket of the proposal
- *1 copy in your committee record book
- *1 copy in your chairperson's bill folder
- *1 copy in your committee record book in One East Main - 4th Floor
- *1 copy in each of the 13 committee record folders 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 committee record 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 employes 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 3, 1995) through October 31, 1996.

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 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. Otherwise, after 30 days 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 committee record indicating that you received the rule and took no action, and 2) 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 committee record will be necessary to reflect the action taken by your committee. Whatever committee 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 a rule within 2 working days following your action.

Both your committee record and committee report should be filed the same 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 committee record on the bill, it must show the motion and the vote for introduction prior to a motion and a vote for adoption.

On the committee report on the bill, it must show both the vote for introduction and the vote for adoption. A vote for introduction must precede a vote for adoption; the two should not be combined.

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. For the Assembly notice, the Assembly bill(s) should be listed first. 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.

Committee Record

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. 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 committee record 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 40).

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, Transportation 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 and 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 committees 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, 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" and your Legislative Council staff attorney for guidance on your responsibilities.

LOCATION OF JACKETS IN YOUR OFFICE

The Assembly is sometimes in session well beyond the 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 office of the secretary of state.

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 few years, 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 WILIS (Wisconsin Integrated Legislative Information Service) staff has developed committee clerk work routines for use in Wordperfect. Your utilization of these routines will make your task easier.

The WILIS staff will install the Wordperfect committee clerk routines and provide instruction in using them on your office computer. In addition, a committee attendance form and a committee executive session roll call form will be installed. Both of these forms would contain the names of your committee members. Lastly, you will be given a manual with instructions on the uses of the work routines.

OTHER USES OF COMPUTERS

Unlike the offices of individual legislators, the Assembly and Senate Chief Clerk's offices do not use Wordperfect 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 some of these documents can be transferred from our program and computer to another program and computer. That is why, during recent sessions, bill histories became available in Office Vision. Also, a "bulletin board" was implemented. It allows anyone with a home or office computer and a modem to dial in (266-8103) and access legislative information. As time goes on, and technology advances even further, more and more information will become available in this manner. For example, starting last session, a list of the bills in each committee was made available in Office Vision.

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 1995-96 session (SJR 1), that floorperiod ends on May 17, 1996. 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 1995-96 session, the committee clerk needs to complete the committee record 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.

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

1. If you have not already done so, enter in your committee record any public hearings and executive sessions.
2. With a date of May 17, 1996, 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".
3. Sign the committee record for each proposal.
4. In addition to the number of copies you may wish to keep for your own files, please make 3 copies of each committee record 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 committee record book.
5. Prepare a final committee report (see attached sample) to accompany the proposals when they 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 May 17, 1996."
6. 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 Secretary of State's office and will eventually end up in the State Historical Society. The committee records from your committee record 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 looseleaf 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 Secretary of State's office. 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.

(The End)