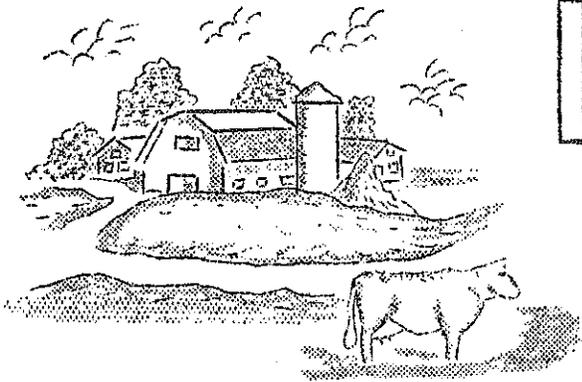
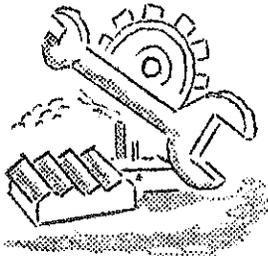


A WISCONSIN
LEGISLATIVE
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REPORT



*A Guide To The Organization And
Operation Of Standing Committees
In The Wisconsin Legislature*

Prepared by
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State Capitol
Madison 2, Wisconsin

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A GUIDE TO THE ORGANIZATION AND OPERATION
OF STANDING COMMITTEES IN THE WISCONSIN LEGISLATURE

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A GUIDE TO THE ORGANIZATION AND OPERATION
OF STANDING COMMITTEES IN THE WISCONSIN LEGISLATURE

I. GENERAL STATEMENT

INTRODUCTION

Although the standing committee has been an integral part of the legislative process in Wisconsin since the state was admitted to the Union, little of the detail regarding the organization and operation of such committees has become a part of the statutes or rules. Most of the machinery relating to committees is based on custom handed down by experienced members of the Legislature, the chief clerks and committee clerks who have served in prior sessions or is evolved by the committees to meet situations as they arise. To some degree practice is supported by documentation gleaned from the reports of committees and other sources, but there are many situations in which there is no written experience on which to predicate any conclusions regarding the organization or operation of committees. It is therefore with some fear and trepidation that we launch an effort to write a comprehensive story of how standing committees in the Wisconsin Legislature are organized and operate. It is, however, our feeling that after 110 years of experience someone ought to set down at least the guide lines under which the standing committees operate for the benefit of both the legislators and the public.

NOT AN OFFICIAL DOCUMENT

While a great deal of research has gone into the preparation of this report, and it has been read by a variety of people who are intimately associated with committee work, it is not an official document. It should be considered as the efforts of an outsider who has observed committees at work over an extended period and in some detail. The working decisions on organization and procedure are made by the chief clerk who is responsible for the housekeeping functions of the clerical staff and the presiding officer who is the authority on the rules of order.

WHAT IS THE FUNCTION OF STANDING COMMITTEES

The committee system evolved as a device for screening legislation in order that the Legislature could handle the huge mass of proposals submitted to it within the time limits imposed. Originally they appear to have been special committees created to deal with specific problems, but ultimately they were given permanence and assigned all bills on a group of related subjects.

It is their function to give preliminary consideration to the proposals and to cull out those which are objectionable from either a substantive or political angle. Committees developed along 2 lines. In Wisconsin and most other states they limit themselves normally to decisions on the proposals before them. On the federal level, however, there is a greater tendency to use the broad proposal submitted to them as the starting-off point from which to proceed in the development of a whole new bill. Rarely does this occur in Wisconsin.

With the evolution of the public hearing, the importance of the standing committee increased. In no other way can the public be given an effective opportunity to air its opinion regarding proposals. To permit even a small representation of the public to appear before the committee of the whole would extend the session interminably.

It should be borne in mind that the basic purpose of the committee is to give preliminary consideration to proposals in order to expedite the work of the session. Procrastination and reporting bills out without recommendation does not further the work of the Legislature.

THE AUTHORITY FOR STANDING COMMITTEES

Standing committees are provided for in one of 3 ways. They may be established by statute as in the case of the Joint Committee on Finance created by section 13.05 of the statutes. They may be created by joint rule as in the case of the Joint Committee on Revisions, Repeals and Uniform Laws provided for by Joint Rule 5a or they may be created by house rule as are most committees. Senate Rule 20 and Assembly Rule 22 set forth the names and total members of each of the standing committees of the house.

WHAT STANDING COMMITTEES EXIST

In principle, standing committees parallel the major fields of legislative interest and as a result they change from time to time. In 1865 the Wisconsin State Senate had 24 standing committees including one on militia, public lands, state prison, benevolent institutions and federal relations. The Assembly had 26 including one on medical societies and medical colleges, one on swamp and overflowed lands, one on mining and smelting and one on expiration and reenactment of laws.

There were at that time 3 joint committees on claims, public printing and local legislation, respectively.

Today the Senate has reduced its committees drastically. The total is less than 10. Prior to 1957 each senator sat on one and only one committee.

The Assembly, however, retains a substantial number of committees, but several of them have only nominal functions. Currently there are 23 standing committees in the assembly.

JOINT STANDING COMMITTEES AND OTHERS

It should be pointed out that there are standing committees which have representatives from one house only and other standing committees which have representatives from both houses. In the latter case they meet as a single body and make a single recommendation regarding any proposal they report out. The Joint Committee on Finance and the Committee on Revisions, Repeals and Uniform Laws are joint committees.

Standing committees may, however, hold joint hearings under authority of Joint Rules 4 and 5. Although this procedure has merit because it reduces the number of times citizens must come to Madison to appear on bills, it is seldom used.

In the case of a joint hearing of the parallel standing committees of the 2 houses, for example, the Committee on Education, there is no joint decision on reporting. Each house reports separately when the proposal is before that house. They merely hold the public hearing together as provided in Joint Rules 4 and 5.

THE DISTRIBUTION OF WORK AMONG THE STANDING COMMITTEES

Although the Wisconsin Senate has relatively few standing committees and the Assembly has many, the real test of the effectiveness of the system lies in the distribution of workload. Each Senate committee has more work than most Assembly committees because there are fewer committees to which to refer bills, but all Assembly committees do not have an equal amount of work. Some few committees have the overwhelming burden of work. The following analysis of the 1957 session reveals this distribution.

Senate Committees (excluding Contingent Expenditures)

	<u>High</u> No. of bills	Committee	<u>Low</u> No. of bills	Committee
Bills referred to	259	Judiciary	2	Legis. Pro.
Bills introduced by	134	Legis. Pro.	1	Agriculture
Hearings held	199	Judiciary	0	Legis. Pro.
Total appearances	564	Govt. and Vet. Af.	0	Legis. Pro.

Assembly Committees (excluding Contingent Expenditures)

	<u>High</u> No. of bills	Committee	<u>Low</u> No. of bills	Committee
Bills referred to	300	Judiciary	0	Printing
Bills introduced by	98	Rules	0	(Several)
Hearings held	229	Judiciary	0	(Several)
Total appearances	632	Judiciary	0	(Several)

Joint Committees

	<u>High</u> No. of bills	Committee	<u>Low</u> No. of bills	Committee
Bills referred to	219	Jt. Finance	6	Rev. Rep. & Unif. Laws
Bills introduced by	82	Jt. Finance	9	Rev. Rep. & Unif. Laws
Hearings held	77	Jt. Finance	1	Rev. Rep. & Unif. Laws
Total appearances	460	Jt. Finance	0	Rev. Rep. & Unif. Laws

The presiding officer refers the proposal to the appropriate committee where it is sent unless a member moves that it be withdrawn and sent to another committee, or the house provides other disposition of the proposal.

THE TIME OF SELECTING COMMITTEE MEMBERS

The selection of standing committee members is provided for in the rules. Both the Senate Rule 20 and Assembly Rule 22 provide that this be done "as near the commencement of the session as possible". It is often done in the first 2 days and generally within a week. The dates on which the appointments were made in recent sessions were as follows:

<u>Year</u>	<u>Date Legisla- ture convened</u>	<u>Date Senate com- mittees appointed</u>	<u>Date Assembly com- mittees appointed</u>
1949	January 12	January 12	January 14
1951	January 10	January 10	January 11
1953	January 14	January 14	January 15
1955	January 12	January 13	January 25
1957	January 9	January 15	January 17
1959	January 14	January 21	January 21

The Senate rule provides that the standing committees shall be elected by the Senate. One of the organizational resolutions adopted by the Senate at the opening session provides for a Committee on Committees of 3 selected in advance by the majority party caucus. This committee makes the nominations which are submitted to the Senate for election. The Senate may by amending the resolution revise the membership of the committee. In 1957 Senate Rule 20 was amended to provide that if there is minority party representation on a committee, the assignments shall be made by the Senate group of that party. Every senator must get at least one of the 45 seats on standing committees listed in the rule.

The Assembly committee assignments are the responsibility of the speaker solely. He makes all the assignments.

HOW ARE COMMITTEE ASSIGNMENTS MADE

The rules provide no requirements regarding the designation of committee membership, and unlike the Congress of the United States there are no clear-cut customs except majority party control.

Members may, and sometimes are requested to, state their preferences.

To a substantial degree prior membership on a committee enhances the possibility of return, but seniority does not necessarily enhance one's rank on a committee.

Occupation and dominant interests play a part in committee assignments. Nonlawyers are seldom selected for the judiciary committee. Insurance agents, farmers and persons well versed in hunting and fishing tend to gravitate to the insurance, agriculture and conservation committees, respectively. Known experts tend to gravitate to the committee concerned with their specialty.

Party discipline plays a part in the committee assignments. Strong adherents to the major party line generally draw the choicest assignments as well as the most responsible posts. Members who do not follow the party line and minority party members are given less

responsible posts.

Ability, as demonstrated by the expeditious handling of assignments, is also recognized.

Perhaps the most elaborate technique for making committee assignments was that used by the speaker of the Assembly in 1955. After making the appointments as chairmen on January 18th, 6 days after the convening of the session, he made the following statement which was spread on the Journal.

"INSTRUCTIONS TO CHAIRMEN AND MEMBERS

Pursuant to the appointment of the committee chairmen just announced, the Speaker desires to advise the chairmen and members that it is his wish that certain procedures be followed in carrying out the purposes behind the announcement of the committee chairmen. In making the announcements of the committee chairmen ahead of the announcement of the full personnel of the committees, it is the desire of the Speaker to give the chairmen a chance to familiarize themselves with the qualifications of the members desiring to serve on particular committees of the Assembly. By the same token, it is the desire of the Speaker that the members have an opportunity to personally present their qualifications to the chairmen of the committees upon which they desire to serve.

In order to carry out the intentions expressed above, the chairmen are hereby notified that it is their obligation to personally contact each of the members who have indicated their desire to serve on their committee. The Speaker has prepared a written list of all of the members who have indicated their desire to serve on any particular committee. This list is in the possession of the Chief Clerk, and the committee chairmen are hereby requested to secure their copy of such list immediately for the purposes above outlined. If no such list is available for any chairman from the Chief Clerk, it is because no present member of the Assembly has requested to serve upon the given committee.

The Speaker will expect that each committee chairman will submit to the Chief Clerk in writing a list of the members whom he desires to have serve upon his committee. If the chairman desires to recommend more than the number of his committee as established by Rule 22 that will be entirely proper. The chairmen are hereby requested to submit this written recommendation to the Chief Clerk not later than Friday noon, January 21. These lists will be kept secret by the Chief Clerk at the direction of the Speaker.

