



1997 ASSEMBLY JOINT RESOLUTION 46

April 9, 1997 - Introduced by Representatives WASSERMAN, HANDRICK, BLACK, DOBYNS and OTTE. Referred to Committee on Elections and Constitutional Law.

1 To amend so as in effect **to repeal** sections 5 and 19 of article IV and section 6 of
2 article XIII; **to renumber and amend** section 9 of article IV; **to amend**
3 sections 1 to 4, 7, 8, 10, 14, 17 (1), 20, 22, 23, 25, 26 (2) (b) and (3) and 30 of article
4 IV, sections 3, 4 and 10 (2) of article V, section 2 of article VI, sections 1 and 13
5 of article VII, sections 6, 7 (2) (e) and (g) and 8 of article VIII, sections 1 and 2
6 of article XII and section 10 (2) of article XIII; and **to create** section 9 (2) of
7 article IV and section 17 of article XIV of the constitution; **relating to:** the
8 establishment of a unicameral legislature (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1997 legislature on first consideration, transforms the Wisconsin legislature from a bicameral legislature that consists of an assembly and a senate into a unicameral legislature that consists of only one house, beginning with the legislature elected at the general election in 2004.

The unicameral legislature will have 75 members elected from single-member districts on a nonpartisan basis for staggered 4-year terms.

Under the constitution presently, the assembly has the power of impeachment and the senate is the court for the trial of impeachments. Under this proposal, the

legislature has the power of impeachment and is the court for the trial of impeachments.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

1 ***Resolved by the assembly, the senate concurring, That:***

2 **SECTION 1.** Section 1 of article IV of the constitution is amended to read:

3 [Article IV] Section 1. The legislative power shall be vested in a ~~senate and~~
4 ~~assembly~~ the legislature consisting of one chamber.

5 **SECTION 2.** Section 2 of article IV of the constitution is amended to read:

6 [Article IV] Section 2. ~~The number of the members of the assembly~~ legislature
7 ~~shall never be less than fifty-four nor more than one hundred. The senate shall~~
8 ~~consist of a number not more than one-third nor less than one-fourth of the number~~
9 ~~of the~~ 75 ~~members of the assembly.~~

10 **SECTION 3.** Section 3 of article IV of the constitution is amended to read:

11 [Article IV] Section 3. At its first session after each enumeration made by the
12 authority of the United States, the legislature shall apportion and district anew the
13 ~~members of the senate and assembly~~ legislative districts, according to the number
14 of inhabitants.

15 **SECTION 4.** Section 4 of article IV of the constitution is amended to read:

16 [Article IV] Section 4. The members of the ~~assembly~~ legislature shall be chosen
17 biennially, by single districts. The districts shall be numbered in the regular series,
18 and the members shall be chosen, alternately from the odd-numbered and
19 even-numbered districts, for the term of 4 years, on the Tuesday succeeding the first
20 Monday of November in even-numbered years, by the qualified electors of the
21 several districts, ~~such.~~ The districts to shall be bounded by county, precinct, town or
22 ward lines, to consist of contiguous territory and be in as compact form as practicable.

1 Each member shall be nominated and elected in a nonpartisan manner and without
2 any indication on the ballot of affiliation with or endorsement by any political party
3 or organization.

4 **SECTION 5.** Section 5 of article IV of the constitution is amended so as in effect
5 to repeal said section:

6 [Article IV] Section 5. ~~The senators shall be elected by single districts of~~
7 ~~convenient contiguous territory, at the same time and in the same manner as~~
8 ~~members of the assembly are required to be chosen; and no assembly district shall~~
9 ~~be divided in the formation of a senate district. The senate districts shall be~~
10 ~~numbered in the regular series, and the senators shall be chosen alternately from the~~
11 ~~odd and even-numbered districts for the term of 4 years.~~

12 **SECTION 6.** Section 7 of article IV of the constitution is amended to read:

13 [Article IV] Section 7. ~~Each house~~ The legislature shall be the judge of the
14 elections, returns and qualifications of its ~~own~~ members; and a majority of each shall
15 constitute a quorum to do business, but a smaller number may adjourn from day to
16 day, and may compel the attendance of absent members in such manner and under
17 such penalties as ~~each house~~ it may provide.

18 **SECTION 7.** Section 8 of article IV of the constitution is amended to read:

19 [Article IV] Section 8. ~~Each house~~ The legislature may determine the rules of
20 its ~~own~~ proceedings, punish for contempt and disorderly behavior, and with the
21 concurrence of two-thirds of all the members elected, expel a member; but no
22 member shall be expelled a second time for the same cause.

