



2019 ASSEMBLY RESOLUTION 12

October 8, 2019 - Introduced by COMMITTEE ON RULES. Referred to Committee on Rules.

AUTHORS SUBJECT TO CHANGE

1 ***To renumber and amend*** assembly rule 31 (8), assembly rule 31 (9), assembly rule
2 31 (10), assembly rule 31 (11), assembly rule 31 (12) and assembly rule 31 (13);
3 ***to amend*** assembly rule 11 (4), assembly rule 13 (1) (c), assembly rule 15 (2),
4 assembly rule 42 (3) (c), assembly rule 43 (2), assembly rule 55m (1), assembly
5 rule 67, assembly rule 69 (1), assembly rule 73 (1) (a), assembly rule 73 (1) (b),
6 assembly rule 90 (4), assembly rule 95 (6) and assembly rule 96; and ***to create***
7 assembly rule 11 (12), assembly rule 32 (3m), assembly rule 65 (2) (i), assembly
8 rule 73 (3m), assembly rule 73m and assembly rule 83 (2m); **relating to:** the
9 assembly rules.

Analysis by the Legislative Reference Bureau

This resolution makes the following changes to the assembly rules:

Appearance at committee meetings by telephone or other means of telecommunication or electronic communication

The resolution amends the assembly rules to allow a standing committee chairperson during any biennial session to permit a member to participate in committee meetings by telephone or by other means of telecommunication or electronic communication, and be considered present for all purposes, including

voting, if several things occur. First, the member must have contacted the legislature's human resources office in that biennial session and presented to the office written documentation that demonstrates the member has a permanent disability and is unable to attend committee meetings on a regular basis. Second, the human resources office certifies in writing that the member has a permanent disability and is unable to attend committee meetings on a regular basis and provides a written copy of the certification to the speaker and minority leader. Third, the speaker and minority leader authorize the member to participate in committee meetings during the biennial session by telephone or by other means of telecommunication or electronic communication, and be considered present for all purposes, including voting. Fourth, the member must have made a request to the chairperson at least two hours before the committee meeting.

Establishing time limits for debate

Current assembly rules require the majority leader and the minority leader to meet to adopt reasonable recommendations for time limits and schedules for floor debate. If the majority leader and the minority leader reach agreement, the Committee on Rules must include the time limits and schedules for floor debate in the recommendations on the calendar for that day.

The resolution amends the assembly rules to require the majority leader and the minority leader to meet to adopt reasonable recommendations for time limits and schedules for floor debate *for each proposal* on the daily calendar. If the majority leader and the minority leader reach agreement, the Committee on Rules must include the time limits and schedules for floor debate *for each proposal* in the recommendations on the calendar for that day.

The resolution further provides that if the majority leader and the minority leader do not reach agreement, the Committee on Rules must establish time limits and schedules for floor debate *for each proposal* in the recommendations on the calendar for that day.

Dilatory motions

Current assembly rules provide that when it appears to the presiding officer that any motion or procedure is being used for the purpose of delay, the presiding officer must declare it dilatory and out of order. The resolution amends the rules to include specifically a motion to recess for purposes of a partisan caucus as one of the covered motions or procedures.

Call of the assembly

Current assembly rules permit any member who obtains the floor to request a call of the assembly to require absent members to return to the assembly chamber. Any such request requires 15 members to second the call. The resolution permits the presiding officer to order a call of the assembly, without any seconds.

Orders of business

The resolution amends the assembly rules to renumber and move the 8th Order of Business after the 13th Order of Business on the daily calendar. The 8th Order of Business deals with consideration of resolutions. The resolution further provides that any resolution that would otherwise be considered under the renumbered 8th

Order of Business, which is the new 13th Order of Business, may be taken up at any time during the floor day by motion. Any such motion is nondebatable.

Withdrawing proposals from committee

Current assembly rules provide that a motion to withdraw a proposal from committee is in order only on the first day in any week on which the call of the roll is taken under the 1st Order of Business. Also, currently, motions to suspend the rules to withdraw a proposal from committee and take it up on the floor may be made during the current 13th Order of Business.

The resolution provides that motions to withdraw a proposal from committee, including unanimous consent requests or motions to suspend the rules to withdraw a proposal from committee, are in order only during the new 12th Order of Business.

Motion to return a proposal to second reading stage

The resolution amends the assembly rules to provide that a motion may be made while a proposal is under consideration to return the proposal to the second reading stage. Any such motion is nondebatable and must be decided by a vote of a majority of members present and voting.

Determination of legislative day for purposes of referral of proposals to calendar

Currently, the speaker may withdraw a proposal from a standing committee and rerefer it to another standing committee or to a special committee or refer it to the calendar for the second legislative day thereafter. To do this, the speaker must have the approval of the committee chairperson.

The resolution amends the assembly rules to provide that for purposes of determining “the second legislative day thereafter,” the Monday before a scheduled floorperiod shall be counted as the first legislative day.