The members of the Assembly who desire to serve on particular committees, as indicated by your written requests on file, are hereby directed to personally assume the responsibility of talking to each of the chairmen upon whose committee they have requested to serve. The Speaker urges you to do this in your own interest and to personally present your reasons and qualifications to the chairmen. Obviously, if you cannot convince the chairmen of your qualifications and ability to serve, you cannot convince the Speaker.

"The above suggestions have been made with the thought and in the hope that the best abilities of all of you will be put to their proper use in the organization of the Assembly. It is the earnest desire of the Speaker to have your full cooperation in this respect so that we may best organize the Assembly to serve the people of Wisconsin.

(The Speaker requests that this statement be placed in the Journal.)

MARK CATLIN, JR.,
Speaker."

On January 25, the Tuesday after the chairmen were to make their recommendations, he appointed the full committees.

RANK ON A STANDING COMMITTEE

Unlike the Congress of the United States where rank is strictly on the basis of seniority, rank on a standing committee in the Wisconsin Legislature is based entirely on the order in which named. The chairman is named first, and then the majority party members followed by the minority party members. Both majority and minority party members are listed in order of their rank without regard to seniority on the committee or in the house. This may be illustrated by some recent examples.

In a recent session Committee A had 5 members ranking 1, 2, 3, 4 and 5. Number 1 was chairman and serving in his third session. Number 2 was also serving in his third session. Number 3 was serving in his second session. Number 4 was a minority party member serving in his second session, and Number 5 was also a minority party member serving in his first session.

On Committee B, however, the situation was somewhat different. Number 1, the chairman, was a majority party member in his second session. Number 2 was a majority party member in his fourth session. Number 3 was a majority party member in his eighth session. Number 4 was a minority party member in his third session, and Number 5 was a minority party member in his second session. On another committee the chairman was serving in his fourth session. The majority members ranking 2, 3, 4 and 5 had served in 1, 1, 2 and 8 sessions, respectively, and the 2 minority party members had each served 3 sessions.

COMMITTEE CHAIRMANSHIPS

In both the Senate and Assembly the chairman of the committee is designated first in the appointments. This is based on practice and Jefferson's rules, but there is no general rule requiring that the appointing authority designate the chairman, but in certain specific cases, the chairman is designated.

Seniority plays a part in designating the chairman, but it is not decisive. It is probably correct to say that a combination of experience, ability and reliability as a member of the majority party determine committee chairmanships in Wisconsin. Long service by those who do not demonstrate strong leadership or who have no liking for the responsibilities of a major committee may be rewarded by the chairmanship of a lesser committee.

SELECTION OF THE COMMITTEE CLERK

It is the responsibility of the chief clerk to appoint the committee clerks who must qualify as stenographers under civil service. While the committee clerk is responsible for her appointment to the chief clerk, the committee chairman exercises some influence in her selection. He may request the assignment of the same person he had in the prior session. He may even urge her appointment if she has attained an eligibility but has no prior experience. Generally the legislators are reluctant to urge an appointment unless the applicant is competent because they, as committee members, are the ones who suffer if the work is poorly done.

Prior to 1905 many committee clerks were female. About that time a law was enacted requiring that all clerks be male. Efforts to repeal that law were unsuccessful until 1943 when the scarcity of males due to the war effort caused the Legislature to lower the barrier on women. Today almost without exception committee clerks are women.

The committee clerk is employed by the chief clerk, and is under his jurisdiction. The chief clerk and not the committee chairman sets the conditions of employment. As a state employe under the civil service she is subject to the same rules which apply to other state employes in the same temporary status with certain exceptions such as hours of work.

ORGANIZATION OF THE COMMITTEE

Calling the first meeting

The standing committees having been appointed, they are subject to the call of the chairman. He may call the first meeting by making an announcement from the floor, by notifying each member personally or by sending each one a note via the legislative post office or messenger setting the meeting.

Meeting place

Where does the committee meet? The offices of each committee were established at some time in the past by resolution, and the committees normally retain the same offices session after session. In the Senate the Committee on Committees normally submits a report assigning the same committee rooms as were used previously, and the report is adopted. Normally their public hearings are held in these rooms unless the anticipated or actual attendance requires that they use larger quarters on a specific day. Changes in the committee workload in the Assembly has resulted in changes in room assignments made by agreement between the speaker, chief clerk and committee chairman.

Officers

Unlike most other committees with which we are familiar, the standing committee does not elect any officers. Its chairman has been designated in the appointment; the second on the list is by practice the vice chairman, and seniority on the committee follows from the rank on the list. Minority members are listed last. Where

possible, the members of the committee sit around the table clockwise in that order. The committee clerk acts as secretary to the committee. A majority of the committee constitutes a quorum for the transaction of business. Each committee has a messenger assigned to it during public hearings and executive sessions.

THE DUTIES OF THE STANDING COMMITTEE

The standing committee has 2 basic functions; passing on the introduction of proposals submitted to them for introduction and reviewing proposals submitted to them for recommendations.

Under the first function it makes the decision as to whether or not to introduce measures submitted to it for introduction in its name. Under present rules the Joint Committees on Finance and Revisions, Repeals and Uniform Laws and the Committee on Legislative Procedure and Committee on Rules may introduce bills at any time during the session, while all other standing committees are restricted to the introduction of bills prior to the deadline established by Joint Rule 18. This function of the standing committee is to determine if it will recommend introduction.

Under the second function the standing committee is to give preliminary consideration to proposals submitted to it, and to report the measure favorably or unfavorably. This decision is based in part on the attitude of the public toward the proposal as evidenced by the reaction at a public hearing and in part on the discussion and attitudes of the members of the committee itself. Although no public hearing is required, most proposals are given at least one such opportunity to be considered by the public.

After the public hearing, either on the same day or at a later session, the committee considers the proposal in executive session and makes a recommendation which is attached to the proposal when it is returned to the house.

Occasionally the proposal may be withdrawn from committee before any recommendation has been formulated. In such cases the house must make its own decision without benefit of the committee's preliminary decision. It is important that each proposal in the hands of a committee be in such shape that it can be returned to the house promptly if the proposal is withdrawn. The committee clerk should keep her work on all proposals up to date in anticipation of the possibility that one may be withdrawn.

DUTIES OF THE CHAIRMAN

The standing committee chairman has a great deal of responsibility and the opportunity to exercise considerable power.

He presides at all meetings and unlike the impartial presiding officer of a debating society, he takes an active part in all deliberations. He can make motions and second them.

He determines when proposals will be heard, the order in which heard, when the discussion is over and when executive meetings will be held. Not infrequently he determines when proposals will be reported out.

He may, however, depend on his committee to make many such decisions and some chairmen refrain from making or seconding motions.

He was selected, however, because of his reliability as a member of the party in control and because of his apparent desire to help get its program through the Legislature. He, therefore, must take an aggressive attitude in that regard.

DUTIES OF THE COMMITTEE CLERK

The committee clerk may be a very potent influence in the effectiveness of the committee as she anticipates the needs and desires of her committee or committees.

She has many duties.

She sees to it that the committee's bill books have all the pertinent measures with amendments in them.

She sets up the room for meetings of the committee, laying out their bill books labeled with their names, with the measures to be considered in them. She keeps all members informed of meetings of the committee.

She arranges for the messenger assigned to the hearing to collect appearance and registration slips, answer phones, get ice water and straighten out the room.

She sits beside the chairman and records all actions taken for inclusion in her reports. She records the name and connection of all who appear before the committee.

She assembles all appearance and registration slips and records the names and affiliations of all persons listed thereon.

She takes roll call and records the roll on all votes.

She prepares all reports such as those on public hearings and executive meetings, and keeps the minutes of the committee.

She guards the proposals in the hands of the committee, keeping them in a locked file or desk when she is out of the room.

She types the correspondence of the committee, its chairman and its members. If she cannot do all the correspondence for each committee member, she refers them to the stenographic pool.

She maintains her office throughout the day, answering the telephone and greeting visitors and delivers messages to her committee when they are on the floor of the house.

She carries proposed amendments to the Legislative Reference Library for drafting and picks them up.

She does such other tasks as the chief clerk assigns to her.

The committee clerk also has some very important "don'ts".

She does not divulge the status of proposals before her committee without authority or to unauthorized persons.

She does not relinquish custody of proposals in her committee except to duly authorized persons.

DUTIES OF THE MESSENGER

Each standing committee has a messenger assigned to it. He is under the jurisdiction of the sergeant at arms and his duties include:

1. Arranging the seating for a public hearing.
2. Securing ice water for the committee.
3. Passing out and collecting appearance and registration slips. He should make certain that every person who makes an appearance fills out a slip and turns it in.
4. Answering the telephone in the clerk's office during hearings if requested to do so.
5. To this point he has guarded the door during executive sessions, but beginning in 1961 he will not have to do this because most if not all meetings will be open.
6. Rearrange the room after the meeting.
7. As a representative of the sergeant at arms he carries out the directives of the chairman necessary to maintain order in the committee room.

PUBLIC HEARINGS

Most legislative proposals in Wisconsin have at least one public hearing before a standing committee. This is the opportunity for the public to express its views regarding the proposal. The public hearing schedule is released on Wednesday of the week before the hearing is held, and pamphlets called Hearing Bulletins listing all hearings to be held are distributed on the Thursday before the hearing.

When a proposal comes up for public hearing, the chairman announces the proposal by number and normally invites those in favor of the proposal to make their appearances.

If the author or a representative of an interim committee sponsoring the proposal is available, he may be requested to make the first appearance in order to explain the proposal.

Normally the proponents of the measure appear first, and when the chairman is satisfied that all who desire to be heard have been afforded such an opportunity, he calls for the opponents of the proposal who are permitted to appear until all have been heard.

Citizens representing themselves or others often appear. Professional lobbyists may also appear, sometimes with greater effect than the ordinary citizen.

Customarily there is no time limit on the appearances, but there is no rule which prohibits some limitation, and the chairman may request those who appear to be brief or arbitrarily restrict them to a certain time. He may also urge that people who propose to plow over the same ground confine themselves to a presentation of their names.

It is also customary for all the proponents to speak first followed by all the opponents, but the chairman may reverse this process or alternate the speakers.

If the proponents have spoken first, the chairman may afford them a limited time to rebut the statements of the opponents.

When all who desire to be heard have finished, the chairman formally closes the hearing on the measure. Normally this does not occur until everyone has been given full opportunity to speak, but there is nothing to prevent the chairman from stating at the outset that the heavy pressure of business will require that the time be limited.

Persons who make a presentation regarding a proposal are required to list their names, addresses, for whom appearing and whether appearing for or against the measure, on appearance slips provided by the committee, and it is the task of the committee clerk to make certain this data is secured. Similar slips are available for persons who wish to register for or against a measure.

THE COMMITTEE'S RECOMMENDATIONS

The standing committee has various possible recommendations which it can make regarding a proposal submitted to it, although the phraseology differs, depending on whether the bill is in the house of origin or in the second house.

In the house of origin the committee may recommend the proposal for passage, for passage with amendment, for indefinite postponement or for amendment and indefinite postponement. If a motion to indefinitely postpone is unsuccessful and a motion to pass is tie, or if there is no motion to indefinitely postpone and the motion to pass is tie, the bill is reported without recommendation.

