

II. THE LEGISLATIVE SYSTEM

A. Laws

Statutory publications are similar for both federal and state laws. At both levels there are slip laws, session laws, codes and annotated codes. The chart below summarizes federal and Wisconsin publications.

<u>General Term</u>	<u>Federal</u>	<u>Wisconsin</u>
Slip law	Slip law (Public law)	Slip law (Act)
Session law	<i>Statutes at Large</i> (chronological order)	<i>Laws of Wisconsin</i> (chronological order)
Code	<i>United States Code</i> (official version)	<i>Wisconsin Statutes</i> (official version)
Annotated Code	<i>U.S. Code Annotated</i> <i>U.S. Code Service</i> (unofficial versions)	<i>West's Wisconsin Statutes Annotated</i> (unofficial version)

When a bill is passed by both houses of Congress or the state legislature and is signed by the chief executive, it becomes a law, or act. A slip law is the text of a single act issued officially in a pamphlet or single sheet. It is generally the first official text of the law to be published and is identified with a chapter or law number.

At the close of each legislative session, slip laws are bound in permanent volumes in chronological order. These volumes are known as session laws. Wisconsin session laws are published as the *Laws of Wisconsin* and United States session laws are published as the *Statutes at Large*.

Codes are consolidated subject arrangements, or codifications, of laws currently in effect at the time of publication. Wisconsin laws are published in a code called the *Wisconsin Statutes*. The federal codification is the *United States Code*. Both publications are arranged by subject with broad categories called “titles” or “parts.” With each new edition amendments are incorporated and repealed language is deleted.

The most effective research sources for statutory material are the annotated codes, even though they are unofficial versions of the law produced by commercial

publishers. Annotated codes reproduce the official codes' subject arrangements and text; add new laws, revisions and amendments; and delete repealed laws. Each statutory section in an annotated code is followed by annotations of court decisions and other related information. Each annotation of a court decision consists of 1) an abstract of a point of law decided by the case and 2) the name of the case and its citation. Frequently, these annotations are headnotes selected from reporters on the basis of their applicability to a particular section of the code. Annotated codes are updated with pocket parts and are much more current than the official unannotated versions of codes.

Local Ordinances

Local laws are called ordinances. They are enacted by the local legislative body and are compiled and distributed by the county, city, village, or town clerk, unless this function has been contracted out to a private firm. The availability and cost of obtaining and maintaining current sets of local laws vary considerably.

Many cities and counties now have their codes and ordinances available online. The Wisconsin State Law Library links to those Wisconsin city and county codes and ordinances that are accessible over the web (<http://wsll.state.wi.us/ordinances.html>).

Much of what seems like local law is actually local government agency policy or procedure. Most agencies have written policy/procedure manuals. The agency's administrative office will have the official copy. These are public records and should be made available for reading and copying upon request. Availability of copies for sale or distribution will vary. Important policies/procedures may also be found in:

- Proceedings of the local legislative body, e.g. City Council, Town Board, County Board, etc.
- Minutes of board, commission or committee meetings
- Budgets (often contain policy decisions)
- Annual reports and newsletters of the various agencies
- Special reports on particular issues

Many of these documents may now be available over the Internet, and may be located through a general search engine.

Sources - Federal Laws

United States Statutes at Large (Stat.). Government Printing Office.

All public and private laws enacted each session by the United States Congress are published in chronological order by date of passage in this official version of U.S. law. Concurrent resolutions and Presidential proclamations are also included. Public law numbers, *United States Code* title and section numbers, and legislative histories are provided for each law. A subject index and other research aids are included.

United States Code (U.S.C.). Government Printing Office.

The public, general and permanent laws of the United States are compiled by subject into fifty titles in this official edition. The U.S.C. is issued every six years, and cumulative annual supplements are issued between editions. Publication, however, is far from current. A subject index and other research aids are provided, including a popular name table that provides access to laws by the names by which they are known.

United States Code Annotated (U.S.C.A.). West Group.

This commercially published edition of the *United States Code* follows the same titles and numbering system as the official edition but is annotated with court decisions and has other editorial features that enhance its use. Annotations to the Constitution alone comprise several volumes. *U.S.C.A.* provides cross-references to other legal resources published by West Group and is kept up-to-date with annual pocket parts and interim pamphlets.

