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## ***Legislative Rules: Part Two*** ***Wisconsin Legislative Rules***

As with any large organization, the Wisconsin Legislature depends on rules to organize and facilitate its work. These rules are called “legislative rules.” Legislative rules structure government procedure. The content of the rules is for the most part well established. Each biennium legislators look to the past to determine the rules that will guide their future.

### **CONTINUITY**

Most legislative rules apply continuously from one legislative session to the next. Assembly Rule 92 and Senate Rule 92 specify this continuity. Assembly Rule 92 reads, “The rules of the assembly remain in effect until amended or rescinded by the assembly. At the beginning of a new biennial session, the rules of the assembly in effect at the conclusion of the preceding regular session remain in force until superseded by assembly rules adopted in the new session of the legislature.” Some legislative rules are set by the state constitution, but most are created by legislative resolutions.

Sometimes the legislature has reason to create, amend, or rescind the rules. Rule changes are made by joint resolution or resolution. Rules created by joint resolution apply to both houses. Rules created by resolution apply to the house that created them.

### **JOINT RESOLUTION**

Joint legislative rules are created either by senate joint resolution, if the rule proposal is offered or introduced in the senate, or by assembly joint resolution, if the rule proposal is offered or introduced in the assembly. The governor does not approve or veto joint resolutions. Generally, joint resolutions have no legal effect; they simply express the resolve or will of both houses.

Most of the Joint Rules are procedural in nature and concern how each house will conduct business among its members and with the other house. The Joint Rules include definitions and procedures for amending or rescinding the rules, address joint committee activities, and outline clerical and proposal procedures.

### **RESOLUTION**

Each house, by resolution, may create, amend, or rescind rules that govern and are of interest to only that house. Senate rules are created by senate resolution; Assembly rules are created by assembly resolution. As with joint resolutions, resolutions do not require approval of the governor and have no legal effect. They merely express the resolve or will of an

individual house. Generally, resolutions regarding legislative rules address the organization and procedures for each house.

### **OFFICERS, CALENDAR, AND COMMITTEES**

Each house has long-established rules relating to election and duties of legislative officers. The presiding officers of the senate are the president and the president pro tempore. The presiding officers of

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the assembly are the speaker and the speaker pro tempore. Other officers include the chief clerk and the sergeant at arms. The legislative rules specify the duties of the officers and the order of succession in the absence of the presiding officer.

In the senate, the committee on senate organization sets the daily calendar. In the assembly, the chief clerk, under the supervision of the committee on rules, sets the daily calendar. The daily calendar outlines, among other things, which days the legislature will be on the floor and the business that will be addressed on the floor each day.

The rules also include information and requirements regarding legislative committees. Committees play a key role in the legislature, and the rules regarding committees play a key role in the “politics” of the state legislature.

### **PROPOSAL PROCEDURE, DEBATE, AND VOTING**

The rules outline the procedures for introducing, addressing, and voting on a proposal for a new rule or law or changes to an existing rule or law. Proposals include bills, resolutions, and joint resolutions. In both houses, if proper procedures have been followed, any member may introduce proposals on any general business floor period day.

In each house, every proposal receives three separate readings. After the first reading, proposals are generally referred to committee. If the committee reports the proposal out, it goes back to the floor for a second reading. Upon second reading, a proposal is debated and may be amended. It is the duty of the presiding officer to preserve order, decorum, and quiet on the floor within the rules while members are engaged in debate.

In the assembly, a member may speak only from his or her assigned place and when recognized by the speaker. A member of the assembly may not address another member by name but rather may address another member by district number or by the county or municipality in which the member resides (for example, “gentleman from the ninth” or “lady from the fifty-third”).

In the senate, a member must confine himself or herself to the question under debate and may not question the motives of another

member. By keeping debate structured and impersonal, the rules foster a forum for a free and orderly exchange of ideas.

After the third reading of a proposal and after debate is ended, the proposal is put to a vote. Voting may be by voice or roll call. The Joint Rules specify that most questions are decided by a majority of a quorum. Any member who voted with the majority may make a motion to reconsider the proposal.