In the second house the committee may recommend concurrence, concurrence with amendment, nonconcurrence or nonconcurrence with amendment. Again, only if a motion to concur is tie, may the committee report without recommendation. The question of reporting without recommendation does not require a vote.

REPORTS OF STANDING COMMITTEES (see Appendix for copies of these reports)

The work of the standing committee is reflected in a series of reports prepared by the committee clerk at the direction of the

committee chairman. Some of these reports are of value immediately; others because of their record of certain actions for posterity.

Schedule of hearings. On Wednesday of each week at a time set forth in the rules of each house, the committee clerk prepares a list, at the direction of the chairman, of all proposals to be heard at public hearings in the week beginning on the next Monday. The report lists the proposals in numerical order, listing joint resolutions and bills originating in that house first, and then joint resolutions and bills of the other house in that order, giving their titles, author, and indicating the time and place of the hearing. This report is submitted to the chief clerk. One copy is posted on the bulletin board in the lobby of each house and a third copy is used to prepare a bulletin of committee hearings which appears on Thursday of the week preceding the scheduled hearing.

Individual notices of public hearings. Some days in advance of the hearing date the committee clerk sends out post card notices to committee members, authors of bills to be heard, and other parties who have requested to be notified of hearings on particular bills or to whom the chairman or committee members request that notices be sent calling attention to the time and place of the hearing.

Report of committee action on the proposal. After a proposal has had a public hearing and the committee has taken action on a proposal or after the committee action on the proposal if no public hearing is held, the committee clerk prepares a report which is sometimes called the bill history. It is a statement containing 2 parts. The first incorporates the number, title and author of the proposal, the date referred to the committee, the date and place of the public hearing, the committee members present and absent, and the names of the persons appearing for and against and registering for and against the proposal including the names of the person or organization in whose behalf they are appearing.

The second part incorporates the action of the committee in executive session. It again gives the date of the action which may be on the same day as the public hearing, or some time thereafter. It lists the members present and absent and states the recommendations voted on and the roll call on each vote.

Committee report. Following the action of the committee the clerk prepares a report listing each proposal acted on, the action on each and the vote on each action. The nature of the recommendations to be submitted are listed in Senate Rule 27 and Assembly Rule 32. The nature of the recommendations depends in part on the house in which the proposal is under consideration. In the first house the recommendation is for indefinite postponement if the committee opposes the proposal or for passage if it favors the proposal. In the second house an unfavorable recommendation is for nonconcurrence and a favorable report is for concurrence. Only if a vote for passage or concurrence is tie, can a proposal be reported without recommendation and there is no vote on this report.

Report on introduction of proposals. From time to time proposals are brought to the committee with the request that they

introduce them. In such cases the committee deliberates the proposal in executive session and votes on introduction. If the committee votes to introduce, the bill is introduced by the committee. This report again lists the proposal by title, gives the day and place of the meeting, the roll of the members present and absent, and the roll call vote on all motions relating to introduction.

Minutes of the committee. The minutes of the committee are the chronological accumulation of the reports of committee action on the proposals and the report on introduction of proposals. They are set down in precisely the same wording but in the order in which the actions take place. This report is retained in the committee room until the end of the session when it is forwarded by the chief clerk to the Secretary of State for permanent filing.

SUMMARY

Some critics of the legislative process take a dim view of the power which the standing committee has gathered unto itself. While the evidence demonstrates conclusively that a few proposals are permitted to wither in the files of the committee, resort to the committee system is the only way in which the tremendous volume of legislation can be whittled down to workable size.

All good legislation is not recognized as such at once, and the few good measures which die in committee will ultimately rise to see the light in another session.

Although the committee may engage in some abuses, the public is not without fault. It is an awesome task for a legislator in committee to listen to endless orations and to the endless repetition of identical comments. The public presentation should be organized, presented effectively and made as short as feasible. The opportunity to appear is a privilege and not a right which may be abused with propriety. It is above all not an opportunity for a citizen to build his own reputation, but a device to influence the decision of the committee as to the disposition of the proposal. It is a rare privilege which should be tenderly nurtured and not abused.

II. ALPHABETICAL LIST OF SPECIFIC QUESTIONS REGARDING STANDING COMMITTEE ORGANIZATION AND PROCEDURE

1. ABSENCE OF COMMITTEE MEMBERS FROM COMMITTEE MEETINGS

When a member accepts an appointment to a standing committee, he assumes the obligation to attend its meetings. Some absence is inevitable if a member has a conflict between a committee meeting and the need to appear at a public hearing. The purpose of having fewer and larger committees is to avoid conflicts.

The committee has no authority to punish members for absence, but may report to the house for such actions as the body may choose to take. There is no recorded evidence of such action, but informal efforts to bring chronic absentees into line have been made.

There have been occasions when members of standing committees absented themselves because of differences of opinion with the chairman or other members and vowed never to come back. There is no device whereby the committee can compel attendance.

Joint Rule 6, paragraph 1, requires that a record of attendance at committee meetings be kept.

2. ABSENCE OF COMMITTEE MEMBERS FROM SESSIONS OF THE HOUSE

Members are not excused from sessions of their house because of committee work. Senate Rule 23 and Assembly Rule 25 both provide that "No committee shall absent themselves, by reason of their appointment, during the sitting of the assembly (senate) without special leave, except a committee of conference."

3. ABSENT MEMBER, VOTE OF. See VOTING BY ABSENT MEMBER

4. ACTION BY COMMITTEE; MUST BE TAKEN AT MEETING

It is improper for a committee to take informal action on any matter before it. All actions must be taken at a duly constituted meeting of the committee. A member cannot cast a vote except during a meeting of the committee. The following practices are not permitted:

- a. For the chairman to poll the members on a proposal outside the meeting.
- b. For a member to request another member, the chairman or the clerk to vote for him during his absence.
- c. For an individual member to inform the chairman, another member or the clerk how he wishes to vote except in a duly constituted meeting.

(See § 413 Assembly Manual; Jefferson's Manual § 26)
(See also, Voting, Must a Member Vote If Present)

5. ACTION BY COMMITTEE, NOT SUBJECT TO HOUSE CONTROL. See HOUSE CONTROL OVER STANDING COMMITTEE

6. ADJOURNMENT OF MEETINGS OF STANDING COMMITTEES

A meeting of a standing committee should be formally adjourned by motion. There is a precedent for the chairman to peremptorily adjourn a meeting.

Committees adjourn to the next regular time of meeting unless a different time is specified.

The chairman exercises substantial authority in determining the time of meeting.

7. AFFIRMATIVE ACTION OF COMMITTEE

A standing committee acts affirmatively. Thus if a motion to recommend passage fails, a motion to recommend indefinite postponement is in order and should pass. If it fails, too, the committee should be told the facts of life. The failure of a vote for passage does not automatically constitute a vote for indefinite postponement.

If a standing committee adopts a substitute amendment, this adoption must be followed by a vote on a recommendation for indefinite postponement or passage in the house of origin or nonconcurrency or concurrence in the second house. The theory behind this is that while the committee does not feel that the measure should pass, it should at least be as good as possible if passed.

8. AGENDA OF STANDING COMMITTEE

The agenda of a standing committee is the responsibility of the chairman. He may consult with the committee and comply with their wishes, but if he so desires he can refuse to hold a hearing, hold an executive session, put a proposal to a vote in such session or report out a measure.

9. AMENDMENTS, DISPOSITION OF BY COMMITTEE

The 2 houses of the Wisconsin Legislature differ as to the disposition of amendments attached to proposals referred to a standing committee.

In the Senate the standing committee must report out all amendments with a recommendation on each. In the Assembly the committee reports out only those amendments on which there was a positive vote for adoption in the committee. All other amendments are allowed to die unless revived on the floor of the Assembly.

10. AMENDMENTS, INTRODUCTION AFTER PROPOSAL HAS BEEN REFERRED TO COMMITTEE

There are 2 ways to get an amendment before a committee which has a proposal in its possession.

The first procedure is to withdraw the bill from committee for the purpose of introducing an amendment, introduce the amendment,

and rerefer the proposal to committee. The following excerpt from the Assembly Journal of March 4, 1955, illustrates the procedure. "Mr. Jewett asked unanimous consent that Bill No. 434, A., be withdrawn from committee on State Affairs for the purpose of submitting a substitute amendment and be rereferred to committee on State Affairs. Granted." The same procedure may be used for amendments and substitute amendments. It may be done by motion as well as unanimous consent.

The second procedure is by the introduction of an amendment in committee, often at the time of a public hearing. In the course of the hearing proposals for change may be made by citizens appearing on the proposal, and these may be formalized as amendments, often at the request of the committee or by the committee itself. The committee then takes action on such amendments, and if they are adopted, there will be an entry in the minutes of the committee to this effect. If they are rejected, such amendments are never identified. The committee must then make certain that the amendment is checked and given a number. This is done by the revision clerk in the Assembly and the record clerk in the Senate. The introduction of an amendment by this process is not recorded in the bill history in the Bulletin of Proceedings, but it will show in the recommended action of the committee.

Both houses have identical rules permitting introduction of amendments by the committee. Senate Rule 53 and Assembly Rule 61 provide that "Amendments reported by committees shall be acted upon by the (senate) (assembly) in the same manner as though offered from the floor."

The committee should not change the bill itself but should prepare amendments in the regular form.

10a. AMENDMENTS, NUMBERING OF THOSE INTRODUCED BY COMMITTEE

If the committee decides to introduce an amendment, it is the task of the Assembly committee clerk to take the amendment to the revision clerk in the Assembly to have it checked for style and to procure a number for it, and the task of the Senate committee clerk to take the amendment to the record clerk to procure a number for it. If the amendment is not in proper form, the committee clerk may take it to the Legislative Reference Library for drafting.

The report does not show that the amendment was introduced, but it does show the action on the amendment in the executive session and on the committee report when the proposal is reported out.

Obviously none of these procedures are followed if the amendment is not recommended for adoption in either house.

10b. AMENDMENTS, ORDER OF CONSIDERATION IN EXECUTIVE SESSION

In executive session amendments are considered in their numerical sequence. Note the following quotation from the executive session on Bill No. 11, A., in 1955.

"Moved by Mr. Coggs, seconded by Mr. Perala, that Amendment 1, A. to Bill 11, A., be recommended for adoption. Motion carried.

Ayes: Messrs. Hutnik, Anderson, Calvert, Coggs, Hall, Hardie, Perala, Sullivan.

Noes: None. Absent and not voting: Mr. Kintz.

Moved by Mr. Perala, seconded by Mr. Sullivan, that Amendment 2, A. to Bill 11, A. be recommended for adoption. Motion carried.

Ayes: Messrs. Hutnik, Anderson, Calvert, Coggs, Hall, Hardie, Perala, Sullivan.

Noes: None. Absent and not voting: Mr. Kintz.

Moved by Mr. Coggs, seconded by Mr. Anderson, that Bill No. 11, A. as amended by Amendments No. 1, A., and No. 2, A. be recommended for passage. Motion carried.

Ayes: Messrs. Hutnik, Anderson, Calvert, Coggs, Hall, Hardie, Perala, Sullivan.

Noes: None. Absent and not voting: Mr. Kintz."

If a substitute amendment were adopted and reported out, the report would read:

Moved by Mr. Cane, seconded by Mr. Hillemann, that Substitute Amendment No. 1, A., to Bill No. 18, A., be recommended for adoption.

