

**2001 DRAFTING REQUEST**

**Assembly Resolution**

Received: 01/04/2001

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Timothy Carpenter (608) 266-1707

By/Representing: him

This file may be shown to any legislator: NO

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Subject: Legislature - rules

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**Pre Topic:**

No specific pre topic given

**Topic:**

Veto procedure

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 01/09/2001	gilfokm 01/12/2001	pgreensl 01/15/2001	_____	lrb_docadmin 01/15/2001	lrb_docadmin 01/16/2001	

FE Sent For:

<END>

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1?	dykmapj	1-1/dmg 12-01	1/15	1/15 P8/KF			

FE Sent For:

<END>



## 2001 ASSEMBLY RESOLUTION

*Jan 16*

1 **Relating to:** the veto review process.

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### *Analysis by the Legislative Reference Bureau*

Currently the assembly rules provide a method for withdrawing a proposal from committee. This joint resolution provides that vetoes may be withdrawn from committee in the same manner as proposals.

---

2 ***Resolved by the assembly, That:***

3 **SECTION 1.** Assembly rule 15 (title), (1) to (3), (4) (intro.), (b) and (c), (5) and (6)  
4 are amended to read:

5 **ASSEMBLY RULE 15 (title) Withdrawing a proposal or veto from committee.**

6 (1) No A proposal or veto may not be withdrawn from any committee until 21  
7 calendar days have expired since the proposal or veto was referred to the committee.

8 After the 21-day period, ~~proposals~~ a proposal or veto may be withdrawn either by  
9 motion or by petition, but:

10 (a) No A bill may not be withdrawn from a joint survey committee.

1 (b) ~~No~~ A bill requiring, but not having, an emergency statement for passage  
2 may not be withdrawn from the joint committee on finance or from the committee on  
3 rules.

4 (2) The motion to withdraw a proposal or veto from committee ~~shall be~~ is in  
5 order only on the first day in any week on which the call of the roll is taken under  
6 the first order of business. ~~Such~~ The motions shall be decided by ~~majority~~ vote of a  
7 majority of the members present and voting.

8 (3) Once a motion to withdraw a proposal or veto from a committee which  
9 requires a ~~majority~~ vote of a majority of the members present and voting fails, all  
10 subsequent motions to withdraw that proposal or veto from the same committee shall  
11 require a vote of two-thirds majority of the members present and voting for adoption  
12 and shall be decided without debate.

13 (4) A petition to withdraw a proposal or veto from committee requires the  
14 personal signatures of a majority of the assembly's current membership.

15 (b) Each withdrawal petition signature shall be dated by the signer.  
16 Withdrawal petitions may not be circulated ~~prior to~~ before the expiration of the  
17 21-day period.

18 (c) Any withdrawal petition shall be filed with the chief clerk, who shall  
19 immediately examine it for compliance with this rule. All questions concerning the  
20 adequacy of a withdrawal petition shall be decided by the speaker.

21 (5) Immediately upon adoption of any a withdrawal motion or the chief clerk's  
22 announcement of receipt of a proper withdrawal petition, the affected proposal shall  
23 be or veto is taken from committee and placed in the committee on rules for calendar  
24 scheduling, but, if the withdrawal ~~was~~ is from that committee, the affected proposal

1 shall be or veto is placed directly on the calendar for the 2nd legislative day  
2 thereafter.

3 (6) Whenever a bill is introduced in the assembly or senate under section 227.19  
4 (5) (e) or 227.26 (2) (f) of the statutes, the bill ~~shall be~~ is considered reported without  
5 recommendation and ~~shall be~~ is placed before the committee on rules if ~~no a~~ report  
6 is not received from the standing committee within 30 days of after the date of  
7 referral. This subsection does not apply if the bill is introduced within 30 days of  
8 after the time at which ~~no~~ further proposals may not be introduced or offered in the  
9 regular session under joint rule 83 (2).

10 **SECTION 2.** Assembly rule 19 (3) is amended to read:

11 **ASSEMBLY RULE 19 (3)** The report of the committee shall be reproduced in the  
12 journal. Notwithstanding subs. (1) and (2), the chief clerk shall record in the journal  
13 that a bill or veto is reported without recommendation whenever the bill or veto is  
14 withdrawn from committee under rule 15 (6) ~~prior to~~ before the committee's vote on  
15 the bill or veto.

