



2009 SENATE RESOLUTION 2

January 23, 2009 – Introduced by Senators DECKER, RISSER and HANSEN. Referred to Committee on Senate Organization.

1 **To repeal** senate rule 34 (3); **to renumber** senate rule 32 (1) and senate rule 34 (4);
2 **to renumber and amend** senate rule 32 (2); **to amend** senate rule 5 (2) (c),
3 senate rule 14, senate rule 15, senate rule 17 (1) (c), senate rule 22 (1), senate
4 rule 22 (2), senate rule 25 (1) (b), senate rule 25 (4) (a), senate rule 27 (2), senate
5 rule 27 (6), senate rule 41 (1) (e), senate rule 47 (4), senate rule 68 (title), senate
6 rule 69, senate rule 75, senate rule 76 (1), senate rule 85 (7) and senate rule 98
7 (title); **to repeal and recreate** senate rule 17 (1) (f), senate rule 17 (1) (g),
8 senate rule 25 (4) (b) and senate rule 26; and **to create** senate rule 6 (2) (h),
9 senate rule 13m, senate rule 25 (4) (am), senate rule 30 (3) (f), senate rule 44m,
10 senate rule 95m and senate rule 99 (53m); **relating to:** the senate rules.

Analysis by the Legislative Reference Bureau

This resolution makes the following changes to the senate rules, in addition to other technical changes:

Reproduction of daily journal

Requires the chief clerk to prepare and publish for reproduction the daily journal after the adjournment of each daily session, and, if so directed by the

president or as necessary, on any day on which the senate does not meet. Currently, the chief clerk must prepare the journal on any day on which the senate does not meet only if directed by the president or the chairperson of the Committee on Senate Organization.

Senate meeting times

Provides that a senate session that is convened pursuant to the constitutional requirement that neither house of the legislature shall, without consent of the other, adjourn for more than three days need not meet at 10 a.m. if the session is convened on a Tuesday or Thursday. Current rules, with exceptions, require the senate to meet at this time.

Roll calls

Requires that a senator who is present during any part of a roll call day must be included in the official attendance roll call for that day.

Orders of business

Reverses the sixth and seventh orders of business. The new sixth order of business now deals with referrals and receipt of committee reports concerning proposed administrative rules. The new seventh order of business now deals with the advice and consent of the senate.

Conduct of committee executive sessions by ballot and polling

Eliminates the ability of a committee to conduct an executive session on a proposal, amendment, appointment, or proposed administrative rule by ballot if the chairperson of the committee determines that voting by ballot is necessary in an emergency for the preservation of the public peace, health, safety, or welfare. Instead, a committee may conduct such an executive session by ballot if the proposal, amendment, appointment, or proposed administrative rule has lain over for at least 24 hours, unless the Committee on Senate Organization determines that for good cause such notice is impossible or impractical. In no case, however, may notice be provided less than two hours before a ballot is circulated. The resolution does not change the use of polling in emergency situations.

Public notices for committee meetings

Provides that public notice of a committee meeting may be amended at any time to delay the commencement of the meeting or to delete items from the agenda of the meeting. Generally, public notice of a committee meeting must be given at least 24 hours before the commencement of the meeting.

Schedule of committee activities

Requires that the chairperson of each senate committee file with the chief clerk a copy of each notice of a public hearing or executive session before that committee in accordance with current public notice requirements under the senate rules and requires that the notices be published, on a daily basis, on the legislature's committee Internet Web site.

Contents of history files for proposals

Authorizes the inclusion of any other appropriate information in the history file for a proposal, as determined by the senate chief clerk.

Guests entered on daily journal

Permits senators to submit to the chief clerk a list of individuals who witnessed a part of the day's meeting and requires them to be entered at the end of the day's journal. Previously, for this purpose, senators could only submit a listing of visitors from their districts.

Referral and withdrawal of proposals from the Joint Committee on Finance

Allows the Committee on Senate Organization, with the consent of the senate cochairperson of the Joint Committee on Finance, to withdraw a proposal from the Joint Committee on Finance and make the proposal available for scheduling. Currently, the Committee on Senate Organization may withdraw a bill from the Joint Committee on Finance and place the bill on the calendar.

Use of phrase "by majority vote"

Clarifies that the phrase "by majority vote" in the senate rules means by majority vote of members present.

Presentation of enrolled bills to governor

Provides that the chief clerk must present all correctly enrolled bills to the governor as provided in the session schedule unless any of the following occur: upon motion of the senate, the chief clerk must present a correctly enrolled bill to the governor as provided in the motion; upon directive of the majority leader, unless otherwise provided by the session schedule or motion of the senate, the chief clerk must present a correctly enrolled bill to the governor as provided in the directive; and upon the call of the governor, unless otherwise provided by the session schedule, motion of the senate, or directive of the majority leader, the chief clerk must immediately present a correctly enrolled bill to the governor.