Ayes: _____
Noes: _____
Absent: _____

Motion carried. Adoption recommended.

Moved by Mr. Cane, seconded by Mr. Haase, that Bill No. 18, A. as amended by Substitute Amendment No. 1, A. be recommended for passage.

Ayes: _____
Noes: _____
Absent: _____

Motion lost.

Very infrequently an amendment to an amendment is presented to a committee. Both the amendment to the amendment and the amendment must be adopted and then the bill recommended as amended by Amendment _____, A. and Amendment _____, A., to Amendment _____, A. (See Bill 285, A. of 1959)

There is no limit to the number of amendments to an amendment which may be added, but no amendments to an amendment to an amendment are possible.

10c. AMENDMENTS, RECOMMENDATION. See RECOMMENDATIONS, MUST THEY BE THE SAME ON AMENDMENTS AND ORIGINAL MEASURE

10d. AMENDMENTS, RECORD OF INTRODUCTION BY COMMITTEE

The fact that an amendment is introduced by committee never appears in the record. If, at the executive session, the committee prepares or accepts an amendment suggested to them at the public hearing, the question is on adoption.

10e. AMENDMENTS, REFERRAL TO COMMITTEE

Amendments, attached to a proposal when it is referred to a committee, go with it.

An amendment is never referred to a committee unless the measure it amends is also referred.

When an amendment adopted in the second house is returned to the first house for concurrence, such amendment may not be referred to a standing committee (Senate Rule 41). Mason holds that it may be referred. In 1957 the Assembly ruled it could be done although it almost never is done.

11. AMENDMENTS, REPORTING IN CASE OF TIE VOTE

If, in the Assembly, the vote in committee to recommend adoption of an amendment is tie, the amendment is not reported out. Assembly Rule 62 clearly states that an amendment is reported out only if favorably reported by the committee. The rule on reporting without recommendation does not apply. This issue does not arise in the Senate where all amendments are reported out.

12. APPEALS FROM THE DECISION OF THE CHAIRMAN

There is no appeal from the decision of the chairman. He calls the meetings. He determines what measures will have public hearings. He decides when to report out bills.

13. APPEARANCES AT PUBLIC HEARING, LACK OF

If a proposal is scheduled for public hearing, and no one appears for or against it, several things may be done.

1. The committee may take executive action and report the measure out.
2. The committee may reschedule the measure for hearing at a future time.
3. The committee may bury the proposal until someone asks that it be revived.

14. APPEARANCES AT PUBLIC HEARING, RECORD OF

Joint Rule 6 requires that the chairman of each committee shall keep, or cause to be kept, a record of the name of each

person appearing before the committee with the name of the person, firm or corporation in whose behalf such appearance is made.

15. APPEARANCES AT PUBLIC HEARING, TIME LIMIT ON

While there is no rule which sets a time limit on an appearance before a committee, the chairman may set one if the schedule is heavy or those appearing are repetitious.

15a. APPOINTMENTS TO COMMITTEES, TEMPORARY

No provision for the temporary appointment of assemblymen to standing committees exists, but Senate Rule 20 provides that if there are less than 33 senators, positions may be reserved on committees for senators elected to fill vacancies, and temporary appointments may be made. This provision, adopted in 1955, is a holdover from the previous rule that a senator could sit on only one committee.

16. APPOINTMENT TO COMMITTEE, WHEN EFFECTIVE

The rules are silent on the question of when a member becomes eligible to serve on a standing committee. Jefferson's Manual, as quoted in § 214 of the 1957 Assembly Manual, says "Privilege from arrest takes place by force of the election; and before a return be made a member elected may be named of a committee, and is to every extent a member except that he cannot vote until he is sworn." It would therefore appear that a member whose election was contested could be appointed to a standing committee before the issue of his election was resolved, but he could not vote until it was cleared.

17. APPROPRIATION MEASURES

Section 13.06 of the statutes provides that all bills appropriating money, all bills providing for revenue, all bills relating to taxation and all accounts or claims presented to either house shall be referred to the Joint Committee on Finance before being passed or allowed.

This provision has repeatedly been interpreted to mean that such proposals must be referred to the Joint Committee on Finance at some time prior to approval by both houses, but that this reference need not precede reference to a subject matter committee.

18. ASSIGNMENT TO COMMITTEE, MEMBER MAY INDICATE HIS CHOICE

In both houses it is customary for the appointing authority to consider the desires of members in making committee assignment. The appointing authority may even specifically request the members to indicate their choices. It does not, however, follow that all such requests will be honored. (See Assembly Journal, Jan. 18, 1955)

Senate Rule 20 provides that committee assignments for members of the minority party are made by the Senate group of that party. Thus the Committee on Committees determines how many seats each

party shall have on a committee and appoints the specific majority party committee members and the minority party group designates its party members who shall occupy the seats assigned to them.

18a. ATTENDANCE AT COMMITTEE MEETINGS

Committee meetings are as essential a part of the legislative process as the sessions themselves, and members should be present. It is discouraging for the public to travel to Madison to appear at public hearings only to find that committee members are not present. Few legislators are so omniscient that they cannot learn something from the discussions.

Legislators have on occasion been voted out of office on the basis of their poor attendance record. A record of committee attendance is kept, and it is a simple process for the public to learn how attentive to this duty legislators are.

19. ATTENDANCE AT EXECUTIVE SESSIONS BY LEGISLATORS NOT ON COMMITTEE

The rules of both houses are silent on who may attend executive meetings of a standing committee. Jefferson's Manual, however, says in section XXVI "Any member of the house may be present at any select committee, but cannot vote, and must give place to all of the committee, and sit below them." This practice is seldom followed in Wisconsin. Actually with the passage of Chapter 289, Laws of 1959, relating to open meetings, with few exceptions, anyone can attend an executive session of a standing committee, but such people can obviously not participate in the proceedings unless expressly invited to do so.

20. ATTENDANCE, COMPELLING OF EXPERTS AND OTHERS

It is doubtful that any standing committee in the performance of its normal functions can compel the attendance of any person before the committee. It is equally doubtful that any state official or employe would refuse to appear if requested.

Section 13.25 of the statutes authorizes the subpoena of witnesses before a committee appointed to investigate any subject matter. A standing committee given an assignment to investigate probably could operate under that section.

21. AUTHOR OF PROPOSAL, ACTION AS MEMBER OF COMMITTEE TO WHICH REFERRED

May the author of a measure who is a member of the committee make the motion to recommend the bill for passage or second such a motion?

Yes. Among debating societies it is sometimes considered unethical for a person to seek the adoption of measures he sponsors, but not so in the legislature. The author presumably is interested in the passage of his measure, and it is entirely proper for him to move that the measure be recommended for adoption or second such a motion.

There are conditions under which the author may not wish to make such a motion, and there is nothing which requires him to act.

22. AUTHOR OF PROPOSAL, APPEARANCES BY. See PUBLIC HEARINGS, APPEARANCES AT

23. AUTHOR OF PROPOSAL, LISTING OF IN HEARING BULLETIN AND IN REPORTS OF COMMITTEE

In listing authors of measures in the hearing bulletin and in reports of the committee, the 2 houses differ when there is more than one author. They are listed in alphabetical order in the Assembly and in the order in which their names appear on the jacket in the Senate.

24. BASIC DUTIES OF STANDING COMMITTEES

Standing committees have 2 basic duties: to consider proposals submitted to them for introduction and to make recommendations for affirmative or negative action by the house on proposals referred to them for public hearing and preliminary screening.

25. BILL HISTORY

What is often called the bill history is really not a bill history but rather a report of what occurred at the public hearing and executive session.

The report may have 2 parts, the report of actions at the public hearing and the report of actions at the executive session. Sometimes no public hearing is held and sometimes a proposal is withdrawn from committee before the executive session can be held.

It would probably be better to call it the standing committee report of the public hearing and executive session.

26. BILLS, INTRODUCTION BY STANDING COMMITTEE, AUTHORITY FOR

It is a well-established practice for committees to introduce bills. Joint Rule 18 provides for the introduction of bills by committee, and sets the deadline for such introduction. Four committees--Joint Finance, Revisions, Repeals and Uniform Laws, Legislative Procedure and Rules--have no deadlines.

A report is made of all introductions by committee, indicating the members present and the vote on the question of introduction.

In 1953, 552 out of 1,593 bills were introduced by committee, 193 in the Senate and 359 in the Assembly, and in 1955, 44.4% of all bills were introduced by committee. Many of these bills are introduced after the deadline. In 1953, the Committee on Rules introduced 58, the Committee on Legislative Procedures 115 and the Committee on Revisions, Repeals and Uniform Laws 25.

27. BILLS, INTRODUCTION BY STANDING COMMITTEE; LIMITATION
AS TO SUBJECT

Assembly Rule 46m provides that after the 44th day of the session no bill shall be introduced by any committee of the Assembly unless it relates to a subject which is within the jurisdiction of the committee as indicated by its title.

Senate rules are silent on the subject.

Joint Rule 18 places the deadline on the introduction of bills by any committee except Joint Finance, Committee on Revisions, Repeals and Uniform Laws, Committee on Legislative Procedure and Committee on Rules at the 44th calendar day of the session.

Both rules apply. Thus a bill drafted for a committee prior to the deadline under Joint Rule 18 cannot be introduced unless it relates to the subject within the jurisdiction of the committee.

Rule 46m is abolished in the 1960 revision of the Assembly rules.

28. CARE OF OFFICIAL DOCUMENTS

When a proposal is referred to a committee, the jacket containing the official copies of the proposal is given into the custody of the committee. The chain of possession should be complete, and no jacket should be released except on proper authority.

Jackets and committee records should be kept in a desk or file which can be locked, and the clerk should lock the file when not in the room.

Proposals have been known to disappear or to have been mislaid because of poor security practices.

If the chairman has occasion to remove a proposal from the files, he should inform the committee clerk so that she has knowledge of the whereabouts of the jacket.

29. CHAIRMAN, ABSENCE

In the absence of the chairman the second named member assumes the chairmanship unless the appointing authority has expressly designated a vice chairman.

30. CHAIRMAN, DUTIES OF

The principal powers and duties of the chairman are:

1. To call all regular and special meetings of the committee.
2. To see that all members of the committee are notified in writing of each future meeting.
3. To see that authors of bills and other interested parties are notified of hearings.

4. To see that the weekly schedule of hearings is prepared as he directs. (Senate Rule 26; Assembly Rule 28)
5. To preside over meetings of the committee and preserve order.
6. To decide all questions of order in the committee.
7. To supervise the employes assigned to the committee within the rules set down by the chief clerk and sergeant at arms.
8. To be responsible for all reports of the committee including:
 - (a) Weekly schedule of hearings.
 - (b) Recommendations regarding introduction of measures by the committee.
 - (c) Reports of public hearings on measures by the committee.
 - (d) Reports of committee action on measures. (Senate Rule 27; Assembly Rule 32)
9. To be responsible for all official documents entrusted to the committee.
10. To schedule proposals for order of appearance at public hearing.
11. To arrange joint hearings with proper committee of other house. (Joint Rule 4)
12. To vote on all measures acted on by the committee.

31. CHAIRMAN, MAKING MOTIONS AND SECONDS

It is a general practice for chairmen to refrain from making or seconding motions in parliamentary groups. This, however, does not apply to standing committees.

In rare instances the chairman does not make or second motions. An analysis of a recent session revealed that it is usual in the Senate for the chairman to make motions or second them while in about half the committees in the Assembly this is true.