United States Code Service (U.S.C.S.). Lawyers Co-operative/Bancroft-Whitney Publishing Co./LexisNexis

U.S.C.S. is also a commercially published annotated edition of the *United States Code*. It is more selective in its annotations than *U.S.C.A.* but often provides longer abstracts of cases and explanatory material. *U.S.C.S.* provides cross references to the publisher's other legal resources known as the Total Client-Service Library, including *American Jurisprudence*, *American Law Reports*, *U.S. Supreme Court Reports*, *Lanyners' Edition*, *U.S. Supreme Court Digest*, *Lanyners' Edition*, and various practice and specialty materials. It is kept up to date with annual pocket parts and interim pamphlets.

United States Code Congressional and Administrative News (U.S.C.C.A.N.). West Publishing Co.

This serial provides the full text of all public laws, many House and Senate reports, presidential proclamations and executive orders and a selection of administrative rules and regulations. Published in monthly pamphlets with cumulative subject indexes and tables, *USCCAN* provides timely access to new federal laws created since the latest pocket part of *U.S.C.A.* and is a convenient first source for legislative histories. The pamphlets are reissued in bound volumes at the end of each session of Congress.

Electronic Access

The *United States Code* is accessible at the following web sites:

Cornell University's U.S. Code

<http://www4.law.cornell.edu/uscode/>

Browse the full text of the current *U.S. Code* by title and section, retrieve by citation, or keyword search individual titles or the entire code. Also browse the Popular Name table to find common names of legislative acts with links to the corresponding code sections.


GPO Access U.S. Code

<http://www.gpoaccess.gov/uscode/index.html>

Browse or keyword search the full-text of the *U.S. Code*, and keyword search the *U.S. Code* dating back to 1994.

LexisNexis Congressional

<http://web.lexis-nexis.com/congcomp>

This is a licensed resource that is available for use at no cost at Marquette University Law Library and the University of Wisconsin Law Library. The database contains the full text of the current *U.S. Code*, and is searchable by keyword, title or citation. For more information on this resource, see the  Electronic Access segment at the end of section II. C., *infra*.

Loislaw

<http://www.loislaw.com>

Search the current *U.S. Code* by statute number/heading or keyword. This is a licensed resource, available at no cost to users at Wisconsin State Law Library workstations.

United States House of Representatives' U.S. Code

<http://uscode.house.gov/usc.htm>

Search the full text of the current *U.S. Code* by keyword. You can limit your search by any or all of the following fields: title, section, subtitle, chapter, subchapter, part, subpart, division, rule, form, and appendix.

The full text of the *United States Statutes at Large* is available online via *LexisNexis Congressional*, supra. Titles and citations are searchable dating back to 1789 by citation or keyword.

Sources - Wisconsin Laws

Laws of Wisconsin. State of Wisconsin.

Laws enacted in the Wisconsin Legislature during each biennial session are referred to as “acts” and are numbered chronologically as they are enacted. At the end of each session, they are published in a hard bound set entitled *Laws of Wisconsin* and are known as the Wisconsin session laws.

Wisconsin Statutes (Wis.Stat.). Revisor of Statutes Bureau.

The *Wisconsin Statutes* is the official codification of all the laws that are in effect at the end of each legislative session. It is printed at the end of each biennial session of the legislature, and is available in both hard cover and paperback. The statutes are arranged by subject and numbered decimally. The subject index is at the end of the last volume of the set.

West's Wisconsin Statutes Annotated (WSA). West Publishing Co.

This set has the same numbering scheme as the official *Wisconsin Statutes*, but includes copious case law annotations and references to attorney general opinions and law review articles. The subject index is at the end of the set.

West's Wisconsin Legislative Service (Wis. Legis. Serv.). West Publishing Co.

This paperback serial updates information in *WSA*. It consists of: current Wisconsin acts; a list of officials of the State of Wisconsin; proposed amendments to the Wisconsin Constitution; court rule amendments; tables of sections amended, repealed or otherwise affected; bills and joint resolutions approved; session laws amended, repealed, etc.; and Supreme Court rules. Several indexes provide access.

Wisconsin Statutes Looseleaf Updating Service. Midwest Legal Publishers.