23 **SECTION 8.** Section 9 of article IV of the constitution is renumbered section 9 (1)
24 of article IV and amended to read:

1 [Article IV] Section 9 (1) ~~Each house~~ The legislature shall ~~choose~~ elect its
2 presiding officers from its ~~own~~ members.

3 **SECTION 9.** Section 9 (2) of article IV of the constitution is created to read:

4 [Article IV] Section 9 (2) The legislature shall elect a chief clerk and a sergeant
5 at arms, from outside its membership, for the biennial session of the legislature.

6 **SECTION 10.** Section 10 of article IV of the constitution is amended to read:

7 [Article IV] Section 10. ~~Each house~~ The legislature shall keep a journal of its
8 proceedings and publish the same, except such parts as require secrecy. The doors
9 of ~~each house~~ the legislature shall be kept open except when the public welfare shall
10 require secrecy. ~~Neither house shall, without consent of the other, adjourn for more~~
11 ~~than three days.~~

12 **SECTION 11.** Section 14 of article IV of the constitution is amended to read:

13 [Article IV] Section 14. The governor shall issue writs of election to fill such
14 vacancies as may occur in ~~either house of~~ the legislature.

15 **SECTION 12.** Section 17 (1) of article IV of the constitution is amended to read:

16 [Article IV] Section 17 (1) The style of all laws of the state shall be "The people
17 of the state of Wisconsin, represented in ~~senate and assembly~~ the legislature, do
18 enact as follows:".

19 **SECTION 13.** Section 19 of article IV of the constitution is amended so as in effect
20 to repeal said section:

21 [Article IV] Section 19. ~~Any bill may originate in either house of the legislature,~~
22 ~~and a bill passed by one house may be amended by the other.~~

23 **SECTION 14.** Section 20 of article IV of the constitution is amended to read:

1 [Article IV] Section 20. The yeas and nays of the members of ~~either house~~ the
2 legislature on any question shall, at the request of one-sixth of those present, be
3 entered on the journal.

4 **SECTION 15.** Section 22 of article IV of the constitution is amended to read:

5 [Article IV] Section 22. The legislature may confer upon the boards of
6 supervisors of the several counties of the state such powers of a local, legislative and
7 administrative character as ~~they~~ the legislature shall from time to time prescribe.

8 **SECTION 16.** Section 23 of article IV of the constitution is amended to read:

9 [Article IV] Section 23. The legislature shall establish but one system of town
10 government, which shall be as nearly uniform as practicable; but the legislature may
11 provide for the election at large once in every 4 years of a chief executive officer in
12 any county with such powers of an administrative character as ~~they~~ the legislature
13 may from time to time prescribe in accordance with this section and shall establish
14 one or more systems of county government.

15 **SECTION 17.** Section 25 of article IV of the constitution is amended to read:

16 [Article IV] Section 25. The legislature shall provide by law that all stationery
17 required for the use of the state, and all printing authorized and required by ~~them~~
18 the legislature to be done for ~~their~~ the use of the legislature, or for the state, shall
19 be let by contract to the lowest bidder, but the legislature may establish a maximum
20 price; no member of the legislature or other state officer shall be interested, either
21 directly or indirectly, in any such contract.

22 **SECTION 18.** Section 26 (2) (b) of article IV of the constitution is amended to
23 read:

24 [Article IV] Section 26 (2) (b) Any increase in the compensation of members of
25 the legislature shall take effect, for all ~~senators and representatives to the assembly~~

1 members of the legislature, after the next general election beginning with the new
2 assembly term biennial session of the legislature.

3 **SECTION 19.** Section 26 (3) of article IV of the constitution is amended to read:

4 [Article IV] Section 26 (3) Subsection (1) shall not apply to increased benefits
5 for persons who have been or shall be granted benefits of any kind under a retirement
6 system when such increased benefits are provided by a legislative act passed on a call
7 of ayes and noes by a three-fourths vote of all the members elected to ~~both houses~~
8 of the legislature and such act provides for sufficient state funds to cover the costs
9 of the increased benefits.

10 **SECTION 20.** Section 30 of article IV of the constitution is amended to read:

11 [Article IV] Section 30. All elections made by the legislature shall be by roll call
12 vote entered in the journals journal.