16 **SECTION 3.** Assembly rule 42 (3) (c) is amended to read:

17 **ASSEMBLY RULE 42 (3) (c)** Within 5 working days after initial referral by the  
18 speaker under sub. (1) (a) to a committee, the speaker, with consent of the  
19 chairperson and notwithstanding rule 15, may withdraw any bill, joint resolution,  
20 ~~or resolution,~~ or veto from the standing committee to which it ~~is~~ was initially referred  
21 and rerefer it to another standing committee or to a special committee. Rereferral  
22 under this rule may not be used to satisfy section 13.093 (1) of the statutes.

23 **SECTION 4.** Assembly rule 44 is amended to read:

24 **ASSEMBLY RULE 44. Vetoes.** (1) Upon the receipt of a message from the  
25 governor that an assembly ~~proposal~~ bill has been vetoed in whole or in part, or of a

1 senate message that the senate has passed a vetoed senate proposal bill or senate  
2 proposal vetoed in part, the speaker within 7 working days after the receipt shall  
3 refer the veto to the calendar for the 2nd legislative day thereafter, or to the  
4 committee on rules for calendar scheduling, or to a standing committee for review  
5 and report.

6 (2) Notwithstanding the referral of a veto to a standing committee, the  
7 committee on rules may schedule the veto for assembly action. When so scheduled,  
8 the veto ~~shall be~~ is before the assembly and may be passed notwithstanding the  
9 objections of the governor even if the standing committee has not submitted its  
10 report.

11 **SECTION 5.** Assembly rule 74 (3) is amended to read:

12 **ASSEMBLY RULE 74 (3)** A motion to table may not be applied to procedural  
13 motions, except that a motion to withdraw a proposal or veto from committee may  
14 be tabled if the motion to withdraw does not involve a suspension of the rules.

15 (END)



## 2001 ASSEMBLY RESOLUTION

*16*  
*[Signature]*

1 **To amend** assembly rule 15 (title), (1) to (3), (4) (intro.), (b) and (c), (5) and (6),  
2 assembly rule 19 (3), assembly rule 42 (3) (c), assembly rule 44 and assembly  
3 rule 74 (3); **relating to:** the veto review process.

### *Analysis by the Legislative Reference Bureau*

Currently, the assembly rules provide a method for withdrawing a proposal from committee. This ~~part~~ resolution provides that vetoes may be withdrawn from committee in the same manner as proposals.

### *Resolved by the assembly, That:*

4 **SECTION 1.** Assembly rule 15 (title), (1) to (3), (4) (intro.), (b) and (c), (5) and (6)  
5 are amended to read: *delete marker a.m.*

### **ASSEMBLY RULE 15 (title) Withdrawing a proposal or veto from committee.**

8 (1) ~~No~~ A proposal or veto may not be withdrawn from any committee until 21  
9 calendar days have expired since the proposal or veto was referred to the committee.

10 After the 21-day period, ~~proposals~~ a proposal or veto may be withdrawn either by  
11 motion or by petition, but:



1 (a) No A bill may not be withdrawn from a joint survey committee.

2 (b) No A bill requiring, but not having, an emergency statement for passage  
3 may not be withdrawn from the joint committee on finance or from the committee on  
4 rules.

5 (2) The motion to withdraw a proposal or veto from committee shall be is in  
6 order only on the first day in any week on which the call of the roll is taken under  
7 the first order of business. ~~Such~~ The motions shall be decided by ~~majority vote of a~~  
8 majority of the members present and voting.

9 (3) Once a motion to withdraw a proposal or veto from a committee which  
10 requires a ~~majority vote of a majority of the members present and voting~~ fails, all  
11 subsequent motions to withdraw that proposal or veto from the same committee shall  
12 require a vote of two-thirds majority of the members present and voting for adoption  
13 and ~~shall~~ be decided without debate.

*plain*  
14 (4) <sup>(intro.)</sup> A petition to withdraw a proposal or veto from committee requires the  
15 personal signatures of a majority of the assembly's current membership.