Regulation of conduct in the senate gallery

Regulates the conduct of individuals in the senate gallery. Under the rules, unless otherwise provided by the presiding officer, individuals in the gallery must be quiet at all times; must be seated at all times; may not lean over or put any object over the balcony; may not display signs; may not read books or newspapers; may not consume food or beverages; may not use tobacco products; must turn off all cellular telephones and pagers; may not use a laptop or other computer; and may not photograph any of the proceedings in the chamber.

Definition of "partisan caucus"

The resolution defines "partisan caucus" as a conference convened by 2 or more members of a political party to discuss business related to the organization or agenda of that party within the legislature or to discuss any matter pending in or proposed for introduction in the legislature. In this conference, to facilitate bipartisan cooperation, the members who convened the conference may permit members of another political party to attend.

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

2 **SECTION 1.** Senate rule 5 (2) (c) is amended to read:

1 SENATE RULE 5 (2) (c) Prepare and ~~transmit~~ publish for reproduction its daily
2 journal after the adjournment of each daily session, and, if so directed by the
3 president or ~~chairperson of the committee on senate organization~~ as necessary, on
4 any day on which the senate does not meet.

5 **SECTION 2.** Senate rule 6 (2) (h) is created to read:

6 SENATE RULE 6 (2) (h) Enforce the provisions of rule 13m relating to conduct of
7 individuals in the gallery.

8 **SECTION 3.** Senate rule 13m is created to read:

9 SENATE RULE 13m. **Conduct of individuals in the gallery.** Unless otherwise
10 provided by the presiding officer, individuals in the gallery:

11 (1) Shall be quiet at all times.

12 (2) Shall be seated at all times.

13 (3) May not lean over or put any object over the balcony.

14 (4) May not display signs. If an individual brings a sign to the chamber, the
15 sign shall be left in the gallery vestibule.

16 (5) May not read books or newspapers.

17 (6) May not consume food or beverages.

18 (7) May not use tobacco products.

19 (8) Shall turn off all cellular telephones and pagers.

20 (9) May not use a laptop or other computer.

21 (10) May not photograph any of the proceedings in the chamber.

22 **SECTION 4.** Senate rule 14 is amended to read:

23 SENATE RULE 14. **Hour for meeting.** The senate shall meet at 10 a.m. on
24 Tuesday and Thursday unless a different day or hour is prescribed by the committee
25 on senate organization or by a resolution or motion adopted by majority vote of the

1 members present. This section shall not apply to a senate session that is convened
2 to prevent a violation of section 10 of article IV of the constitution.

3 **SECTION 5.** Senate rule 15 is amended to read:

4 SENATE RULE 15. **Roll call, quorum.** Before proceeding to business, the roll
5 of the members shall be called, and the names of those present and those absent shall
6 be entered on the journal. A member present during any part of a roll call day shall
7 be included in the official attendance roll call for that day. A majority of the
8 membership presently serving must be present to constitute a quorum for the
9 transaction of business; a smaller number, however, can adjourn and may compel the
10 attendance of absent members. When a roll call discloses the lack of a quorum,
11 further business may not be conducted until a quorum is obtained, but the members
12 present may take measures to procure a quorum or may adjourn.

13 **SECTION 6.** Senate rule 17 (1) (c) is amended to read:

14 SENATE RULE 17 (1) (c) *Third order.* Introduction, first reading, and reference
15 of proposals; reference of appointments.

16 **SECTION 7.** Senate rule 17 (1) (f) is repealed and recreated to read:

17 SENATE RULE 17 (1) (f) *Sixth order.* Referrals and receipt of committee reports
18 concerning proposed administrative rules.

19 **SECTION 8.** Senate rule 17 (1) (g) is repealed and recreated to read:

20 SENATE RULE 17 (1) (g) *Seventh order.* Advice and consent of the senate.

21 **SECTION 9.** Senate rule 22 (1) is amended to read:

22 SENATE RULE 22 (1) ~~Whenever the governor or the state superintendent of~~
23 ~~public instruction submits to the senate a nomination for an appointment is~~
24 submitted to the senate, as required by law, the president shall refer the nomination
25 to the standing committee that the president deems to be the most appropriate

1 committee to pass upon the qualifications of the candidate. The committee shall
2 report its findings and recommendations to the senate in writing. Nominations by
3 ~~the governor and the state superintendent of public instruction~~ may be considered,
4 and the persons so nominated may with the advice and consent of the senate be
5 appointed during any session of the senate.