13 **SECTION 21.** Section 3 of article V of the constitution is amended to read:

14 [Article V] Section 3. The governor and lieutenant governor shall be elected by
15 the qualified electors of the state at the times and places of choosing members of the
16 legislature. They shall be chosen jointly, by the casting by each voter of a single vote
17 applicable to both offices beginning with the general election in 1970. The persons
18 respectively having the highest number of votes cast jointly for them for governor
19 and lieutenant governor shall be elected; but in case two or more slates shall have
20 an equal and the highest number of votes for governor and lieutenant governor, the
21 ~~two houses of the legislature~~, at its next annual session shall forthwith, by joint
22 ballot, choose one of the slates so having an equal and the highest number of votes
23 for governor and lieutenant governor. The returns of election for governor and
24 lieutenant governor shall be made in such manner as shall be provided by law.

25 **SECTION 22.** Section 4 of article V of the constitution is amended to read:

1 [Article V] Section 4 (1) The governor shall be commander in chief of the
2 military and naval forces of the state. ~~He shall have power to~~

3 (2) The governor may convene the legislature on extraordinary occasions, and
4 in case of invasion, or danger from the prevalence of contagious disease at the seat
5 of government, ~~he the governor~~ may convene ~~them the legislature~~ at any other
6 suitable place within the state. He

7 (3) The governor shall communicate to the legislature, at every session, the
8 condition of the state, and recommend such matters to ~~them the legislature~~ for ~~their~~
9 its consideration as ~~he may deem the governor deems~~ expedient. He

10 (4) The governor shall transact all necessary business with the officers of the
11 government, civil and military. He

12 (5) The governor shall expedite all such measures as may be resolved upon by
13 the legislature, and shall take care that the laws be faithfully executed.

14 **SECTION 23.** Section 10 (2) of article V of the constitution is amended to read:

15 [Article V] Section 10 (2) (a) If the governor rejects the bill, the governor shall
16 return the bill, together with the objections in writing, to the ~~house in which the bill~~
17 originated legislature. The ~~house of origin legislature~~ shall enter the objections at
18 large upon the journal and proceed to reconsider the bill. If, after such
19 reconsideration, two-thirds of the members present agree to pass the bill
20 notwithstanding the objections of the governor, it shall ~~be sent, together with the~~
21 ~~objections, to the other house, by which it shall likewise be reconsidered, and if~~
22 ~~approved by two-thirds of the members present it shall become law.~~

23 (b) The rejected part of an appropriation bill, together with the governor's
24 objections in writing, shall be returned to the ~~house in which the bill originated~~
25 legislature. The ~~house of origin legislature~~ shall enter the objections at large upon

1 the journal and proceed to reconsider the rejected part of the appropriation bill. If,
2 after such reconsideration, two-thirds of the members present agree to approve the
3 rejected part notwithstanding the objections of the governor, it shall be sent, together
4 with the objections, to the other house, by which it shall likewise be reconsidered, and
5 if approved by two-thirds of the members present the rejected part shall become law.

6 (c) In all such cases the votes of both houses the legislature shall be determined
7 by ayes and noes, and the names of the members voting for or against passage of the
8 bill or the rejected part of the bill notwithstanding the objections of the governor shall
9 be entered on the journal of each house respectively.

10 **SECTION 24.** Section 2 of article VI of the constitution is amended to read:

11 [Article VI] Section 2. The secretary of state shall keep a fair record of the
12 official acts of the legislature and executive department of the state, and shall, when
13 required, lay the same and all matters relative thereto before ~~either branch of the~~
14 legislature. ~~He~~ The secretary of state shall perform such other duties as ~~shall be~~ are
15 assigned ~~him~~ to the secretary of state by law. ~~He~~ The secretary of state shall receive
16 as a compensation for ~~his~~ services yearly such sum as ~~shall be~~ is provided by law, and
17 shall keep ~~his~~ the office of the secretary of state at the seat of government.

18 **SECTION 25.** Section 1 of article VII of the constitution is amended to read:

19 [Article VII] Section 1 (1) The court for the trial of impeachments shall be
20 composed of the ~~senate~~ legislature. The ~~assembly~~ legislature shall have the power
21 of impeaching all civil officers of this state for corrupt conduct in office, or for crimes
22 and misdemeanors; but a majority of all the members elected shall concur in an
23 impeachment. ~~On the trial of an impeachment against the governor, the lieutenant~~
24 ~~governor shall not act as a member of the court.~~ No judicial officer shall exercise his

1 ~~that~~ office, after ~~he shall have~~ the judicial officer has been impeached, until his
2 acquittal acquitted.