32. CHAIRMAN; PARTICIPATION IN DEBATE

The conflict between leadership and impartiality is often put to a test in the work of a chairman. As a legislative leader he ought to have every opportunity to discuss matters in committee meetings, but as chairman he must also see that both sides are given proper recognition and that his rulings are scrupulously fair. The right to participate in committee discussions is clear. He has unlimited right to do so.

32a. CHAIRMAN, REMOVAL OF

There is no specific provision for the removal of the chairman. By analogy with the removal of a committee member the conclusion must be drawn that the house alone has the authority to remove a chairman.

33. CHAIRMAN, RESIGNATION OF

The chairman of a standing committee may resign his chairmanship while retaining his membership on the committee. Such resignation is submitted to the appointing authority who then selects a new chairman. As long as the appointing authority fails to act in selecting a new chairman, the second named member of the committee acts as chairman.

34. CHAIRMAN, SELECTION OF

In Wisconsin the first named member of the standing committee is assumed to be the chairman. If no person is designated, the first one named is the chairman. (See Senate Rule 21) (Jefferson's Manual as quoted in the 1957 Assembly Manual § 225 agrees that the first person named is chairman, but goes on to say that this is a matter of courtesy and every committee may elect its own chairman. This is not done in Wisconsin.

35. CHAIRMAN, VACANCY IN

In case of the temporary absence of the chairman, the second named committee member succeeds to the chair.

In case the chairmanship is permanently vacated, the appointing authority names a new chairman. On June 3, 1957, the Speaker appointed Mr. Cane chairman of the Assembly Judiciary Committee to replace Mr. Toepel who had resigned from the Assembly. (Assembly Journal, 1957, p. 1762)

Only in the case of the Committee on Legislative Procedure is the rule different. Here the committee appoints an acting chairman if the president pro tempore, who is the designated chairman, is absent. (Senate Rule 20)

36. CLERK, COMMITTEE, AUTHORITY FOR, METHOD OF SELECTION, DUTIES

At one time it was customary for the legislature to provide specifically for committee clerks for specific committees. In recent years the statutes have authorized the employment of a group of stenographers, by the chief clerk, to perform general stenographic and clerical duties for the legislature as assigned by the chief clerk.

Such committee clerks are selected, under civil service regulations, by the chief clerk. While members may urge the selection of particular persons upon the chief clerk, applicants must be eligible under civil service to gain a position. In recent years the lack of qualified applicants has made it difficult to fill the positions, but during the depression there were many applicants.

In the Senate most clerks have but one committee, but in the Assembly most of them have at least 2 committees.

Prior to 1905 most clerks were female. From then until 1943 the law required them to be male. Scarcity of men during World

War II caused the Legislature to permit women again, and since then most have been women.

Duties: While the duties are set out by the chief clerk who has direct supervision of the committee clerks, among the functions which normally fall upon the committee clerks are these:

1. Maintain the committee office
2. Keep close custody of all proposals referred to the committee
3. Maintain bill books for committee members
4. Take minutes of all committee meetings
5. Prepare reports on hearing schedules, proposals recommended for introduction, public hearings and executive sessions
6. Prepare committee correspondence
7. Prepare correspondence for committee members
8. Carry out specific duties as directed by the chief clerk
9. Take roll calls on attendance and all motions made during committee meetings
10. Receive and file committee correspondence

37. COMMITTEE MEMBERSHIP, LIMITS ON

Neither house limits, by rule, the number of committees on which a member may serve. As a practical matter members of the Joint Committee on Finance do not have time for other assignments.

Senate rules previously limited a member to one committee, but in 1957 this was repealed. Currently the rule (Senate Rule 20) says a senator shall sit on at least one committee.

38. COMPLETENESS OF COMMITTEE ACTION

When a proposal has been referred to a committee, it should take complete action so that its recommendations may be expressed in clear and positive terms with an affirmative vote of some kind.

It should act on all amendments.

If a vote for adverse disposition of a measure fails, a vote for favorable disposition should follow.

If a vote for favorable disposition fails, a vote for adverse disposition should follow.

The minutes and the report of the executive session should record action on every amendment submitted by the house to the

committee, but in the Assembly only those reported out favorably are included in the report. In neither house are amendments submitted to the committee recorded if they are rejected.

39. CONFIDENTIALITY OF INFORMATION

Since all meetings of legislative committees are now open and since the committee vote on any measure is a matter of public record, there is little, if any, information possessed by a standing committee which is confidential. Information regarding the measures before the committee should be released on the chairman's authority, and no clerical employe should release any information without such authority.

40. CONSIDERATION OF MEASURES, TIME OF

The chairman has the sole authority to determine which measures will be scheduled for hearing, considered in executive session or reported out.

41. CONSTITUTIONAL BASIS FOR STANDING COMMITTEE

There is no specific provision in the Constitution relating to the organization and operation of standing committees. The only provision which has any bearing is section 8 of Article IV, which provides that "Each house may determine the rules of its own proceedings...".

42. COPIES, NUMBER OF, OF VARIOUS REPORTS

The number of copies of various reports to be submitted by the committee is determined by the chief clerk and is incorporated in the instructions to the committee clerks. Committee clerks should also note the proper distribution of all copies.

43. DEADLINE FOR ACTION BY COMMITTEE. See REPORTS OF COMMITTEE, WHEN MADE

44. DEBATE IN EXECUTIVE SESSION

Many of the rules which apply to debate on the floor of the house do not apply when a standing committee is in executive session because of the desire for free discussion. Among the rules which are different are the following:

1. A member may speak as often as he wishes on any subject.
2. Motions to close debate are not used.
3. Members do not rise to address the committee.
4. The chairman does not leave his chair to take part in the discussion, to make or second a motion or to put a question.
5. There is no appeal from a decision of the chair.

45. DEBATE IN PUBLIC HEARINGS

The public hearing is intended as an opportunity for the public to express its views regarding a measure. Members of the committee may ask questions of persons appearing, but rarely do they engage the persons appearing in a debate. Debate or cross fire arguments between proponents and opponents of a measure are discouraged. The chairman should be especially careful that he is not accused of prejudice by making his own stand on a measure obvious in the conduct of the hearing.

46. DECORUM IN THE COMMITTEE, MAINTENANCE OF

Indecorous conduct may occur between rival spokesmen before the committee, as a result of spontaneous or planned audience response or in the relationship between those appearing and committee members or between committee members themselves.

The chairman is in charge, and he should keep the meeting under control at all times. Sometimes a mild caution at the outset will allay any disturbances.

The gavel is the symbol of his authority, and the public should be taught to respect it.

The chairman should never provoke disorder by biased or indiscreet comments.

Jefferson says the committee cannot punish, merely report to the house.

47. DISPOSITION AT END OF SESSION OF MATERIALS FILED WITH STANDING COMMITTEES

In the course of a session a standing committee receives a variety of materials. The following list includes the major items and their disposition.

Correspondence regarding measures under consideration. Filed and disposed of at end of session as directed by chief clerk.

Exhibits regarding measures under consideration. Filed and disposed of at end of session as directed by chief clerk.

Minutes of the committee. This chronological account of the committee's actions during the entire session is packaged and sent to the chief clerk who forwards it to the Secretary of State after sine die adjournment.

Petitions referred to the committee should be carefully filed and given to the chief clerk at the end of the session for filing with the Secretary of State.

Proposals referred for introduction. Those reported out favorably will have left the committee. Others are returned to the requestor if he wants them. They may also be returned to the Legislative Reference Library for future use.

Proposals for screening. All these should be reported out or withdrawn by the end of the session.

Reports of public hearings and executive sessions. Copies of these are filed in the jackets of the proposals involved, in the committee's files and in the chief clerk's office as directed by him.

48. DURATION OF STANDING COMMITTEE

A standing committee goes out of existence with the sine die adjournment of the legislature unless extended by law or joint resolution. (See XXII Atty. Gen. 345-6; XXIV Atty. Gen. 672) Normally standing committees are not used in special sessions, but if they are necessary, they must be created. (See section 13.095 (1) of the statutes)

49. EXECUTIVE SESSIONS OF STANDING COMMITTEES

There is a difference between the nature of the standing committee's public hearing and executive session. Joint Rule 6 (3) requires that all public hearings be open to the public. It is difficult to envision a public hearing from which the public is excluded.

Traditionally executive sessions of standing committees have been closed. The rules are silent on the matter, but Jefferson (see Assembly Manual §227) provides that the proceedings of the committee "are not to be published, as they are of no force till confirmed by the House."

The enactment of Chapter 289, Laws of 1959, creating section 14.90 of the statutes, appears to preclude all future closed meetings of standing committees. The law establishes the policy of open meetings for "all meetings of all state and local governing and administrative bodies, boards, commissions, committees and agencies" unless expressly provided for. Few, if any, standing committee meetings can qualify to exclude the public.

50. EXHIBITS, FILED WITH COMMITTEE

Letters, statements in support of or in opposition to measures, and exhibits may be submitted to a standing committee in favor of or opposed to a measure. These should be filed and called to the attention of the committee. After sine die adjournment they should be disposed of as directed by the chief clerk.

Section 13.70 (1) of the statutes provides that 3 copies of any written or printed statement, argument or brief delivered to each legislator must be deposited in the office of the Secretary of State within 5 days of its delivery.

51. EXPENSES

A standing committee has few if any occasions to incur any expenses because its staff, facilities and supplies are all furnished.

Any contemplated expenses should be authorized by the house prior to being incurred.

Section 20.530 (1) (c) authorizes the payment of expenses for legislative committees which meet during a recess of more than 30 days. In 1959 Joint Committee on Finance met prior to the November adjourned session, and could be paid under that provision.

52. FINAL ACTION, TIME OF BY COMMITTEE

A standing committee may take executive action on a measure on the same day or sometime after a public hearing is held. (See also REPORT OF COMMITTEE, WHEN MADE)

53. FORMAL ACTION REQUIRED. See ACTION BY COMMITTEE; MUST BE TAKEN AT MEETING

54. HEARING BULLETIN

The statutes, in section 35.141, provide that each week the chief clerk shall prepare a hearing bulletin listing the proposals scheduled for public hearing the next week. It shows:

1. Bill number and title
2. Author
3. Time of hearing
4. Committee before which heard
5. Place of hearing
6. Chairman of committee

55. HOUSE CONTROL OVER STANDING COMMITTEE

No directive from the house regarding a committee's action or any proposal before it is in order except to recall from the committee. (Senate Rule 25; Assembly Manual § 269)

56. INTRODUCTION OF BILLS BY COMMITTEE. See BILLS, INTRODUCTION BY COMMITTEE

57. INVESTIGATIVE FUNCTIONS

A standing committee as such is not an investigating committee. Such a committee is created specifically by the Legislature or either house thereof. Although section 13.09 of the statutes authorizes any legislator, while acting as a member of any committee created by the Legislature or either house, to administer oaths to persons to be examined before such committee, a standing committee is not such a committee unless it is specifically assigned the function of conducting an investigation.

58. JOINT COMMITTEES

Two joint standing committees are statutory, namely the Joint Committee on Finance and the Joint Committee on Revisions, Repeals and Uniform Laws.

The members from both houses meet together and report as a unit.

Joint Rule 5 provides that the chairman of the Senate group is chairman of the joint committee.