6 **SECTION 10.** Senate rule 22 (2) is amended to read:

7 SENATE RULE 22 (2) On the question of the confirmation of appointments by the
8 ~~governor or the state superintendent of public instruction~~, the vote shall be taken by
9 ayes and noes, which shall be entered upon the journal. The question of confirmation
10 of the appointments is not subject to a motion for reconsideration under rule 67. The
11 senate may, but is not required to, act upon an appointment resubmitted by the
12 ~~governor or the state superintendent of public instruction~~ to the senate when the
13 identical appointment has once been refused confirmation by the senate. The chief
14 clerk shall record the cumulative status of all appointments in the bulletin of
15 proceedings. The senate shall inform the governor and the assembly of the senate's
16 final action on confirmation of a nomination for appointment that requires assembly
17 confirmation.

18 **SECTION 11.** Senate rule 25 (1) (b) is amended to read:

19 SENATE RULE 25 (1) (b) Except as provided in par. (d), public notice of every
20 meeting of a committee shall be given at least 24 hours before the commencement
21 of the meeting, unless the committee on senate organization determines that for good
22 cause such notice is impossible or impractical. In no case may notice be provided less
23 than 2 hours in advance of a meeting. A public notice may be amended at any time
24 to delay the commencement of the meeting or to delete items from the agenda of the
25 meeting.

1 **SECTION 12.** Senate rule 25 (4) (a) is amended to read:

2 SENATE RULE 25 (4) (a) A committee may not conduct an executive session on
3 a proposal, amendment, appointment, or proposed administrative rule by ballot or
4 polling unless the chairperson of the committee determines that voting by ballot or
5 polling is necessary in an emergency for the preservation of the public peace, health,
6 safety, or welfare. If the chairperson directs that an executive session is to be
7 conducted by ballot or polling, the chairperson shall circulate ballots to, or contact,
8 each committee member to allow the committee member to vote on all applicable
9 motions. ~~The ballots shall be in a form prescribed by the chief clerk.~~

10 **SECTION 13.** Senate rule 25 (4) (am) is created to read:

11 SENATE RULE 25 (4) (am) A committee may not conduct an executive session on
12 a proposal, amendment, appointment, or proposed administrative rule by ballot
13 unless the proposal, amendment, appointment, or proposed administrative rule has
14 lain over for at least 24 hours. The committee on senate organization may determine
15 that for good cause such a layover is impossible or impractical. In no case, however,
16 may a proposal, amendment, appointment, or proposed administrative rule be made
17 available to the public less than 2 hours before a ballot is circulated. The ballots shall
18 be in a form prescribed by the chief clerk.

19 **SECTION 14.** Senate rule 25 (4) (b) is repealed and recreated to read:

20 SENATE RULE 25 (4) (b) If a chairperson of a committee elects to vote by ballot
21 under par. (am), public notice shall be posted on the bulletin board of each house prior
22 to the circulation of the ballot. The notice shall indicate the day and hour when the
23 ballot will be circulated and the number, author, and relating clause of each proposal
24 to be considered. If unIntroduced legislation will be considered, the notice shall
25 indicate the draft number assigned to the legislation by the legislative reference

1 bureau and the relating clause of the legislation, and shall indicate that copies of the
2 draft legislation are available at the chief clerk's office. The chairperson shall
3 provide a copy of the draft legislation to the chief clerk before posting the notice. The
4 chief clerk shall distribute copies of the draft legislation to any person who requests
5 such copies.

6 **SECTION 15.** Senate rule 26 is repealed and recreated to read:

7 **SENATE RULE 26. Schedule of committee activities.** The chairperson of each
8 senate committee shall file with the chief clerk a copy of each notice of a public
9 hearing or executive session before that committee in accordance with rule 25 (1).
10 The chairperson shall file the copy of the notice with the chief clerk immediately after
11 posting the notice. All such notices shall be published, on a daily basis, on the
12 legislature's committee Internet Web site.

13 **SECTION 16.** Senate rule 27 (2) is amended to read:

14 **SENATE RULE 27 (2)** Each committee to which a proposed administrative rule
15 is referred under rule 46 (2) (am) shall submit a report within the review period
16 specified in section 227.19 (4) (b) of the statutes in the form specified in this rule,
17 authenticated by the personal signature of the chairperson or cochairpersons.
18 Whenever a committee schedules a public hearing or a meeting with an agency
19 representative concerning a proposed rule, or whenever modifications to a proposed
20 rule are agreed to be made or received, the committee shall ~~submit an interim report.~~
21 ~~The form of the report shall be in the format specified by the chief clerk~~ notify the
22 chief clerk of the date of the event or action and this shall be recorded in the history
23 file for the proposed administrative rule.

24 **SECTION 17.** Senate rule 27 (6) is amended to read:

1 SENATE RULE 27 (6) If a committee reports out an amendment or substitute
2 amendment to a proposal that is rereferred to another committee, the succeeding
3 committee's action on the proposal shall supersede the prior committee's action for
4 purposes of consideration of the proposal on the senate floor. This subsection shall
5 not apply to proposals referred to and withdrawn from the joint committee on finance
6 by the committee on senate organization under rule 41 (1) (e).