3 (2) Before the trial of an impeachment the members of the court shall take an
4 oath or affirmation truly and impartially to try the impeachment according to
5 evidence; and no person shall be convicted without the concurrence of two-thirds of
6 the members ~~present~~ of the court.

7 (3) Judgment in cases of impeachment shall not extend further than to removal
8 from office, or removal from office and disqualification to hold any office of honor,
9 profit or trust under the state; but the party impeached shall be liable to indictment,
10 trial and punishment according to law.

11 **SECTION 26.** Section 13 of article VII of the constitution is amended to read:

12 [Article VII] Section 13. Any justice or judge may be removed from office by
13 address of ~~both houses~~ of the legislature, if two-thirds of all the members elected to
14 ~~each house~~ the legislature concur therein, but no removal shall be made by virtue of
15 this section unless the justice or judge complained of is served with a copy of the
16 charges, as the ground of address, and has had an opportunity of being heard. On
17 the question of removal, the ayes and noes shall be entered on the ~~journals~~ journal.

18 **SECTION 27.** Section 6 of article VIII of the constitution is amended to read:

19 [Article VIII] Section 6. For the purpose of defraying extraordinary
20 expenditures the state may contract public debts ~~(, but such debts shall never in the~~
21 ~~aggregate exceed one hundred thousand dollars)~~ \$100,000. Every such debt shall be
22 authorized by law, for some purpose or purposes to be distinctly specified therein; and
23 the vote of a majority of all the members elected to ~~each house~~ the legislature, to be
24 taken by yeas and nays, shall be necessary to the passage of such law; and every such
25 law shall provide for levying an annual tax sufficient to pay the annual interest of

1 such debt and the principal within five years from the passage of such law, and shall
2 specially appropriate the proceeds of such taxes to the payment of such principal and
3 interest; and such appropriation shall not be repealed, nor the taxes be postponed
4 or diminished, until the principal and interest of such debt shall have been wholly
5 paid.

6 **SECTION 28.** Section 7 (2) (e) and (g) of article VIII of the constitution are
7 amended to read:

8 [Article VIII] Section 7 (2) (e) The legislature shall prescribe all matters
9 relating to the contracting of public debt pursuant to paragraph (a), including: the
10 public purposes for which public debt may be contracted; by vote of a majority of the
11 members elected to ~~each of the 2 houses of~~ the legislature, the amount of public debt
12 which may be contracted for any class of such purposes; the public debt or other
13 indebtedness which may be funded or refunded; the kinds of notes, bonds or other
14 evidence of public debt which may be issued by the state; and the manner in which
15 the aggregate value of all taxable property in the state shall be determined.

16 (g) At any time after January 1, 1972, by vote of a majority of the members
17 elected to ~~each of the 2 houses of~~ the legislature, the legislature may declare that an
18 emergency exists and submit to the people a proposal to authorize the state to
19 contract a specific amount of public debt for a purpose specified in such proposal,
20 without regard to the limit provided in paragraph (b). Any such authorization shall
21 be effective if approved by a majority of the electors voting thereon. Public debt
22 contracted pursuant to such authorization shall thereafter be deemed to have been
23 contracted pursuant to paragraph (a), but neither such public debt nor any public
24 debt contracted to fund or refund such public debt shall be considered in computing

1 the debt limit provided in paragraph (b). Not more than one such authorization shall
2 be thus made in any 2-year period.

3 **SECTION 29.** Section 8 of article VIII of the constitution is amended to read:

4 [Article VIII] Section 8. On the passage ~~in either house of~~ by the legislature of
5 any law which imposes, continues or renews a tax, or creates a debt or charge, or
6 makes, continues or renews an appropriation of public or trust money, or releases,
7 discharges or commutes a claim or demand of the state, the question shall be taken
8 by yeas and nays, which shall be duly entered on the journal; and three-fifths of all
9 the members elected to ~~such house~~ the legislature shall in all such cases be required
10 to constitute a quorum therein.