This monthly service keeps the *Wisconsin Statutes* up-to-date by arranging new laws according to their statute section numbers.

Electronic Access

Loislaw

<http://www.loislaw.com>

Search the *Wisconsin Statutes* and *Wisconsin Acts* by heading, statute or act number or keyword. This is a licensed resource, available at no cost to users at Wisconsin State Law Library workstations.

Lois Professional Library, Wisconsin Series.

Search the full text of the *Wisconsin Statutes* and *Wisconsin Acts* by heading, statute history, act number, or keyword, or browse by table of contents. This CD ROM database is available to users at no cost at the University of Wisconsin Law Library, and the Marquette University Campus.

Revisor of Statutes Bureau

<http://www.legis.state.wi.us/rsb>

Browse the table of contents and index, or search by keyword or citation the full text of two most recent versions of the *Wisconsin Statutes* and the *Wisconsin Acts* dating back to 1995.

B. Constitutions

The U.S. Constitution, drafted in 1787, currently includes twenty six amendments. The first ten amendments are known as the Bill of Rights. The Constitution provides authority for all federal legislation and for certain state legislation.

The text of the U.S. Constitution may be found in pamphlets, in standard reference works, in state and federal statutory compilations, and electronically at various web sites. Generally, research is conducted through supplementary aids in addition to the text of the Constitution itself because there is a need to obtain interpretations from judicial decisions and scholarly commentary. These supplementary aids include annotated editions of the Constitution, digests, indexes, citators, and secondary sources such as treatises, textbooks, and journal articles.

Wisconsin has its own constitution with amendments. All Wisconsin law stems from the Wisconsin Constitution, which gives the legislative branch of state government the power to make additional laws.

State as well as federal courts often apply and interpret constitutions. Abstracts of such court decisions appear in the constitution sections of annotated federal and state codes and in Shepard's statutory citators.

Sources - Federal Constitution

The Constitution of the United States of America: Analysis and Interpretation. Government Printing Office.

This is a one-volume work that is revised every ten years. It includes the text of the Constitution, extensive commentary, historical background, legal analysis, and summaries of judicial interpretation of each clause of the Constitution. Major constitutional decisions are discussed in detail. Tables of cases, amendments not ratified, and state and federal acts held unconstitutional are included. An index is also provided.

Shepard's Federal Statute Citations. Shepard's/McGraw Hill.

The statutes volume of *Shepard's* provides citations to federal legislation, treaties, and court decisions that have cited the various provisions of the Constitution.

United States Code Annotated. West Publishing Co.; and *United States Code Service.* Lawyers

Co-operative/Bancroft-Whitney Publishing Co./LexisNexis.

The U.S.C.A. and the U.S.C.S. provide annotations for court decisions, periodical articles, attorney general opinions, and other publications for each article or amendment of the U.S. Constitution.

United States Government Manual. Office of the Federal Register.

Includes the text of the U.S. Constitution. For a more extensive description of this annual publication, see section IV. B., *infra*.

Electronic Access

The Avalon Project at the Yale Law School

<http://www.yale.edu/lawweb/avalon/major.htm>

Includes the U.S. and state constitutions and more.

Cornell University's The Constitution of the United States of America

<http://www.law.cornell.edu/constitution/constitution.overview.html>

Contains the text of and amendments to the U.S. Constitution.

Findlaw's U.S. Constitution

<http://www.findlaw.com/casecode/constitution>

Includes the text of the U.S. Constitution and Amendments, as well as annotations that contain scholarly commentary.

Revisor of Statutes Bureau

<http://www.legis.state.wi.us/rsb/2wiscon.html>

Includes the text and an index to the Wisconsin Constitution, the U.S. Constitution, and the Declaration of Independence.

Sources - Wisconsin Constitution

Shepard's Wisconsin Citations. Shepard's/McGraw Hill

Lists citations to court cases and law review articles citing the Wisconsin Constitution. For a more thorough explanation of Shepard's citators, see section IV. D., *infra*.

West's Wisconsin Statutes Annotated. West Group.

The Wisconsin Constitution is printed in the first volume, along with an index. It is also covered in the general index under "Constitution of Wisconsin."

State of Wisconsin Blue Book. Legislative Reference Bureau, State of Wisconsin.