59. JOINT HEARING; HOW ARRANGED

A joint hearing on a particular proposal is arranged by the 2 chairmen of the parallel committees of the 2 houses who must give at least 3 days' notice to the members of their committees before the hearing is held. Its purpose is to avoid the necessity for the public to come to Madison on 2 different days to attend hearings on the same bill before the different houses.

60. JOINT HEARING, QUORUM

A majority of both the Senate and Assembly committees constitutes a quorum of a joint hearing.

61. JOINT HEARING, VOTE AFTER

Although the members of both committees participate in a joint hearing, the 2 committees act and vote separately. The report of each should indicate that the hearing was joint.

The executive sessions of the committee are held separately. The executive session of the committee, in the house in which the proposal is located, normally holds its executive sessions soon after the hearing. The committee of the other house may also hold its executive session before the information developed at the hearing is forgotten and hold the report pending reference of the proposal to them, or it may wait until the proposal actually gets to them and thus risk the danger that they will have forgotten what was said at the hearing. If the proposal dies in the house of origin, the standing committee from the second house will never be called upon to act on the proposal.

62. JOINT HEARINGS, WHO PRESIDES

Joint hearings established under Joint Rule 4 are arranged by the 2 chairmen of the committees joining in the hearing. They merely participate together in the hearing with the chairman of the house in which the proposal is located acting as chairman. No joint executive session is held.

63. JOINT RESOLUTIONS, RECOMMENDATIONS ON

The recommendation made on a joint resolution is as follows:

Favorable in house of origin -- Adoption

Favorable in second house -- Concurrence

Unfavorable in house of origin -- Rejection

Unfavorable in second house -- Nonconcurrence

This does not apply to a joint resolution amending the Constitution. Here the recommendations are the same as for a bill.

64. LAG BETWEEN PUBLIC HEARING AND EXECUTIVE SESSION

The interval between the public hearing and the executive session varies in length. Often they are held the same day, but sometimes there is a long interval. It should be remembered that the more time which elapses between the hearing and executive session, the less the committee members will remember the discussion on the proposal.

65. LEGISLATIVE COUNCIL, NOT A STANDING COMMITTEE

Senate Rule 41, paragraph 3, provides that "The Legislative Council shall not be deemed to be a legislative committee within the meaning of this rule (referral of proposals) and reference of bills or resolutions thereto for recommendation as in the case of standing or special committees shall not be in order."

66. LEGISLATORS, APPEARANCE AT PUBLIC HEARINGS. See PUBLIC HEARINGS, APPEARANCES AT

67. LEGISLATOR, APPEARANCE BEFORE COMMITTEE IF ON THE COMMITTEE

It is not uncommon for a member of the committee to appear before the committee as author of a bill even though he is sitting on the committee hearing the bill. (See Senate hearing on 273, S., 291, S., 293, S., and 296, S. of 1957 and Assembly hearings on 532, A., 550, A., 553, A., 571, A. and 583, A. of 1957 for example)

68. MEETINGS, NOTICE OF

Although each committee member should have a clear understanding of the time when each meeting of the committee is held, there is no requirement for a public notice of any meetings except those involving public hearings.

The rules provide that by Wednesday noon the chairman of each standing committee must report to the chief clerk the schedule of public hearings before his committee for the next calendar week. These notices are posted in the lobbies of both houses and published in the weekly hearing bulletins.

The chairman may call meetings. He may announce them in any way which will assure that all members and the committee clerk know about them. It is advisable to request the committee clerk to notify each member in writing to make certain that she and the members will know.

69. MEETING, PLACE OF. See MEETINGS, REGULAR AND SPECIAL

70. MEETINGS, REGULAR AND SPECIAL

Standing committee hearing room assignments were established long ago and follow the same pattern year after year. In the Senate the Committee on Committees proposes room assignments. In the Assembly the speaker does it. The pattern of meeting time also follows past practices pretty closely and if changes are made they are made by the same authority which assigned the rooms.

Regular meetings follow the pattern set at the beginning of the session. Special meetings are called by the chairman but neither house permits a standing committee to meet when the house is in session, except by special permission.

Jefferson says in section XXVI of his manual "A committee meets when and where they please if the house has not ordered time and place for them". He also says in section XI "So soon as house sits, and committee is notified, the chairman is in duty bound to rise instantly, and the members to attend the service of the house". Senate Rule 25 and Assembly Rule 27 require that the time and place of a hearing shall be posted on the bulletin board.

Committees usually meet in their committee rooms, but there is no rule requiring them to meet there. (§ 266 Assembly Manual 1957)

Committees which have a consistent workload meet weekly. Committees which have only occasional duties meet at the call of the chairman who should direct the clerk to make certain that all committee members are apprised of meetings. Committees with a heavy workload may meet several times a week. In fact, the Joint Finance Committee meets daily.

71. MEETINGS, TIME OF. See MEETINGS, REGULAR AND SPECIAL

72. MINORITY REPORT

Both houses permit minority reports. (Senate Rule 28; Assembly Rule 33) Such reports are made in writing and are made at the same time. (For examples see S.J. 1945, pp. 771 and 975) The Senate rule requires that such minority report be filed on the same or next legislative day as the majority report. Both houses provide that such reports be entered on the journal.

73. MINUTES OF THE COMMITTEE

The minutes of the committee consist of the chronological arrangement of all the reports of the committee relating to the introduction of measures, public hearings and executive sessions. The contents are a complete duplication of other reports brought together in a chronological sequence plus such other recorded sequential data as is necessary to keep a record of what happened. They may include names of people invited to appear to executive sessions, motions to take up certain bills at certain times or to postpone action or reporting of a measure. They are filed by the chief clerk in the office of the Secretary of State after sine die adjournment.

74. MOTIONS, SEQUENCE IN EXECUTIVE SESSION

When a measure is under consideration in executive session, amendments and substitute amendments are treated first. Amendments are considered in numerical order; substitutes in reverse order. Thus if there were Substitute Amendments 1, A., 2, A., and 3, A. and Amendments 1, A., 2, A., and 3, A. to Substitute Amendment 3, A., the order of consideration would be Amendment 1, A.; Amendment 2, A.; Amendment 3, A.; Substitute Amendment 3, A., Substitute Amendment 2, A., Substitute Amendment 1, A. and the original measure. Whenever a substitute is adopted, however, the vote on prior substitutes and

the original bill are omitted. In this case, however, the committee must still vote to recommend the proposal for passage or indefinite postponement or its equivalent in the second house.

A roll call vote on each step is required by Joint Rule 6.

75. MUNICIPAL BILLS, HEARING ON

Joint Rule 17 provides that committee chairman shall, so far as practicable, arrange for joint hearings on measures affecting the government and administration of cities and villages. Said hearings shall be grouped during one week not less than 7 weeks after the opening of the legislative session, with a subsequent grouping of hearings later in the session, if more shall be necessary. This plan has not been followed.

76. NOTICE OF PUBLIC HEARING. See APPENDIX for example

77. NUMBER OF STANDING COMMITTEES

The number of standing committees is determined by the statutes and the rules of each house. The identity of the committees is normally established at the beginning of the session, by amending the rules, to add or delete particular committees.

78. NUMBER OF STANDING COMMITTEES ON WHICH A MEMBER MAY SERVE

Senate Rule 20 provides that a senator must serve on at least one of the committees enumerated in paragraphs 1 and 2 of the rule. Prior to 1957 he could serve on only one such committee. The Assembly has no rules restricting the number of standing committees that a member may serve on. The maximum was 4 in 1959.

79. NUMERICAL VOTE INDICATED IN COMMITTEE REPORT

Senate Rule 27 and Assembly Rule 32 require that the actual vote on the motions on which recommendations are based be reported so that the members can, at a glance, see how close the vote was. This was first adopted in 1959.

While the rule expressly applies to measures referred to a committee, there is nothing to prevent the reporting of a vote on introduction because the same reasoning applies.

80. OATHS, ADMINISTERING OF

Section 13.09 of the statutes provides that any senator or assemblyman while acting as a member of a committee of the Legislature or of either house may administer oaths to persons to be examined before such committees. There are, however, few cases when this power is used unless the standing committee is given specific investigative powers.

81. OPEN MEETINGS. See EXECUTIVE SESSIONS

82. ORDER OF QUESTIONS ON DISPOSITION OF A MEASURE

When a standing committee is considering its recommendation

on a proposal, it disposes of all amendments first and then of the proposal itself. Whether a motion to make an adverse or favorable recommendation will first be considered depends on the general attitude toward the proposal. It is only necessary that positive action be taken. If a favorable disposition fails, there must be a vote on an unfavorable disposition, and if an unfavorable disposition fails, there must be a vote on a favorable disposition.

82a. ORIGINAL MEASURE, CHANGE BY COMMITTEE

A standing committee may propose substitute amendments or amendments to a proposal, but they may not change the original proposal submitted to them. Jefferson says in section XXVI of his manual "The committee may not erase, interline or blot the bill itself; but must in a paper by itself set down the amendments, stating the words which are to be inserted or omitted, and where, by reference to page, line and word of the bill".

83. PARTY MEMBERSHIP OF STANDING COMMITTEES

The majority party invariably holds a majority of the seats on each standing committee.

83a. PHYSICAL EQUIPMENT OF A STANDING COMMITTEE

The basic equipment required by a standing committee includes:

1. An office
2. A table around which to meet
3. A stenographer's desk
4. Chairs for the members, clerk and spectators
5. Locked file
6. A gavel
7. A copy of the statutes
8. Bill books for each member containing all measures to be heard
9. Scratch pads
10. Pencils
11. Stenographic pads
12. Appearance slips and registration slips
13. Water pitcher, glasses and water
14. Typewriter
15. Office supplies
16. Various forms

84. PROCEDURES IN STANDING COMMITTEE

In the absence of statutes or house rules which specifically apply, committee procedures follow procedures of the house but are less rigid in order to permit free discussion. The basic differences are:

1. Motions to limit debate are out of order although the chairman may stop the debate when he sees fit.
2. Members do not rise to address chair.

3. Chairman does not rise to put a question.
4. Chairman does not leave chair to speak or make motions.
5. Member may speak any number of times on same proposition at same stage.
6. There is no appeal from the decision of the chair.

85. PROHIBITED MATTERS FOR COMMITTEES

1. Measures may not be referred to committee after having been passed or concurred in by that house. (See Senate precedent 46.4 and 46.5) (Senate Rule 41)
2. Question of reconsideration may not be referred to committee. (Senate Rule 41)
3. Concurrence in amendments of the other house may not be referred to committee. (Senate Rule 41)
4. Executive vetoes shall not be referred to committee. (Senate Rule 41)
5. A motion to create a committee was, however, referred. (S.J. p. 1246, 6/14/49)

86. PROXY VOTES IN COMMITTEE

Proxy votes are prohibited. A committee member may not authorize the chairman, another committee member or the committee clerk to cast his vote. He must be present at a committee meeting to cast his own vote.

87. PUBLIC HEARINGS, APPEARANCES AT

There are no apparent restrictions on who may appear before a standing committee at a public hearing.

1. A member of the Legislature may appear. In 1955 legislators appeared 263 times before Senate committees and 482 times before Assembly committees.
2. The author not only may but is expected to appear. He should be invited to appear.
3. A member of the committee may appear on the measure. Even the chairman may appear. (See Bills 324,S.; 342,S.; 352,S.; 378,S.; 269,A.; 571,A.; 575,A.; 626,A.; 655,A.; 656,A. of 1955)
4. The Governor may appear on a proposal. (Governor Nelson appeared before at least 2 committees in 1959.)
5. Persons who desire to appear neither for nor against a measure may be listed in a special category "neither for nor against" or with the note "in explanation of the bill" or "at the request of the committee".

