

Compiling a Wisconsin Legislative History
By Barbara Fritschel, Milwaukee Satellite Librarian

The Wisconsin Supreme Court relies on legislative history to determine legislative intent in cases where a statute is ambiguous. Researchers familiar with federal legislative histories will notice several differences. In Wisconsin, there is no verbatim record of floor debates, no formal reports of standing committees as to why legislation should be enacted and no transcript of committee proceedings.

The first step in doing any legislative history is to see if anyone has already done it. A researcher should:

- a. Check Wisconsin Supreme Court opinions to see if they discuss legislative history.
- b. Check law review articles for citations to various legislative history documents.

If there is not a compiled legislative history on your statute then use the following steps.

1. Identify the act number (1983-) or chapter number (pre 1983) and the year the legislation was enacted. West's Wisconsin Statutes Annotated provides this information in the statute's "source note". Note if the bill originated with the Legislative Council as that may provide a source of additional documentation.
2. Look up the act in the appropriate year of the Laws of Wisconsin. The act includes both the law's original language and the changes made by the act. It also includes the bill number.
3. Review the drafting records of the act.

The drafting record is a collection of all written materials collected by legislative drafting attorney and is the heart of doing legislative history in Wisconsin.

Drafting records from 1999 are available online from either the [legislature](#) or the [UW Law Library](#). These are also available on cd-roms from the Milwaukee library. Use the session year and act (or chapter) number to access the relevant drafting record.

Pre 1999 drafting records are available on microfiche from Marquette University. Click here for a listing of drafting record microfiche held by the Milwaukee library.

4. If the act originated from the [Legislative Council](#) there may be council reports, discussion papers, committee reports, staff briefs and memoranda for your particular bill.
5. Using the bill number found in step 2, you can check floor action in the Assembly Journal or Senate Journal. Unlike the Congressional Record which records debate, this will only include votes on the bill and any amendments. The journals from 1995 can be accessed through a search engine located [here](#).

These materials form the legislative history for Wisconsin laws.