Includes the text of the Wisconsin Constitution. For more information about the *Blue Book*, see section IV. B., *infra*. The three most current editions of the *Blue Book* are also available online at <http://www.legis.state.wi.us/lrb/bb>.

Wisconsin Statutes. Revisor of Statutes Bureau.

The Wisconsin Constitution is reprinted in the *Wisconsin Statutes*. It is indexed in the general index to the Wisconsin Statutes under the entry "Constitution." For online access to the Wisconsin Constitution, see the Revisor of Statute Bureau's web page at <http://www.legis.state.wi.us/rsb/2wiscon.html>.

C. Bills and Legislative History

A bill, from its introduction to its defeat or passage into law, may go through many steps in Congress or the state legislature. These steps, which may involve committees, government agencies, private citizens, special interest groups, and/or profit or nonprofit organizations, are governed by a variety of processes and procedures. The documents that result from the bill's journey through each of these steps may become part of the legislative history of the bill. Knowing the legislative history of a bill can be a valuable aid in understanding or interpreting legislative intent.

The documents that comprise a legislative history may include:

At the federal level:


1. Bills and amendments
2. Records of legislative hearings
3. Reports of committees
4. Records of legislative debates
5. Other miscellaneous legislative documents


At the state level:


1. Bills and amendments

2. Notes made in the drafting process
3. Other miscellaneous legislative documents

Federal legislative history materials are generally found in depository libraries. Congress established the Government Printing Office (GPO) Depository Library Program to provide the public with free access to federal government publications. Currently, there are 53 regional depository libraries throughout the United States that hold government documents available through the GPO depository program. There are also nearly 1300 other depository libraries that select government publications according to their needs.

In Madison, the regional depository library is the UW Madison Memorial Library, which shares depository responsibilities with various libraries on the University of Wisconsin-Madison campus, including the law library. In Milwaukee, the regional depository is the Milwaukee Public Library. Librarians are available to assist users in finding government materials at all depository libraries. Partial U.S. legislative history documents are collected and reprinted in the *United States Code Congressional and Administrative News*. Many federal bills and legislative history materials can also be found  online.

Wisconsin legislative history materials may be found at the Wisconsin State Historical Society Library, the University of Wisconsin Law Library, the Wisconsin State Law Library, the Wisconsin Legislative Reference Bureau Library, and the Milwaukee Public Library. There are many other government document depositories throughout the state that may hold legislative materials (see Appendix C). Consult the individual libraries to ascertain their holdings relevant to legislative history research. The full text of Wisconsin Acts, Bills and Resolutions from 1995 to date can be found  online via the State of Wisconsin Legislature's web site at: <http://www.legis.state.wi.us/billtext.html>.

Drafting records for Wisconsin bills, which contain written materials, letters, and memoranda given to or created by the legislative drafting attorney in the process of drafting legislation, are maintained at the Wisconsin Legislative Reference Bureau, on microfiche at some law libraries, and are freely available  online from 1999 to date at: <http://library.law.wisc.edu/%7Edraftingrecords>.

Electronic Access

Federal bills and legislative history materials can be found at the following sources:

Thomas

<http://thomas.loc.gov>

Official site of the US Congress that includes various congressional information, including calendars, committee reports, full text and history of bills and acts. Keyword or number search or browse by topic of major legislation.

Congressional Bills from GPO Access

<http://www.gpoaccess.gov/bills/index.html>

Keyword search all published versions of bills from the 106th (1999-2000), 105th (1997-1998), 104th (1995-1996) and 103rd (1993-1994). View bills in HTML or PDF.

LexisNexis Congressional

<http://web.lexis-nexis.com/congcomp>

This is a licensed resource that is available for use at no cost at Marquette University Law Library and the University of Wisconsin Law Library. It provides access to CIS indexing and abstracting of congressional publications and the CIS Legislative Histories (1970-presentt). Search the full text of bills, testimony from congressional hearings, committee reports, committee prints, House and Senate documents, the Congressional Record and more.

For a guide to using this database, see *LexisNexis Congressional, A Database of Legislative Information*, UW-Madison Law Library, at:

<http://www.law.wisc.edu/newsletter/newsletter.asp?function=article&ID=688>