1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: 02/17/1999				Received By: dykmapj				
Wanted: Soon					Identical to LRB: 97-1796/1			
For: She	eldon Wassern	nan (608) 266-	7671		By/Representing:			
This file may be shown to any legislator: NO				Drafter: dykmapj				
May Co	ntact:				Alt. Drafters:			
Subject: Constitutional Amendments Legislature - miscellaneous				Extra Copies: JTK				
Pre Top	pic:							
No spec	ific pre topic g	iven						
Topic:								
Unicame	eral legislature							
Instruc	tions:							
1997 AJ	R 46	,						
Draftin	g History:						, , , , , , , , , , , , , , , , , , ,	
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	Submitted	Jacketed	Required	
/?	dykmapj 02/17/1999	jgeller 02/18/1999						
/1			hhagen 02/18/19	99	lrb_docadmin 02/18/1999	lrb_docadm 11/03/1999	in	
FE Sent	For:			∠END>				

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1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: 02/17/99

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Identical to LRB: 97-1796/1

For: Sheldon Wasserman (608) 266-7671

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Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject:

Constitutional Amendments Legislature - miscellaneous

Extra Copies:

JTK

Pre Topic:

No specific pre topic given

Topic:

Unicameral legislature

Instructions:

1997 AJR 46

Drafting History:

Vers.

Drafted

Reviewed

Submitted

Jacketed

Required

/?

dykmapj

FE Sent For:

<END>

Dykman, Peter

From:

Champagne, Rick

Sent:

Wednesday, February 17, 1999 8:39 AM

To: Subject: Dykman, Peter Drafting Requests for Wasserman

Peter --

Sarah in Wasserman's office called in with two requests:

- 1. Redraft of 97-1795/1 (Elimination of Office of Lt. Gov.).
- 2. Redraft of 97-1796/1 (Adoption of unicameral legislature).

As these are both constitutional amendments, do you want to take care of these?

Rick

99 LEGISLATURE

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1997 ASSEMBLY JOINT RESO

il 9, 1997 – Introduced by Representatives Wasserman, Handrick, Black, DOBYNS and OTTE. Referred to Committee on Elections and Constitutional

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

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the V997 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 four election in 2004.

The unicameral legislature will have 75 members elected from single-member districts on a nonpartisan basis for staggered —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

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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.

Resolved by the assembly, the senate concurring, That:

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

[Article IV] Section 10 The legislative power shall be vested in a senate and assembly the legislature consisting of one chamber.

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

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

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

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

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

[Article IV] Section 4. The members of the assembly legislature shall be chosen biennially, by single districts. The districts shall be numbered in the regular series, and the members shall be chosen, alternately from the odd-numbered and even-numbered districts, for the term of 4 years, on the Tuesday succeeding the first Monday of November in even-numbered years, by the qualified electors of the several districts, such. The districts to shall be bounded by county, precinct, town or 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

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

member shall be expelled a second time for the same cause.

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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

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

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

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

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

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

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

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

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

T	[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 <u>legislature</u> . The house of origin <u>legislature</u> 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

<u>legislature</u>. The <u>house of origin legislature</u> shall enter the objections at large upon

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

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

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

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

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

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

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

- (2) Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present of the court.
- (3) Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the state; but the party impeached shall be liable to indictment, trial and punishment according to law.

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

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

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

[Article VIII] Section 6. For the purpose of defraying extraordinary expenditures the state may contract public debts —, but such debts shall never in the aggregate exceed one hundred thousand dollars) \$\frac{100,000}{2100,000}\$. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house the legislature, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1999/2001

- legislature; to the election to that legislature on that date; and to the apportioning and districting anew of the legislative districts for that election.
- (2) If a senator is elected before November 2004 to a term of office expiring after the first Monday of January, 2005, the term expires on the first Monday of January, 2005.
- (3) Notwithstanding section 4 of article IV, the terms of members of the legislature elected in November 2004 to even-numbered districts shall be for 2 years and the terms of members of the legislature elected in November 2004 to odd-numbered districts shall be for 4 years.

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

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

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

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

(END)

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU **Legal Section** Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/18/99

To: Representative Wasserman

Relating to LRB drafting number: LRB-2243

Topic Unicameral legislature
Subject(s) Constitutional Amendments, Legislature - miscellaneous
1. JACKET the draft for introduction Shelds Warsen
in the Senate or the Assembly (check only one). Only the requester under whose name the
drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please
allow one day for the preparation of the required copies.
2. REDRAFT. See the changes indicated or attached
A revised draft will be submitted for your approval with changes incorporated.
3. Obtain FISCAL ESTIMATE NOW , prior to introduction .
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or
increases or decreases existing appropriations or state or general local government fiscal liability or
revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to
introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon
introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to
introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

> Attorney Peter J. Dykman, Deputy Chief Telephone: (608) 266-7098