



Wisconsin Legislative Reference Bureau

Legislative Committees

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Legislative Committees

Much of the deliberative process of a bill, the discussion among legislators on a measure, and the work on amendments to improve and change the bill happen in legislative committees. These committees give the Wisconsin public a front-row seat to deliberations, as every committee hearing, executive session, or other meeting, with few exceptions, is open to the public.

Legislative committees continue their work throughout the biennial session and usually meet in the capitol in Madison, except when a committee is given permission to meet elsewhere. For example, the Joint Committee on Finance will often hold public hearings on the state's budget in various locations around the state. While the main function of a standing committee is to deliberate bills before the legislature, committees also introduce legislation and hold investigations and reviews on issues within the subject matter of the committee. The committee will also review administrative rules proposed by the executive branch agencies.

ASSEMBLY COMMITTEES

Each house of the Wisconsin Legislature has its own set of committees and rules that govern those committees. If a bill is introduced in the Assembly, the Speaker of the Assembly first refers it to an assembly committee, meaning that the Speaker decides the appropriate committee to deliberate the subject matter of that bill. As set by the assembly rules, the Assembly had 36 committees in the 2015 session, but this number may vary. A standing committee has jurisdiction over a certain subject area, such as aging and long-term care; small business and development; or transportation.

The Speaker determines the total number of members per committee, unless a rule specifies otherwise, and determines the ratio of majority to minority members on each committee. Since the Speaker is a member of the majority party, the Speaker appoints the majority members to committees. The Speaker also appoints members of the minority party to committees as those members are nominated by the minority leader. The first person the Speaker names to a standing committee is that committee's chair and the second person named is the vice-chair. The first minority party member named by the Speaker to a standing committee is that committee's ranking minority member, but the Speaker may appoint any member of the minority party as chair of the committee, or the Speaker and the minority leader may agree that the first named minority party member is the committee's vice-chair. The Speaker may be a member of a standing committee and is a nonvoting member of all other standing committees on which he or she is not a regular member. A special committee may be created in the Assembly by a written order of the Speaker or by a resolution. An Assembly special committee's existence ends when the final report has been made, when the committee's objective has been accomplished, or when the termination date established by the action that created the committee arrives.

ASSEMBLY PUBLIC COMMITTEE HEARINGS

Any proposal that is referred to an Assembly committee may be scheduled for a public hearing. In the Assembly, the committee may not hold a public hearing until copies of the bill have been made available to the public. The purpose of the public hearing is for the committee to hear various viewpoints about the bill and specific changes that different parties may want in the bill. At a public hearing on a bill, an individual does not need to have an invitation to speak on the bill and an individual does not need to be part of a specific organization to speak. People may speak at the public hearing against the bill, in favor of the bill, or for informational purposes only. The chair of the committee may limit the time for which a person may speak on the bill. Committee members may ask questions of the people who are speaking. If someone does not want to speak on a bill, but nevertheless wants to express his or her approval or disapproval, he or she may register in favor, against, or for information on the bill. Once a bill has had a public hearing, the committee chair may schedule it for an executive session.

ASSEMBLY COMMITTEE EXECUTIVE SESSIONS

The purpose of the executive session is for committee members to debate the bill amongst themselves, propose amendments to the bill, and vote as a committee on whether to recommend passage of the bill by the Assembly as a whole. Members of the public may attend an executive session on a bill, but they typically are not invited to participate in the committee's work during the executive session. There are three types of action that may be taken on a bill in an executive session: (1) recommending passage; (2) recommending passage as amended; or (3) recommending rejection. The committee may not vote in executive session unless the bill has been available to the public for 24 hours before the vote.