Reconsideration of assembly decisions on vetoes

Currently, assembly decisions on vetoes are not subject to reconsideration. The resolution amends the assembly rules to provide that assembly decisions on vetoes of proposals that failed to pass notwithstanding the objections of the governor are subject to reconsideration at any time and any number of times during the legislative biennium.

Definition of assembly chamber

The resolution amends the assembly rules to exclude the offices of the majority leader from the definition of assembly chamber.

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

2 **SECTION 1.** Assembly rule 11 (4) is amended to read:

3 ASSEMBLY RULE 11 (4) Except as provided in ~~sub.~~ subs. (5) (a) and (12), all
4 committee votes shall be taken in the presence of the committee. A member may not
5 be recorded as voting unless the member is present at the committee session when

1 the vote is taken. This subsection shall not apply to the committee on assembly
2 organization when the committee is voting by ballot.

3 **SECTION 2.** Assembly rule 11 (12) is created to read:

4 ASSEMBLY RULE 11 (12) During a biennial session, the chairperson of a standing
5 committee may allow a member of the committee to participate in a committee
6 meeting by telephone or by other means of telecommunication or electronic
7 communication, and be considered present for all purposes, including voting, if all
8 of the following have occurred:

9 (a) The member has contacted the legislature's human resources office in that
10 biennial session and presented to the office written documentation that the member
11 has a permanent disability and is unable to attend committee meetings on a regular
12 basis.

13 (b) The human resources office certifies in writing that the member has a
14 permanent disability and is unable to attend committee meetings on a regular basis
15 and provides a copy of the certification to the speaker and minority leader.

16 (c) The speaker and minority leader authorize the member to participate in
17 committee meetings during the biennial session by telephone or by other means of
18 telecommunication or electronic communication, and be considered present for all
19 purposes, including voting.

20 (d) The member has made a request to the chairperson at least 2 hours before
21 the meeting to participate in the meeting by telephone or by other means of
22 telecommunication or electronic communication.

23 **SECTION 3.** Assembly rule 13 (1) (c) is amended to read:

24 ASSEMBLY RULE 13 (1) (c) By a motion, offered under the ~~13th~~ 12th order of
25 business, while the business is pending on any reproduced calendar awaiting

1 assembly action. The motion requires a vote of a majority of the members present
2 and voting for adoption.

3 **SECTION 4.** Assembly rule 15 (2) is amended to read:

4 ASSEMBLY RULE 15 (2) The motion to withdraw a proposal from committee,
5 including a unanimous consent request or motion to suspend the rules to withdraw
6 a proposal from committee, is in order only ~~on the first day in any week on which the~~
7 ~~call of the roll is taken under the first~~ during the 12th order of business. ~~The motions~~
8 ~~shall be decided by vote of a majority of the members present and voting.~~

9 **SECTION 5.** Assembly rule 31 (8) is renumbered assembly rule 31 (13), and
10 assembly rule 31 (13) (title), as renumbered, is amended to read:

11 ASSEMBLY RULE 31 (13) (title) ~~EIGHTH~~ THIRTEENTH ORDER.

12 **SECTION 6.** Assembly rule 31 (9) is renumbered assembly rule 31 (8), and
13 assembly rule 31 (8) (title), as renumbered, is amended to read:

14 ASSEMBLY RULE 31 (8) (title) ~~NINTH~~ EIGHTH ORDER.

15 **SECTION 7.** Assembly rule 31 (10) is renumbered assembly rule 31 (9), and
16 assembly rule 31 (9) (title), as renumbered, is amended to read:

17 ASSEMBLY RULE 31 (9) (title) ~~TENTH~~ NINTH ORDER.

18 **SECTION 8.** Assembly rule 31 (11) is renumbered assembly rule 31 (10), and
19 assembly rule 31 (10) (title), as renumbered, is amended to read:

20 ASSEMBLY RULE 31 (10) (title) ~~ELEVENTH~~ TENTH ORDER.

21 **SECTION 9.** Assembly rule 31 (12) is renumbered assembly rule 31 (11), and
22 assembly rule 31 (11) (title), as renumbered, is amended to read:

23 ASSEMBLY RULE 31 (11) (title) ~~TWELFTH~~ ELEVENTH ORDER.

24 **SECTION 10.** Assembly rule 31 (13) is renumbered assembly rule 31 (12), and
25 assembly rule 31 (12) (title), as renumbered, is amended to read:

1 ASSEMBLY RULE 31 (12) (title) ~~THIRTEENTH~~ TWELFTH ORDER.

2 **SECTION 11.** Assembly rule 32 (3m) is created to read:

3 ASSEMBLY RULE 32 (3m) Any resolution that would otherwise be considered
4 under the 13th order of business may, by motion, be taken up at any time. Any such
5 motion is nondebatabable.

