

State of Misconsin 2011 - 2012 LEGISLATURE

**January 2011 Special Session** 



## **SENATE RESOLUTION 1**

March 3, 2011 – Introduced by Senator S. FITZGERALD. Referred to Committee on Senate Organization.

**Relating to:** compelling attendance of senators without leave. 1 2 Whereas, article IV, section 7 of the Wisconsin Constitution provides that "Each 3 house shall be the judge of the elections, returns and qualifications of its own 4 members; and a majority of each shall constitute a quorum to do business, but a  $\mathbf{5}$ smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may 6 7 provide"; and 8 Whereas, article IV, section 8 of the Wisconsin Constitution provides that "Each 9 house may determine the rules of its own proceedings...", and may punish for 10 contempt; and Whereas, Senate Rule 16 provides that "Members of the senate may not be 11 12absent from the daily session during the entire day without first obtaining a leave of absence"; and 13 14 Whereas, the senate was called to order and the roll was taken on February 17, 1518, 22, 23, 24, and 25, and March 1 and 2; and

2011 – 2012 Legislature Jan. 2011 Spec. Sess.

| 1  | Whereas, the following senate members were absent from each of those                     |
|----|------------------------------------------------------------------------------------------|
| 2  | sessions: Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin,          |
| 3  | Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout, and Wirch; and                |
| 4  | Whereas, each of those absent senators was absent without leave; and                     |
| 5  | Whereas, the absent senators have violated and continue to violate their plain           |
| 6  | and positive duty of attendance as required by Senate Rule 16, the plain and positive    |
| 7  | duty undertaken pursuant to the Wisconsin Constitution, article IV, section 28 which     |
| 8  | provides that "Members of the legislatureshalltake and subscribe an                      |
| 9  | oathfaithfully to discharge the duties of their respective offices to the best of their  |
| 10 | ability" and the plain and positive duty inherent in their election in a representative  |
| 11 | democracy to faithfully attend, participate, and vote in the sessions of the legislature |
| 12 | to which they were elected; and                                                          |
| 13 | Whereas, this body has sought by multiple calls of the senate, by the passage            |
| 14 | of certain resolutions, and by its taking of certain actions through its leadership, to  |
| 15 | provide notice to the absent senators that their continued absence was, and              |
| 16 | continues to be, contrary to the senate rules and was, and continues to be, contrary     |
| 17 | to the duty those senators owe to this body and owe to the citizens of Wisconsin; and    |
| 18 | Whereas, the absent senators have been provided an opportunity to be heard               |
| 19 | on all matters that have been raised concerning their conduct by returning at any        |
| 20 | time to the senate in order to be recognized by the chair during session and speak on    |
| 21 | those matters, but none have returned; now, therefore, be it                             |
| 22 | <b>Resolved by the senate, That</b> the senate hereby exercises its constitutional       |

Resolved by the senate, That the senate hereby exercises its constitutional authority, including, but not limited to, the authority granted to it by article IV, section 7, to "[c]ompel the attendance of absent members in such manner and under such penalties" as it may provide; and, be it further *Resolved, That* Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen,
Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout, and Wirch are
hereby ordered to appear at the senate chambers on or before 4:00 p.m. today, March
3, 2011, and to remain in the senate chambers until the senate is duly called to order
and for such additional time as necessary to be counted as part of the quorum of that
senate session; and, be it further

7 **Resolved**, That if any of the named senators fails to appear in the senate 8 chambers on or before the prescribed time, then that member shall be held guilty of 9 contempt and disorderly behavior by the senate, and the majority leader shall 10 immediately issue an order to the sergeant at arms that he take any and all 11 necessary steps, with or without force, and with or without the assistance of law 12enforcement officers, by warrant or other legal process, as he may deem necessary in order to bring that senator to the senate chambers so that the senate may convene 1314 with a quorum of no less than 20 senators; and, be it further

15 **Resolved, That** in order to assure that each of the absent senators has been 16 given notice of this resolution, it shall forthwith be delivered to the office of each of 17 the absent senators and posted on the Wisconsin State Senate Web site; and, be it 18 further

19 **Resolved, That** in order to assure that each of the absent senators has been 20 given an opportunity to answer the finding of contempt and to otherwise seek the 21 expunction of the finding, if it has been made, that senator will be given an 22 opportunity at the conclusion of the first complete senate session that he or she 23 attends, to address the senate as a whole concerning that finding.

24

(END)