ASSEMBLY RULES COMMITTEE

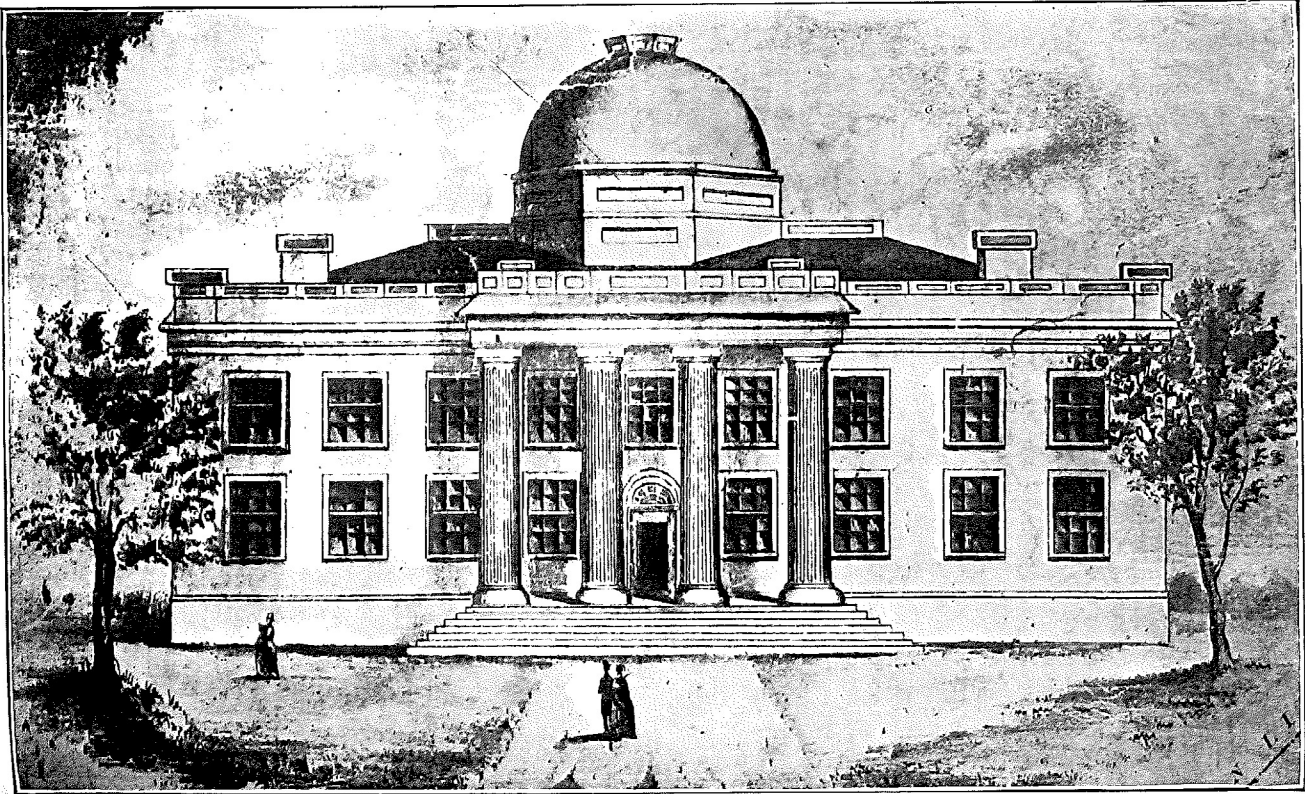
After a recommendation of passage, the bill and any amendments are referred to the Assembly rules committee, which is composed of the Speaker of the Assembly, the Speaker pro tempore, the majority leader, the assistant majority leader, the majority caucus chair, the minority leader, the assistant minority leader, the minority caucus chair, two majority party members appointed by the Speaker, and two minority party members appointed by the Speaker. The rules committee may place the bill on a daily calendar of items to be addressed on the floor of the Assembly if the date of that calendar is at least two days after referral to the rules committee, except that the rules committee may place bills that are in that committee during the final week of the last general-business floor period of the biennial session on any day's calendar. The rules committee may return bills to the Speaker for referral to a joint committee if that is required.

ASSEMBLY PULLING MOTIONS

What happens if the committee's chair does not schedule either the public hearing or the executive session on a bill? One consequence might be that the bill is never voted on by the entire Assembly and it just remains in the committee until the end of the biennial session with no action. Another possibility is that, once 21 days have elapsed since the referral of an Assembly bill to the committee, a legislator on the floor of the Assembly can make a motion to withdraw the bill from the committee and take up the bill for debate directly on the floor of the Assembly. This motion is known as a "pulling motion," and it is rare for such a motion to result in the passage of a bill.

ASSEMBLY BILL 459 IN THE ASSEMBLY

The legislative history of 2013 Assembly Bill 459 is an example of a rather typical journey of a bill through legislative committees. In the 2013 session, the Speaker created a task force to examine issues of mental health. This task force itself was a special committee of Assembly representatives created to examine and propose legislation on mental health issues. As a result of the task force's work, 2013 Assembly Bill 459, which creates an individual placement and support program for employment of individuals who are experiencing mental illness, was drafted and then introduced. When the bill was introduced, the Speaker referred it to the Assembly committee on health. The committee held a public hearing on the bill. The author of the bill then had a substitute amendment to the bill drafted. During the executive session on Assembly Bill 459, the committee unanimously recommended adoption of that substitute amendment and then unanimously recommended passage of Assembly Bill 459 by the Assembly. Assembly Bill 459 was then referred to the Assembly rules committee, which placed the bill on the calendar for consideration by the Assembly. The Assembly adopted the substitute amendment and passed Assembly Bill 459. The bill was then sent, or messaged, to the Senate for its deliberation.



THE FIRST CAPITOL AT MADISON, 1838

Image courtesy of the Wisconsin Historical Society.

SENATE COMMITTEES

Similar to action in the Assembly, a bill that is first introduced in the Senate, or that is an Assembly bill that has passed on the floor of the Assembly, is typically referred to a standing committee in the Senate. The president of the Senate determines the appropriate standing committee for referral. The committee on Senate organization sets for each biennial session by resolution the committees the Senate will have. The committee on Senate organization is composed of the Senate majority party leader, who is the chair of the committee; the president of the Senate, the assistant majority leader, the minority party leader, and the assistant minority leader. The majority leader, as chair of the committee on Senate organization, designates the chair of each committee and appoints both majority and minority members of the committees, with the minority member appointments being based on nominations by the minority party leader. Membership on the standing committees and the Senate membership of the joint committees are proportional to the majority and minority percentages in the Senate. Each senator serves on at least one committee. A majority of the committee constitutes a quorum for the purpose of performing the committee's business. Senate committees have the additional task of reviewing nominations for appointments that are submitted to the Senate for its advice and consent. A Senate committee may report a proposal or appointment out of the committee without recommendation if the vote is tied. Any member who dissents from the report of a committee may make a separate minority report on the same or the next legislative day as the majority report.