16 (b) Each withdrawal petition signature shall be dated by the signer.  
17 Withdrawal petitions may not be circulated ~~prior to~~ before the expiration of the  
18 21-day period.

19 (c) Any withdrawal petition shall be filed with the chief clerk, who shall  
20 immediately examine it for compliance with this rule. All questions concerning the  
21 adequacy of a withdrawal petition shall be decided by the speaker.

22 (5) Immediately upon adoption of any a withdrawal motion or the chief clerk's  
23 announcement of receipt of a proper withdrawal petition, the affected proposal shall  
24 be or veto is taken from committee and placed in the committee on rules for calendar  
25 scheduling, but, if the withdrawal was is from that committee, the affected proposal

1 ~~shall be~~ or veto is placed directly on the calendar for the 2nd legislative day  
2 thereafter.

3 (6) Whenever a bill is introduced in the assembly or senate under section 227.19  
4 (5) (e) or 227.26 (2) (f) of the statutes, the bill ~~shall be~~ is considered reported without  
5 recommendation and ~~shall be~~ is placed before the committee on rules if ~~no~~ a report  
6 is not received from the standing committee within 30 days ~~of~~ after the date of  
7 referral. This subsection does not apply if the bill is introduced within 30 days ~~of~~  
8 after the time at which ~~no~~ further proposals may not be introduced or offered in the  
9 regular session under joint rule 83 (2).

10 <sup>e.d.m.</sup> SECTION 2. Assembly rule 19 (3) is amended to read:

11 ASSEMBLY RULE 19 (3) The report of the committee shall be reproduced in the  
12 journal. Notwithstanding subs. (1) and (2), the chief clerk shall record in the journal  
13 that a bill or veto is reported without recommendation whenever the bill or veto is  
14 withdrawn from committee under rule 15 (6) ~~prior to~~ before the committee's vote on  
15 the bill or veto.

16 <sup>e.d.m.</sup> SECTION 3. Assembly rule 42 (3) (c) is amended to read:

17 ASSEMBLY RULE 42 (3) (c) Within 5 working days after initial referral by the  
18 speaker under sub. (1) (a) to a committee, the speaker, with <sup>the</sup> consent of the  
19 chairperson and notwithstanding rule 15, may withdraw any bill, joint resolution,  
20 ~~or~~ resolution, or veto from the standing committee to which it ~~is~~ was <sup>✓</sup> initially referred  
21 and rerefer it to another standing committee or to a special committee. Rereferral  
22 under this rule may not be used to satisfy section 13.093 (1) of the statutes.

23 <sup>e.d.m.</sup> SECTION 4. Assembly rule 44 is amended to read:

24 ASSEMBLY RULE 44. **Veto**s. <sup>e.d.m.</sup> (1) Upon the receipt of a message from the  
25 governor that an assembly ~~proposal~~ bill has been vetoed in whole or in part, or of a

1 senate message that the senate has passed a vetoed senate ~~proposal~~ bill or senate  
2 proposal vetoed in part, the speaker <sup>2</sup> within 7 working days after the receipt <sup>2</sup> shall  
3 refer the veto to the calendar for the 2nd legislative day thereafter, or to the  
4 committee on rules for calendar scheduling, or to a standing committee for review  
5 and report.

6 (2) Notwithstanding the referral of a veto to a standing committee, the  
7 committee on rules may schedule the veto for assembly action. When so scheduled,  
8 the veto ~~shall be~~ is before the assembly and may be passed notwithstanding the  
9 objections of the governor even if the standing committee has not submitted its  
10 report.

11 <sup>g.d.m.</sup> SECTION 5. Assembly rule 74 (3) is amended to read:

12 ASSEMBLY RULE 74 (3) A motion to table may not be applied to procedural  
13 motions, except that a motion to withdraw a proposal or veto from committee may  
14 be tabled if the motion to withdraw does not involve a suspension of the rules.

15 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 15, 2001

### MEMORANDUM

To: Representative Carpenter

From: Attorney Peter J. Dykman, General Counsel

Re: LRB-1809 Veto procedure

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7098 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.