6. There is no agreement among state departments regarding appearances. Some appear without question on all measures affecting them. Others appear only when specifically invited. It is probable that in most cases the committee should invite them.

88. PUBLIC HEARINGS, COMMITTEE CLERK'S DUTIES RELATING THERETO

The committee clerk has these duties before, during and after a public hearing:

1. Submit a list of public hearings scheduled for the following week, by the chairman, to the chief clerk by Wednesday noon.
2. Notify committee members of hearing.
3. Notify author of hearing.
4. Notify those requesting notification of hearing.
5. Put out bill books containing measures to be considered.
6. Procure appearance slips from all who appear on each measure.
7. Gather registration slips on each measure.
8. Prepare report of the public hearing.

89. PUBLIC HEARINGS, DELAYS IN SCHEDULING

Senate Rule 25 and Assembly Rule 27 seek to get prompt scheduling of hearings, but they have been ineffective. The Senate rule formerly required the committee to take up business within 3 weeks, but in 1953 this was amended to require the committee to take up business as soon as practicable. The Assembly rule still requires business to be taken up in 2 weeks, but it is not followed.

On occasion the chairman delays the public hearing, and there is nothing which can be done about it except to recall the proposal from the committee by motion. The house cannot tell the chairman or the committee when to act.

90. PUBLIC HEARING, MOTIONS AT

It is not customary for motions to be made at a public hearing. Conceivably a procedural motion such as one limiting discussion to 5 minutes per person might be put, but normally this would be suggested informally or done by the chairman by unanimous consent.

91. PUBLIC HEARINGS, NOT MANDATORY

It is not mandatory to hold a public hearing on a legislative proposal. Generally at least one hearing is held. Emergency legislation passed early or late in the session and "must" bills introduced late in the session sometimes do not have hearings. Bills introduced at short adjourned sessions sometimes have no hearings

because it is too difficult to reactivate the committees.

Public Hearings Held by 1957 Session

<u>House</u>	<u>Bills in- troduced</u>	<u>Bills having at least one hearing</u>	<u>Bills having hearing in both houses</u>	<u>Bills having 2 hearings in same house</u>
Senate	638	537	146	22
Assembly	823	688	210	9

(See Senate ruling of 3/19/41 ruling that public hearings are not mandatory)

92. PUBLIC HEARINGS, NOTICE OF

Senate Rules 25 and 26 and Assembly Rule 28 require that the chairman of each standing committee file with the chief clerk on or before Wednesday noon a list of the measures on which public hearings will be held before his committee during the following week. This information ultimately appears in 3 places.

1. By Thursday of the week prior to the time the hearing will be held, the printed hearing bulletin is distributed.
2. Wednesday noon of the prior week a copy of the list of each committee's hearings is posted on the bulletin board of each house.
3. Various newspapers list the hearings as reported in the hearing bulletin.

93. PUBLIC HEARINGS, ORDER OF APPEARANCES AT

Normally those appearing for are heard first, followed by those appearing against a measure, but the chairman may reverse the order or adjust the order to meet the convenience of a particular person.

Normally each person speaks but once, but the chairman may permit rebuttals. (See Bill 350, S. of 1955; Bill 401, A. of 1955)

94. PUBLIC HEARINGS, PUBLIC

Joint Rule 6 (3) provides that "Each committee hearing shall be open to the public".

95. PUBLIC HEARING; QUORUM REQUIRED

Senate Rule 24 and Assembly Rule 26 both state that "A majority of any committee shall constitute a quorum for the transaction of business". Obviously the purpose of a public hearing is defeated if the members are not present. As a courtesy to the persons appearing at a duly noticed hearing, the members should be present.

Public hearings have been held without a quorum of the committee being present. (See Bills 718, A., 719, A. and 757, A. of 1957 when only 3 of 7 members of the committee were present.)

96. PUBLIC HEARING, REPORT OF

Joint Rule 6 sets forth the nature of the report of public hearings which must be kept. It requires the following items:

1. Time and place of each hearing.
2. The attendance of committee members.
3. The name of each person appearing before the committee with the name of the person, persons, firm or corporation in whose behalf the appearance is made.
(See Appendix for sample)

97. PUBLIC HEARINGS, SCHEDULING

The authority to schedule public hearings rests with the chairman of the standing committee who under Senate Rule 26 and Assembly Rule 28 files with the chief clerk a list of the hearings scheduled for the next week by Wednesday noon. As worded before twice amended in 1959 this rule expressly referred to "his several daily calendars" thereby designating that this is the personal responsibility of the chairman. The committee clerk prepares the list at the chairman's direction.

The chairman may entertain suggestions as to the date of public hearings, but such suggestions need not be followed. It is a futile gesture for a committee member to seek by motion to force the chairman to schedule a hearing at a particular time. The chairman is entirely within his authority to refuse to recognize such a motion if he desires. The chairman should, however, recognize suggestions which will facilitate a full hearing for the greatest number of citizens.

Normally no proposal is scheduled for hearing until it has been available in printed form, long enough to permit the public to study it. It should be borne in mind that a bill does not filter down to the public quickly. The people should have time to study it as well as to merely possess it.

Some effort is made to schedule proposals which will draw the same segment of the public on the same day so that the trips to Madison are kept to a minimum.

Joint Rule 17 sought to consolidate the public hearings on proposals affecting cities and villages and to encourage joint hearings on them, but it has never been effective and is considered obsolete.

98. PUBLIC HEARINGS, SIMULTANEOUS HEARINGS ON 2 OR MORE BILLS

Various efforts have been made to group the hearings in order to expedite this process, but few of them have done much to relieve the tedious task of hearing out those who wish to be heard. There is nothing to prevent the chairman from calling the hearing on 2 or more proposals simultaneously if they are closely related as to

subject matter. In such cases, the reports on the public hearings and executive sessions are made separately, but the minutes may be consolidated.

99. PUBLIC HEARINGS, TIME ALLOTMENTS OF

The rules of neither house establish any time limit for public hearings. Generally the chairman permits those appearing to talk as long as they wish, but there is no rule preventing him from cutting off the discussion or setting a time limit at the outset. If the committee's schedule is heavy or there are many people who wish to appear, the chairman may with propriety establish limits. He may designate the order of speaking and may, for example, permit people from distant places to speak first.

100. PUBLIC HEARING, TIME OF

Various factors determine when a public hearing is held.

1. The availability of the proposal in printed form.
2. The length of time the public has had to study the proposal.
3. The desire to group bills on similar subjects to accommodate the public.
4. The strategy in timing the public hearing.

Efforts to shorten the lag between introduction of a proposal and the date of the public hearing have been unsuccessful. It takes time for the Legislature to get into its routine, and for the public to formulate attitudes toward proposals.

Public hearings have been held prior to the introduction of a measure. In 1935 public hearings on Bill No. 17, A., the executive budget, began at 2 p.m. on January 17 although the bill was not introduced until January 18. In 1959 the Joint Committee on Finance began hearings on Bill 978, A., the executive budget for 1960-61, on October 26 although the Legislature did not convene until November 3 and the bill was not actually introduced until November 5. Mimeographed copies of the proposal were available when the hearings began.

101. PUBLIC HEARINGS, VERBATIM REPORTS OF

A verbatim report of the testimony before public hearings has never been taken officially although on occasion private agencies have made such reports or the proceedings have been taped for a subsequent radio broadcast. During the 1930's detailed minutes of the transactions of the Joint Finance Committee were made by the committee clerk, but they were not a verbatim account.

102. PUBLIC MEETINGS. See EXECUTIVE SESSIONS OF STANDING COMMITTEES

103. QUORUM

Senate Rule 24 and Assembly Rule 26 both provide that "A majority of any committee shall constitute a quorum for the transaction of business".

To assure that a quorum is present the roll is taken at the beginning of a meeting, at both a public hearing and an executive session, and the roll call should be incorporated in the record.

Whether a quorum is necessary to conduct a public hearing is not certain. Holding a public hearing may not be considered transacting business in the legislative sense. While a public hearing loses its value if the members are absent, there have been cases in which a public hearing was held with less than a quorum present. (See Bills 718,A., 719,A., and 757,A. of 1957)

104. REBUTTAL, PROVISION FOR

While persons appearing before a committee are normally not permitted to talk more than once, there is no rule to prohibit the chairman from permitting a rebuttal. The committee seeks the facts, and devices to elicit facts must be encouraged.

105. RECALL FROM COMMITTEE. See WITHDRAWAL OF PROPOSAL FROM STANDING COMMITTEE

105a. RECOMMENDATIONS, MUST THEY BE THE SAME ON AMENDMENTS AND ORIGINAL MEASURES

Occasionally the recommendation may be for adoption of an amendment and indefinite postponement of the original proposition or reporting without recommendation. (See Bill 1009,A. of 1959) This may be done. The theory is that the committee does not favor the proposal, but that if it is approved, certain changes, suggested in the amendments, are essential.

106. RECOMMENDATION ON PROPOSALS REFERRED TO STANDING COMMITTEES

One of the functions of a standing committee is to make recommendations on proposals submitted to it for screening. It should strive to accomplish that purpose. The nature of the recommendation depends on the type of measure and the house in which it is. The form is spelled out in Senate Rule 27 and Assembly Rule 32.

	Favorable Recommendation	Unfavorable Recommendation	Favorable Recommendation with Amendment
<u>House of Origin</u>			
<u>Bill</u>	Passage	Indefinite postponement	Amendment 1,A. and passage
Resolution	Adoption	Rejection	Amendment 1,A. and adoption
<u>Second House</u>			
<u>Bill</u>	Concurrence	Nonconcurrence	Amendment 1,A. and concurrence
Resolution	Concurrence	Nonconcurrence	Amendment 1,A. and concurrence

If the vote on indefinite postponement or nonconcurrence fails and the vote for passage or concurrence is tie, the proposal may be reported out "without recommendation". No vote is taken on the question of reporting out "without recommendation".

In joint resolutions amending the State Constitution the recommendations follow those used in bills.

107. RECOMMITMENT TO A STANDING COMMITTEE. See REREFERRAL OF PROPOSAL TO COMMITTEE, EFFECT OF

108. RECONSIDERATION BY STANDING COMMITTEE. See VOTING, RECONSIDERATION OF COMMITTEE VOTE

109. REFERRAL, CHANGE IN

Once a proposal has been referred to committee, the reference cannot be changed except by withdrawal. This can be done by majority vote in the Senate, but until the measure has been in the hands of the committee for 2 weeks, it requires a two-thirds vote in the Assembly.

The proper procedure is not for the committee to recommend reference to another committee but rather for a member on the floor to move that the bill be withdrawn and referred to another committee.

110. REFERRAL, REQUIREMENT FOR

Senate Rule 37 provides that all measures, not privileged, shall be referred to the appropriate standing committee by the presiding officer unless the Senate by motion makes a different order in relation thereto. Thus the Senate could send it to a different committee or refer it to the calendar. This rule applies to measures originating in either house.

Assembly Rule 48 provides that when a bill, resolution, or memorial which is not privileged has been reported out in proper form by the Committee on Revision, it shall be read a first and second time and referred to the proper committee.