### **RULE SUSPENSION**

Each house of the legislature may, by motion, suspend its own rules. Generally, any rule may be suspended. The motion, requiring the support of two-thirds of the members present, allows for special action on a specific proposal. Any suspension of the rules is temporary. Rule suspension is sometimes used by the majority to expedite its legislative goals or when a measure is not controversial.

### **LIMITING DEBATE**

Although debate is an essential part of the legislative process, rules limiting debate are sometimes used by the majority to end discussion and move a proposal forward. The majority may limit debate on a motion to “put the question to a vote.” This motion may be made on a question currently under debate or on the main question of a proposal. The motion is not debatable and, if carried by a majority, the proposal or question is put to a vote without further debate.

### **POINT OF ORDER**

A point of order is a question regarding a rule or its interpretation. A point of order is a parliamentary device used to require an assembly

to observe its own rules. Any member who observes what he or she believes to be a rule breach may address a point of order to the presiding officer. The presiding officer will rule on the point of order motion in a manner consistent with the rules and previous rulings. Procedural rulings of the presiding officer cannot be overturned by the courts. In this way, legislative procedure reflects the fact that the legislature is an independent branch of government.

### **IMPORTANCE OF LEGISLATIVE RULES**

Legislative rules help to ensure legislative proposals receive full deliberation in a timely manner. The rules provide structure and order to legislative proceedings. Uniformity of legislative proceedings is essential to fair legislative practice. The rules exist to ensure fairness and order, and because they exist the legislative process can progress in a peaceful and respectful manner.

### **FURTHER READING**

Current Wisconsin legislative rules can be found on the Wisconsin State Legislature Web site at [www.legis.state.wi.us/](http://www.legis.state.wi.us/).

Text of *Jefferson’s Manual of Parliamentary Practice* can be found at [www.gpoaccess.gov/hrm/browse\\_108.html](http://www.gpoaccess.gov/hrm/browse_108.html).

Robert, General Henry M. *The Scott, Foresman Robert’s Rules of Order Newly Revised*. Glenview, IL: Scott, Foresman Company, 1990.

# Governing Wisconsin: "Wisconsin Legislative Rules"

## Study Questions

1	Who is responsible for maintaining order and quiet while members of the legislature are engaged in debate?	
2	What is the difference between legislative rules that are created by joint resolution and legislative rules created by resolution?	
3	Explain the importance of the Wisconsin legislative rule that requires three readings of a proposal before it is put to a vote.	
4	Why do Assembly Rule 92 and Senate Rule 92 provide for the continuity of legislative rules from one legislative session to the next?	
5	What might happen in a committee when a proposal not favored by leadership is sent to the committee?	
6	Do legislative rules achieve their goal of ensuring that members of the legislature are well informed on matters upon which they must vote? Why or why not?	

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## Study Questions in the Cognitive Domain

1	Who is responsible for maintaining order and quiet while members of the legislature are engaged in debate?	The presiding officer of each house has the duty of maintaining order, decorum, and quiet while members are engaged in debate.	Cognition
2	What is the difference between legislative rules that are created by joint resolution and legislative rules created by resolution?	Legislative rules created by joint resolution relate to how business will be conducted between the houses of the legislature. Legislative rules created by resolution relate only to the business of the house in which they are created.	Comprehension
3	Explain the importance of the Wisconsin legislative rule that requires three readings of a proposal before it is put to a vote.	Three readings ensure that the members of the legislature will have ample time to research, modify if necessary, and debate a proposal before they make a decision.	Application
4	Why do Assembly Rule 92 and Senate Rule 92 provide for the continuity of legislative rules from one legislative session to the next?	Rules that make government assemblies run smoothly are based on well-established principles of parliamentary law. For example, rules for the duties of a presiding officer are constant and do not need to be debated each session.	Analysis
5	What might happen in a committee when a proposal not favored by leadership is sent to the committee?	When leadership does not support a proposal, it will refer the proposal to a committee; the committee will not report it out, so the proposal will die.	Synthesis
6	Do legislative rules achieve their goal of ensuring that members of the legislature are well informed on matters upon which they must vote? Why or why not?	The rules do not ensure that members will be well informed, but by requiring three readings for each proposal (requiring notice of introduction, committee assignment, and floor debate), the rules ensure that members will have the opportunity to be informed.	Evaluation