6 **SECTION 12.** Assembly rule 42 (3) (c) is amended to read:

7 ASSEMBLY RULE 42 (3) (c) After initial referral by the speaker or presiding officer
8 under sub. (1) (a) or (b) to an assembly committee but before a vote by the committee
9 is commenced on a proposal, the speaker, with the consent of the chairperson and
10 notwithstanding rule 15, may withdraw the proposal from the standing committee
11 to which it was initially referred and rerefer it to another standing committee or to
12 a special committee or refer it to the calendar for the 2nd legislative day thereafter.
13 For the purpose of determining the 2nd legislative day thereafter, the Monday before
14 a scheduled floorperiod shall be counted as the 1st legislative day. Rereferral under
15 this rule may not be used to satisfy section 13.093 (1) of the statutes.

16 **SECTION 13.** Assembly rule 43 (2) is amended to read:

17 ASSEMBLY RULE 43 (2) Any resolution subject to rule 89 that is referred to the
18 calendar shall be taken up on the ~~8th~~ 13th order of business on the 2nd legislative
19 day after it is offered notwithstanding the existence of any unfinished calendars.

20 **SECTION 14.** Assembly rule 55m (1) is amended to read:

21 ASSEMBLY RULE 55m (1) Before the committee on rules establishes a calendar
22 for any session day, the majority leader and the minority leader shall meet to adopt
23 reasonable recommendations for time limits and schedules for floor debate ~~on all~~
24 proposals for each proposal on the proposed calendar for that day. If the majority
25 leader and the minority leader reach agreement, the committee on rules shall

1 include the time limits and schedules for floor debate for each proposal in the
2 recommendations on the calendar for that day. If the majority leader and the
3 minority leader do not reach agreement, the committee on rules shall establish time
4 limits and schedules for floor debate for each proposal in the recommendations on the
5 calendar for that day. The schedules and time limits shall be announced by the
6 presiding officer before floor consideration of ~~the proposals~~ each proposal.

7 **SECTION 15.** Assembly rule 65 (2) (i) is created to read:

8 ASSEMBLY RULE 65 (2) (i) To return a proposal to the 2nd reading stage [rule
9 73m].

10 **SECTION 16.** Assembly rule 67 is amended to read:

11 ASSEMBLY RULE 67. **Nondebatable motions.** Any motion to adjourn, recess,
12 end debate, take up a resolution under rule 32 (3m), return a proposal to the 2nd
13 reading stage under rule 73m, or suspend the rules, and all incidental questions
14 relating to such motions including appeals, are decided without debate.

15 **SECTION 17.** Assembly rule 69 (1) is amended to read:

16 ASSEMBLY RULE 69 (1) When it appears to the presiding officer that any motion
17 or procedure is being used for the purpose of delay, including a motion to recess for
18 purposes of a partisan caucus, the presiding officer shall declare it dilatory and out
19 of order.

20 **SECTION 18.** Assembly rule 73 (1) (a) is amended to read:

21 ASSEMBLY RULE 73 (1) (a) May be applied only to: 1) final assembly decisions
22 on amendments; ~~and~~ 2) final assembly decisions on proposals made at the conclusion
23 of any given stage of a proposal's consideration; and 3) assembly decisions on a veto
24 of a proposal that has failed to pass notwithstanding the objections of the governor.

25 **SECTION 19.** Assembly rule 73 (1) (b) is amended to read:

1 ASSEMBLY RULE 73 (1) (b) May not be applied to: 1) the assembly's approval of
2 a conference committee report or of a resolution confirming a nomination for
3 appointment under rule 51m; 2) the assembly's decision on a veto of a proposal that
4 has passed notwithstanding the objections of the governor; or 3) an assembly action
5 to recede from its position on a proposal so as to agree with the position of the senate.

6 **SECTION 20.** Assembly rule 73 (3m) is created to read:

7 ASSEMBLY RULE 73 (3m) A motion for reconsideration of a decision on a veto of
8 a proposal that has failed to pass notwithstanding the objections of the governor may
9 be entered at any time and any number of times during the legislative biennium.

10 **SECTION 21.** Assembly rule 73m is created to read:

11 ASSEMBLY RULE 73m. **Motion to return a proposal to second reading.**
12 While a proposal is under consideration, a motion may be made to return the
13 proposal to the 2nd reading stage. Any such motion is nondebatable and shall be
14 decided by a vote of a majority of members present and voting.

15 **SECTION 22.** Assembly rule 83 (2m) is created to read:

16 ASSEMBLY RULE 83 (2m) Notwithstanding subs. (3) and (4), the presiding officer
17 may order a call of the house, without seconds.

18 **SECTION 23.** Assembly rule 90 (4) is amended to read:

19 ASSEMBLY RULE 90 (4) ~~A~~ Except as provided in rule 15 (2), a unanimous consent
20 request or a motion to suspend the rules may be made at any time under any order
21 of business by a member who obtains the floor, but not while the assembly is voting.

22 **SECTION 24.** Assembly rule 95 (6) is amended to read:

23 ASSEMBLY RULE 95 (6) ASSEMBLY CHAMBER: The entire area west of the
24 easternmost doors of the assembly, including the visitor's galleries, lobbies, offices
25 of the speaker, ~~majority leader,~~ and minority leader and hallways.