11 **SECTION 30.** Section 1 of article XII of the constitution is amended to read:

12 [Article XII] Section 1. Any amendment or amendments to this constitution
13 may be proposed ~~in either house of~~ by the legislature, and if the same shall be agreed
14 to by a majority of the members elected to ~~each of the two houses~~ legislature, such
15 proposed amendment or amendments shall be entered on ~~their journals~~ its journal,
16 with the yeas and nays taken thereon, and referred to the legislature to be chosen
17 at the next general election, and shall be published for three months previous to the
18 time of holding such election; and if, in the legislature so next chosen, such proposed
19 amendment or amendments shall be agreed to by a majority of all the members
20 elected to ~~each house~~ the legislature, then it shall be the duty of the legislature to
21 submit such proposed amendment or amendments to the people in such manner and
22 at such time as the legislature shall prescribe; and if the people shall approve and
23 ratify such amendment or amendments by a majority of the electors voting thereon,
24 such amendment or amendments shall become part of the constitution; provided,

1 that if more than one amendment be submitted, they shall be submitted in such
2 manner that the people may vote for or against such amendments separately.

3 **SECTION 31.** Section 2 of article XII of the constitution is amended to read:

4 [Article XII] Section 2. If at any time a majority of the ~~senate and assembly~~
5 legislature shall deem it necessary to call a convention to revise or change this
6 constitution, ~~they~~ the legislature shall recommend to the electors to vote for or
7 against a convention at the next election for members of the legislature. And if it
8 shall appear that a majority of the electors voting thereon have voted for a
9 convention, the legislature shall, at its next session, provide for calling such
10 convention.

11 **SECTION 32.** Section 6 of article XIII of the constitution is amended so as in effect
12 to repeal said section:

13 [Article XIII] Section 6. ~~The elective officers of the legislature, other than the~~
14 ~~presiding officers, shall be a chief clerk and a sergeant at arms, to be elected by each~~
15 ~~house.~~

16 **SECTION 33.** Section 10 (2) of article XIII of the constitution is amended to read:

17 [Article XIII] Section 10 (2) Whenever there is a vacancy in the office of
18 lieutenant governor, the governor shall nominate a successor to serve for the balance
19 of the unexpired term, who shall take office after confirmation by the ~~senate and by~~
20 ~~the assembly~~ legislature.

21 **SECTION 34.** Section 17 of article XIV of the constitution is created to read:

22 [Article XIV] Section 17 (1) The changes to the constitution made by this
23 1997/1999 amendment establishing a unicameral legislature first apply to the
24 legislature chosen on the Tuesday succeeding the first Monday of November, 2004;
25 to the powers, duties and procedures concerning, and prohibitions against, that

1 legislature; to the election to that legislature on that date; and to the apportioning
2 and districting anew of the legislative districts for that election.

3 (2) If a senator is elected before November 2004 to a term of office expiring after
4 the first Monday of January, 2005, the term expires on the first Monday of January,
5 2005.

6 (3) Notwithstanding section 4 of article IV, the terms of members of the
7 legislature elected in November 2004 to even-numbered districts shall be for 2 years
8 and the terms of members of the legislature elected in November 2004 to
9 odd-numbered districts shall be for 4 years.

10 **SECTION 35. Numbering of new provisions.** (1) The new section 17 of article
11 XIV of the constitution created in this joint resolution shall be designated by the next
12 higher open whole section number in that article if, before the ratification by the
13 people of the amendment proposed in this joint resolution, any other ratified
14 amendment has created a section 17 of article XIV of the constitution of this state.
15 If one or more joint resolutions create a section 17 of article XIV simultaneously with
16 the ratification by the people of the amendment proposed in this joint resolution, the
17 sections created shall be numbered and placed in a sequence so that the section
18 created by the joint resolution having the lowest enrolled joint resolution number has
19 the number designated in the joint resolution and the sections created by the other
20 joint resolutions have the numbers in the sequence that are in the same ascending
21 order as are the numbers of the enrolled joint resolutions creating the sections.

22 (2) The new subsection (2) of section 9 of article IV of the constitution created
23 in this joint resolution shall be designated by the next higher open whole subsection
24 number in that section if, before the ratification by the people of the amendment
25 proposed in this joint resolution, any other ratified amendment has created a

1 subsection (2) of section 9 of article IV of the constitution of this state. If one or more
2 joint resolutions create a subsection (2) of section 9 of article IV simultaneously with
3 the ratification by the people of the amendment proposed in this joint resolution, the
4 subsections created shall be numbered and placed in a sequence so that the
5 subsection created by the joint resolution having the lowest enrolled joint resolution
6 number has the number designated in the joint resolution and the subsections
7 created by the other joint resolutions have the numbers in the sequence that are in
8 the same ascending order as are the numbers of the enrolled joint resolutions
9 creating the subsections.

10 ***Be it further resolved, That*** this proposed amendment be referred to the
11 legislature to be chosen at the next general election and that it be published for 3
12 months previous to the time of holding such election.

13 (END)