7 **SECTION 18.** Senate rule 30 (3) (f) is created to read:

8 SENATE RULE 30 (3) (f) Any other appropriate information, as determined by the
9 chief clerk.

10 **SECTION 19.** Senate rule 32 (1) is renumbered senate rule 32.

11 **SECTION 20.** Senate rule 32 (2) is renumbered senate rule 17 (4m) and amended
12 to read:

13 SENATE RULE 17 (4m) Members may submit to the chief clerk in writing a listing
14 of ~~visitors from their districts~~ individuals who witnessed a part of the day's meeting
15 or in whose honor the members would like to adjourn. The list, together with the
16 record of the guests introduced on that legislative day under ~~rule 17 sub.~~ (4), shall
17 be entered at the end of the day's journal.

18 **SECTION 21.** Senate rule 34 (3) is repealed.

19 **SECTION 22.** Senate rule 34 (4) is renumbered senate rule 98 (5).

20 **SECTION 23.** Senate rule 41 (1) (e) is amended to read:

21 SENATE RULE 41 (1) (e) If the committee on senate organization receives a
22 standing committee's report on a ~~bill~~ proposal that by statute requires review by the
23 joint committee on finance before being passed, the committee on senate
24 organization may rerefer that ~~bill~~ proposal to the joint committee on finance. The
25 chief clerk shall promptly record the rereferral in the journal. The committee on

1 senate organization may, with the consent of the senate cochairperson of the joint
2 committee on finance, withdraw a bill proposal from the joint committee on finance
3 and ~~place the bill on the calendar~~ make the proposal available for scheduling.
4 Withdrawal under this rule satisfies section 13.093 (1) of the statutes.

5 **SECTION 24.** Senate rule 44m is created to read:

6 SENATE RULE 44m. **Presentation to the governor.** The chief clerk shall
7 present all correctly enrolled bills to the governor as provided in the session schedule
8 unless any of the following occur:

9 (1) Upon motion of the senate, the chief clerk shall present a correctly enrolled
10 bill to the governor as provided in the motion.

11 (2) Upon directive of the majority leader, unless otherwise provided by the
12 session schedule or motion of the senate, the chief clerk shall present a correctly
13 enrolled bill to the governor as provided in the directive.

14 (3) Upon the call of the governor, unless otherwise provided by the session
15 schedule, motion of the senate, or directive of the president, the chief clerk shall
16 immediately present a correctly enrolled bill to the governor.

17 **SECTION 25.** Senate rule 47 (4) is amended to read:

18 SENATE RULE 47 (4) During consideration of amendments when both simple
19 amendments and substitute amendments to a proposal are pending, the question,
20 in ascending numerical order, is first upon amendments to the substitute
21 amendment of the lowest number, and then upon that substitute amendment, unless
22 the senate by majority vote of members present otherwise orders.

23 **SECTION 26.** Senate rule 68 (title) is amended to read:

24 SENATE RULE 68 (title) **Questions to be decided without debate and not**
25 **placed on table.**

1 **SECTION 27.** Senate rule 69 is amended to read:

2 **SENATE RULE 69. Privileged motion or resolution.** A motion or resolution
3 relating to the organization or proceedings of the senate, or to any of its officers,
4 members, or committees, is privileged in that it need not lie over for consideration,
5 but may be taken up immediately unless referred to the calendar or committee. Any
6 such resolution shall be read at length unless copies of the full text of the resolution
7 have been distributed to the members.

8 **SECTION 28.** Senate rule 75 is amended to read:

9 **SENATE RULE 75. Recording position of absent member.** Any member
10 absent from all or part of a day's session by leave of the senate under rule 16 or 23
11 or pursuant to rule 13 may, within one week after returning, instruct the chief clerk
12 in writing, ~~on a form entitled "statement of position" to be provided by the chief clerk,~~
13 to have the journal show that had the member been present when a certain vote was
14 taken the member would on that issue have voted aye or have voted no. If the
15 member returns before the vote is taken, the statement of position is void and the
16 member shall cast his or her vote as required under rule 73.

17 **SECTION 29.** Senate rule 76 (1) is amended to read:

18 **SENATE RULE 76 (1)** Time limits and schedules for debate may be designated in
19 the manner described in sub. (2). The time limits may be rejected or modified by
20 majority vote of the senate members present, but this question is not debatable. The
21 schedules and time limits shall be announced by the presiding officer immediately
22 upon being presented. Promptly at the expiration of the time allotted, the presiding
23 officer shall put the question.

24 **SECTION 30.** Senate rule 85 (7) is amended to read:

