

TITLE III.

General Organization of the State, Except the
Judicial Department.

CHAPTER 13.

LEGISLATURE.

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13.01 Number of legislators. The senate consists of thirty-three and the assembly of one hundred members.

13.02 Regular sessions. The regular session of the legislature shall commence at twelve o'clock M. on the second Wednesday of January in each odd-numbered year.

13.03 Oaths of members. The speaker of the assembly, president of the senate, the governor, secretary of state, attorney-general, any court of record or the clerk thereof, or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. Such oath shall be filed with the secretary of state. [1931 c. 102]

13.04 Compensation certificate. The presiding officer of each house, immediately after the commencement of each regular or extra session of the legislature, shall certify to the secretary of state the names of all qualified members of the house over which he presides; also the number of miles of travel for which each member is entitled to compensation. However, when any seat is contested, and notice of such contest has been filed as provided in section 13.16, no certificate with respect to such seat, or any claimant thereof, shall be issued until the question of the right thereto is finally determined. All such certificates shall be countersigned by the chief clerk.

13.05 Standing committee. A joint standing committee, to be called the committee on finance and to consist of fourteen members, five from the senate and nine from the assembly, shall be appointed at the commencement of each session of the legislature. The method of appointment of members in each house shall be governed by the rules thereof. The committee may employ a clerk.

13.055 Funeral committee. A joint committee consisting of one member of the senate and two members of the assembly shall be appointed by the governor as representatives of the legislature to attend the funeral of any member of the legislature who dies during the interim of the legislative sessions, and the necessary expenses of the members of such joint committee shall be paid from the general fund.

13.06 Reference of bills to committee on finance. All bills introduced in either house for the appropriation of money by the legislature; all accounts or claims presented in either house; and all bills providing for revenue or relating to taxation, shall be referred to the committee on finance before being passed or allowed.

13.07 Records of committee on finance. The finance committee shall keep a complete record of all bills, accounts, and claims referred to it, and of its proceedings thereon.

Such record shall be deposited with the secretary of state by the chairman of the committee at the close of the session. The secretary of state, upon request therefor, shall deliver any or all such records of previous sessions to the committee on finance. Records so delivered shall be returned to the secretary of state by the chairman of the committee upon or before the close of the session.

13.08 Committees on contingent expenditures. Each house of the legislature, at the commencement of each session, shall designate a committee of its members to act as a committee on its contingent expenditures, and, by a standing rule, prescribe the duties of such committee.

13.09 Committeeman may administer oaths. Any senator or member of the assembly, while acting as a member of a committee of the legislature or of either house thereof, may administer oaths to persons to be examined before such committee.

13.10 Chief clerks. Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all such duties as by custom appertain to his office and all duties imposed by law. In the absence of the chief clerk his duties shall be performed by one of the clerks acting under him, appointed by him in writing.

13.11 Chief clerks' duties. The chief clerk of each house shall be personally responsible for the safe-keeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, which comes to his hands or to the hands of his deputy or assistant from any member, committee or officer of the legislature or of either branch thereof; and he shall keep a full record thereof, and shall enter in such record the disposition made of the same; and such chief clerks, at the close of each session shall deposit for safe-keeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled, folded and classified. The chief clerk of the house in which a joint resolution originates shall deposit a copy of such resolution in the office of the secretary of state immediately upon its adoption by the legislature.

13.12 Sergeants at arms. Each house, at the commencement of each regular session, shall elect a sergeant at arms who shall perform all such duties as by custom appertain to his office and all duties imposed by law.

13.13 Arrest of officers. No officer of the senate or assembly, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

13.14 Legislative employes. Appointment and employment of legislative employes shall be in accordance with the following:

(2) Appointments shall be made from the civil service eligible lists in the manner prescribed by the rules of the house wherein the appointment is made.

(3) Stenographic and typewriting clerks shall furnish their typewriting machines without cost to the state.

(4) The chief clerk shall have supervision over all clerical work for his house and shall assign and reassign such work and his assistants so as to expedite business.

(5) The sergeant at arms shall have supervision over the postmaster, document room attendants, janitors, messengers and his other assistants, and he shall assign and reassign them so as to expedite business.

(6) The chief clerk of each house may detail clerks after the close of the session for mailing, indexing, proof reading, completing the bulletin and for such other work as he may direct.

(7) Any legislative employe whose employment is not expressly authorized by law, shall be paid only by an act of the legislature. [1943 c. 54]

Note: Lieutenant governor may appoint (a) without in any way conflicting with provisions of 16.09 (2) or 13.14 (1). 26 Atty. Gen. 17.

13.15 Pay roll legislative employes. The chief clerk and sergeant at arms of each house shall certify to the secretary of state the pay rolls for legislative employes which shall set forth the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively due them, and such certificates shall be approved by the presiding officer of the house in which they are employed.

13.16 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within thirty days after the decision of the board of canvassers, serve a notice in writing on the person whose election he intends to contest, stating briefly that his election will be contested and the cause of such contest; and shall file a copy thereof in the office of the secretary of state at least ten days before the day fixed by law for the meeting of the legislature. If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

13.17 Testimony in election contests. (1) After the service of the notice required by section 13.16 either party may proceed to take the depositions of witnesses before any judge, court commissioner or justice of the peace in the district where the contest is pending, upon giving ten days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken; but no deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the branch of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such branch of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished.

13.18 Expenses of election contest; limitation. No sum in excess of three hundred dollars shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either branch of the legislature.

13.19 Contempt. Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(1) Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

(2) Disorderly conduct in the immediate view of the house and directly tending to interrupt its proceedings.

(3) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony in legislative proceedings, or to produce any books, records, documents, papers or keys according to the exigency of any subpoena.

(4) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote or to prevent his giving the same; but the term of imprisonment such house may impose for any contempt specified in this section shall not extend beyond the same session of the legislature.

13.20 Punishment for contempt. Whenever either house of the legislature orders the imprisonment of any person for contempt under the provisions of section 13.19, such person shall be committed to the common jail of the county of Dane, and the jailer shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he shall be sooner discharged by the order of such house of the legislature or by due course of law.

13.21 Claims against the state for past services. The chief clerk of each house shall transmit to the attorney-general, immediately after the filing of the original at his desk, a copy of every petition, memorial or bill for the payment of money by the state to any person for past services. The chairman of the committee to which any such petition, memorial or bill is referred shall immediately notify the attorney-general of the time and place the same will be considered by said committee. The attorney-general shall appear in person or by his assistant before said committee at such time and place, and from time to time thereafter if required by the committee, and give counsel in relation to the liability of the state thereon, and act for the state in all things connected therewith.

13.22 Journals. A journal of the senate and assembly shall be kept under the direction of the chief clerks of the respective houses, which, when completed, shall be printed as provided by law. After the index is completed the chief clerk of each house shall cause one copy of the journal of his house to be printed on bond paper and to be bound and lettered properly; shall attach thereto his certificate in writing that the same is the journal of such house, and shall deliver such journal to the secretary of state to be deposited in his office. Such printed journals shall be the official record of each house of the legislature.

13.23 Interpellation of officers. (1) Upon the petition of six members of the senate, not more than four of whom shall belong to the same political party, or of seventeen members of the assembly, not more than nine of whom shall belong to the same political party, any appointive state officer shall appear before that branch of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function, or work of such officer, or relative to any act or omission, or

other matter pertaining to the powers or privileges exercised or duties performed by him or by any employe or subordinate of such officer, or in any way relating to the manner, conditions or terms of his appointment, or of any appointment made by him; or in relation to any act, omission or conduct unbecoming the position of any such officer. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members, and shall be filed with the presiding officer of that branch of the legislature to which such petitioning members belong.

(2) Upon the joint petition of six members of the senate, not more than four of whom shall belong to the same political party, and seventeen members of the assembly, not more than nine of whom shall belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any appointive state officer made subject thereto by subsection (1) before a joint session of the two branches of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in subsection (1).

Note: In joint session of legislature for interpellation of any appointive state officer, lieutenant governor or president of senate presides over joint meeting and chief clerk of assembly, assisted by chief clerk of senate, acts as clerk. No evidence can be introduced except answers of officer to written and oral interrogatories as to matters included in (1), and except documentary

evidence furnished in response to questions asked. Witnesses may not be examined and documents may not be offered which would tend to prove or disprove answer given by officer being questioned. No one can be examined except officer being interpellated. Joint session has no power to decide facts. Officer cannot be questioned in nature of cross-examination. 24 Atty. Gen. 159.

13.24 Time for interpellation and procedure. (1) Upon the filing of any petition, as prescribed by section 13.23, the presiding officer with whom the same is filed, shall forthwith fix a time not later than twenty days after the filing of the petition, for the meeting of that branch of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the officer named therein.

(2) The legislature may adopt rules and regulations to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be transmitted to the governor within thirty days after the close of the examination.

13.245 State officers, removed by legislature. Any appointive state officer after being examined as provided in sections 13.23 and 13.24 may be removed by the legislature by joint resolution adopted in each house by a majority of the members elected to such house. The power to remove appointive state officers provided in this section is additional to and shall not be construed as destroying the right of removal by other persons.

13.25 Witnesses; how subpoenaed. The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named, and the production of books, records, documents and papers therein to be designated; and may also require any officer of any corporation or other person having the custody of the keys, books, records, documents or papers of any such corporation to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same in the manner in which subpoenas from the circuit court are served and returned.

Note: Witness refusing to appear or to testify may be attached by court and committed until he testifies, under 325.12. For subpoena see 325.01 (4). 20 Atty. Gen. 765.

Committee created by one branch of legislature cannot function beyond adjournment of regular session. 24 Atty. Gen. 672.

13.26 Summary process; custody of witness. (1) Upon the return of a subpoena issued under section 13.25, duly served, and upon filing with the presiding officer of the house from which the subpoena issued a certificate of the chairman of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpoena, and shall be directed to the sergeant at arms thereof commanding him "in the name of the state of Wisconsin" to take the body of the person so failing to attend, naming him, and bring him forthwith before the house whose subpoena he disobeyed; and when so arrested he shall be taken before the committee desiring to examine him as a witness, or to obtain from him books, records, documents, or papers

for their use as evidence, and when before such committee such person shall testify as to the matters concerning which he is interrogated.

(3) When such person is not on examination before such committee he shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of him shall from time to time take him before such committee until the chairman of the committee certifies that the committee do not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order his release, or may proceed to punish him for any contempt of such house in not complying with the requirements of this chapter or of any writ issued or served as herein provided.

13.27 Service of process. Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is directed, and the person so deputed shall have the same power as said sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose said sergeant at arms or his deputy may call to his aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in his custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms.

13.28 Refusal to testify. Every refusal to testify or answer in any question, or to produce keys, books, records, documents or papers before any committee included within the provisions of section 13.25 shall be forthwith certified to the proper house by the chairman of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or one of his assistants, before such house to be dealt with according to law.

13.29 Liability of witnesses. No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the two houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify and as to which he has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, documents or records touching which he is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace him or otherwise render him infamous.

13.30 Witness fees. The compensation of all witnesses who are subpoenaed and appear pursuant to section 13.25 shall be two dollars for each day's attendance and ten cents per mile, one way, for travel to attend as such witness. The secretary of state shall audit the accounts of such witnesses upon the certificate of the chairman of the committee before which any such witness has attended, stating the number of days' attendance and the distance he has traveled, and the accounts so audited shall be paid out of the state treasury, and charged to the appropriation for the legislature.

13.31, 13.32 [*Renumbered section 43.08 (3) by 1931 c. 67 s. 150*]