SENATE COMMITTEE HEARINGS

Before a committee hearing, the Senate rules require that the public be given notice of the hearing 24 hours before it begins, except when that notice is impossible or impractical, in which case notice must be given at least two hours in advance of the hearing. Senate committees hold public hearings and executive sessions, except that the Senate may vote by ballot instead of holding a meeting. Generally, a proposal must be in the committee for 24 hours before a vote may be conducted by ballot, except when that timing is impossible or impractical, and the proposal must be made available to the public for at least two hours before the ballot is circulated.

SENATE FLOOR

Generally, a bill may not be placed on the Senate calendar for consideration by the entire Senate unless that bill has received a public hearing. A senator, however, may make a motion on the floor to withdraw a bill from committee and consider the bill on the floor at any time, even if the bill has not had a public hearing, except for the seven days before a scheduled committee hearing on that bill or the seven days after a committee meeting is held on that bill.

SENATE ACTION ON ASSEMBLY BILL 459

When the Senate received Assembly Bill 459, the president of the Senate referred the bill to the Joint Committee on Finance. Because the bill makes an appropriation of money to pay for the program, the bill is required to be referred to the Joint Committee on Finance. The Joint Committee on Finance held an executive session on Assembly Bill 459 and recommended unanimously that the Senate concur in the Assembly's action. The Senate organization committee waived the public hearing requirement on the bill in the Senate and placed the bill on the Senate floor calendar for consideration by the entire Senate. The Senate passed the bill and the governor signed the bill, enacting it into law as 2013 Wisconsin Act 131.

COMMITTEE CHAIRS

In either house, the chair of a committee has control over the operations of the committee. Generally each committee may adopt its own rules, such as how much time must elapse after an amendment has been submitted to members of the committee before a vote on that amendment can occur, and for how long speakers may testify at a public hearing. A majority of members of a committee is a quorum for purposes of the committee's business. The chair decides what bills are scheduled for a public hearing and when, and whether a bill gets a public hearing at all. A chair, therefore, can take significant steps to prevent the passage of a certain bill by refusing to schedule the bill for a public hearing or an executive session.

JOINT HEARINGS

Each house has its own set of committees that can hold a public hearing on a bill. If both the chair of the Assembly committee to which a bill is referred and the chair of the Senate committee to which a bill is referred determine that the convenience of the legislators and the public would be promoted by a joint hearing, then the chairs of the committees will hold a joint public hearing. A joint hearing takes the place of separate hearings in each house. The chairs of each committee agree on the time and place of the hearing, the proposals considered at the joint hearing, and who will serve as the chair to preside over the joint hearing.

JOINT COMMITTEES

Certain bills are referred not to a standing committee of one house but to a joint committee made up of members of both houses. Assembly Bill 459, for example, was referred in the Senate to the Joint Committee on Finance. Another joint committee, the Joint Committee on Legislative Organization, is composed of the Assembly Speaker, the Senate President, the Senate majority leader, the Assembly majority leader, the Senate minority leader, the Assembly minority leader, the Senate assistant majority leader, the Assembly assistant majority leader, the Senate assistant minority leader, and the Assembly assistant minority leader. A key

function of the Joint Committee on Legislative Organization is to introduce a joint resolution that sets the schedule for when the legislature will meet during that biennial legislative session. Joint committees may perform functions in addition to standing committees in each house, or they may perform functions that then substitute for functions of standing committees in each house.

CONFERENCE COMMITTEES

There are additional types of committees and more complex procedures that legislation can go through. If the Assembly passes a bill, and the Senate amends the bill before passing it, the bill would be sent back to the Assembly for its agreement with that Senate amendment. If the Assembly did not agree with that amendment, the two houses could pass the bill back and forth endlessly to get agreement, or the bill could be referred to a conference committee. A conference committee is made up of three members from each house, with one of the members from each house being a member of the minority party. Instead of the Senate majority leader, the president of the Senate appoints the Senate members of a conference committee. Either house may request a conference committee. According to the joint rules of the Assembly and the Senate, the members of the conference committee are required to meet and state their house's and party's position on the disagreement. The conference committee then works to agree. If the committee members cannot agree, new members of the committee may be appointed by each house. The vote on the agreement must be by a majority of the members of the committee representing each house. The report of the conference committee's agreement must be presented first to the house other than the house in which the bill originated. For example, the conference committee report on a Senate bill must be first presented to the Assembly. Each house votes on the conference committee report. Those votes are the final action on the bill and cannot be reconsidered.

CONCLUSION

American author John Steinbeck said, "It is a common experience that a problem difficult at night is resolved in the morning after the committee of sleep has worked on it." Similarly, most of the work, debate, and deliberation on a piece of legislation is performed by a standing committee of the Wisconsin Legislature.