At least 2 specific referral provisions exist in the statutes. Section 13.06 provides that "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."

Section 13.40 of the statutes provides that no bill creating or modifying any system for the retirement of public employes shall be considered until it has been referred to the Joint Survey Committee on Retirement Systems and that committee has submitted a written report setting forth the actuarial effect of the proposal, the probable cost and the desirability as a matter of public policy of both bills and amendments.

It has been held that statutory requirements for reference to a standing committee may be met at any time prior to final passage except as provided in section 13.40.

110a. REGISTRATION, RECORD OF

Persons who favor or oppose proposals considered at a public hearing but who do not desire to speak may indicate their position by registering for or against the proposal on slips provided by the committee. These registrations are listed in the committee report of the public hearing. Sometimes hundreds of people register on a single proposal. The rules are silent on registrations.

Persons may register neither for nor against a proposal simply to indicate interest in the bill.

The chairman should caution persons desiring to register to register separately on each proposal in which they are interested to make sure that they are recorded.

Persons may request by mail or telegram that they be recorded as registering for or against a proposal. The records may show that these registrations were received by mail or telegram.

111. REMOVAL OF COMMITTEE MEMBERS

Although in the case of the Assembly the speaker appoints the members of the standing committees, the rule does not authorize him to remove members. This can only be done by the Assembly. In the Senate where the body selects the membership of committees, members can be removed only by the Senate.

112. REPORT OF COMMITTEE, ACCEPTANCE BY THE HOUSE

The house does not formally accept the reports of the committee. They are merely filed.

113. REPORTS OF COMMITTEES, HOW MADE

Reports of standing committees are submitted to the chief clerk who retains them in his custody until the proper order of business at which time they are formally entered in the journal, in the official record books and on the jacket of the proposal.

114. REPORTS OF COMMITTEES, TYPES MADE (See also APPENDIX for examples)

The standing committee makes several kinds of reports.

1. Report of public hearing schedule. This report, made by the chairman, lists the proposals to be heard during the next week.
2. Report on introduction of a proposal. Whenever a committee is requested to introduce a measure in its name, it makes a report setting forth the motions made and the vote thereon.
3. Report on public hearing and executive session on proposals referred to it. This report, often called the bill history, is the account of what happened at the public hearing and at the executive session on the proposal.

4. Report of recommendation on proposals referred to it. Each proposal when returned to the house is accompanied by a report indicating the recommendations and the vote on such recommendations.
5. Minutes of the committee. This is a combination of paragraphs 2 and 3 set out in chronological order.

(See APPENDIX for copies of each report)

115. REPORTS OF COMMITTEE, WHEN MADE

While both the Senate and Assembly rules (Senate Rule 24 and Assembly Rule 27) discuss the time limitation on reporting out measures, as a matter of practice there is no limitation. It rests exclusively in the hands of the chairman except as he is influenced by party policy. (See A.J. 1917, p. 482, for obsolete ruling that held that report could not be delayed. See also Senate Rule 24 and Assembly Rule 27)

Previously both houses had a deadline for final action, but in 1953 the Senate amended the rule which provided that if a bill has not been heard in 3 weeks, the committee shall set a date for final hearing and report, to provide that all business shall be taken up as soon as practical. This is in effect the way it operates in the Assembly too.

115a. REPORT OF HEARING AND EXECUTIVE SESSION

This report on each proposal heard or acted on is prepared in accordance with Joint Rule 6. One copy of this report must be filed by bill number by the chief clerk so that it is accessible to members and the public.

116. REREFERRAL OF PROPOSAL TO COMMITTEE, EFFECT OF

Rereferral of a proposal to a committee gives it full power to act without reconsidering its previous action. (See Senate Rule 24) The committee considers the measure as it came to it. Thus any attached amendments already adopted by the house are considered to be part of the proposal, and no specific recommendation regarding such amendments is required. A proposal may be rereferred at any time before final disposition. See Senate Rule 41; p. 1446, 1955 Assembly Journal; Jefferson's Manual, Section XXVIII.

117. RESCINDING COMMITTEE ACTION. See VOTING; RECONSIDERATION OF COMMITTEE VOTE

118. RESIGNATION FROM COMMITTEE

A member may resign from a standing committee by submitting his resignation to the presiding officer who then submits the question to the house. (See A.J. 1929, p. 1441)

119. RESIGNATION FROM LEGISLATURE; EFFECT ON MEMBERSHIP ON STANDING COMMITTEE

Members of the Legislature may not serve on standing committee thereof after they resign from the Legislature. (IV O.A.G. 897)

120. RESOLUTIONS, INTRODUCTION BY STANDING COMMITTEE

Standing committee may introduce resolutions and joint resolutions as can individual members, and the same restrictions apply as to deadlines.

121. REVERSING COMMITTEE ACTION. See VOTING; RECONSIDERATION OF COMMITTEE VOTE

122. ROLL CALL

Joint Rule 6 requires that the committee chairman keep or cause to be kept a record of:

1. The attendance of committee members at each meeting
2. The vote of each member on all motions, bills, resolutions and amendments acted upon.

On tie votes, the proposal is lost.

Unless another order is determined by the chairman, the vote on a roll call is taken in the order in which the members were named to a committee. The chairman may choose to vote last.

123. ROOMS, COMMITTEE, ASSIGNMENT OF

Room assignments for committees are made at the opening of each session by the speaker in the case of the Assembly and by the Committee on Committees in case of the Senate. This follows the practice of former sessions.

When an abnormally large hearing is anticipated or does occur, and larger quarters are needed, a change is arranged through the sergeant at arms. Larger quarters are made available on a first come, first served basis.

124. RULES OF PROCEDURE IN STANDING COMMITTEES. See PROCEDURES IN STANDING COMMITTEE

125. SECONDS TO MOTIONS IN COMMITTEE

Are seconds required on motions in committee? Although the number of situations in which seconds are required in the legislative process is gradually declining, it is the practice in standing committees in the Wisconsin Legislature to require seconds, and motions are lost for want of a second.

126. SECRECY See EXECUTIVE SESSIONS OF STANDING COMMITTEES

127. SECRETARY OF A STANDING COMMITTEE

The committee clerk is the secretary of the standing committee. There is no precedent for electing a secretary from among the members.

128. SENIORITY ON STANDING COMMITTEES

The position on a standing committee is determined solely by order of appointment. While seniority may affect order of appointment, it may be ignored.

129. SIGNING REPORTS

Reports are signed as follows:

	<u>Senate</u>	<u>Assembly</u>
Report of hearings to be held	Chairman	Chairman
Report on proposal to be introduced	Chairman	Chairman
Report on hearings and executive sessions..	Clerk	Clerk
Minutes	Clerk	Clerk
Report on recommendations to house	Chairman	Chairman

In case of a majority and minority report, all members sign the report with which they agree. If an equal number sign each, that which the chairman signs is considered the majority report.

The only reports signed by all members are the reports of the Senate Committee on Committees.

130. SPECIAL SESSIONS, STANDING COMMITTEES IN

Normally standing committees are not used for special sessions, but if they are to be used, they must be appointed for the special session. The standing committees of the regular session do not hold over. (See XXII Atty. Gen. 345-6)

131. SUBCOMMITTEES

Senate Rule 24 and Assembly Rule 26 authorize the creation of subcommittees to take charge of any part of the committee's work but they must report to the committee. They are seldom used. Section 13.05 of the statutes authorizes them for the Joint Committee on Finance to act on minor bills, but again this procedure is seldom used.

132. SUBSTITUTE AMENDMENTS, PUBLIC HEARING ON

If a substitute amendment is introduced after a bill has been reported out, the proposal may be rereferred to committee but it is not mandatory either that it be referred to committee or that a public hearing be held.

133. TIME SCHEDULE

The time for holding public hearings, executive sessions and reporting out any proposal is determined by the committee chairman who acts in accordance with the strategy decided by his party.

Both houses previously had set times by which the committee must act, but the rule was considered purely advisory.

134. TIME LIMIT ON COMMITTEE ACTION. See REPORTS OF COMMITTEE,
WHEN MADE

135. VACANCIES IN THE POSITION OF CHAIRMAN, HOW FILLED

Members of a standing committee succeed to the chairmanship in order of their rank on the committee unless the appointing authority determines otherwise. Thus the vice chairman or second on the list of appointees is the heir to the post of chairman unless someone else is appointed. In 1957 the order of appointment to the Assembly Judiciary Committee was Toepel, chairman, Grady, Cane, etc. (A.J. p. 82) On May 28 Assemblyman Toepel resigned from the Legislature (A.J. p. 1229). On June 3 the speaker appointed Mr. Cane, third on the list, as chairman (A.J. p. 1262).

In some cases when the chairman is called away from a meeting temporarily, he hands the gavel to a member of his choice, thereby designating him as temporary chairman.

136. VACANCIES ON STANDING COMMITTEES, HOW FILLED

In 1955 due to the election of Senator Knowles as Lieutenant Governor, the Committee on Committees recommended that Senator Franke be assigned to the Committee on Labor, Taxation, Insurance and Banking temporarily. (S.J. p. 37) This was approved by the Senate. After the April election at which Senator Robert P. Knowles was elected to fill the vacancy, the Committee on Committees recommended that he be appointed to that committee and the Senate approved the recommendation. (S.J. p. 831)

In 1957 after the resignation of Assemblyman Toepel on June 6 the speaker appointed Assemblyman Heider to fill the vacancy. (A.J. p. 1359)

137. VERBATIM ACCOUNT OF PROCEEDINGS, NOT MADE

No verbatim account of the proceedings of any standing committee is provided. Merely the actions are recorded. Occasionally a hearing on a particular measure is taped by WHA, but this is not an official record. Before World War II for several sessions minutes of the Joint Finance Committee were kept, but they fell short of being a verbatim report.

138. VICE CHAIRMAN OF STANDING COMMITTEE

There is no vice chairman, as such, of a standing committee. The person named second to the committee acts when the chairman is absent, and to this extent he is the vice chairman. In the absence of the chairman he can act, but he better be sure both that action is necessary and that such action has the approval of the policy makers.

139. VOTING BY ABSENT MEMBER

Voting must be done in committee meeting. Jefferson's Manual clearly sets forth that the committee must act together. It

provides explicitly that "nothing being the report of the committee but what has been agreed to in committee actually assembled."
(A.M. § 413 (a))

These things are clear:

1. The member must vote in the presence of the committee in a meeting.
2. He cannot delegate the chairman, clerk or another member to cast his vote for him.
3. The chairman may hold the vote open until an absent member returns so that he can vote in the presence of the committee.
4. Once a member is recorded, he cannot change his vote.

140. VOTING METHOD OF VOTING IN STANDING COMMITTEE

Members of the committee vote by roll call. Each member's vote is recorded individually. Thus the members who vote aye are listed first, those who vote no are listed second and those absent are listed third. It is contrary to the practice in Wisconsin to merely list the number of persons voting aye and no. Joint Rule 6 (1) (d) requires "The vote of each Member on all motions, bills, resolutions and amendments acted upon."

141. VOTING, MUST A COMMITTEE MEMBER VOTE IF PRESENT

Almost without exception a committee member votes if present at a committee meeting. There is, however, a precedent for refraining from voting. In 1955 when the Joint Committee on Finance had Bill No. 629, S. under consideration, one member was recorded as not voting.

The more usual practice is for a member to remember an urgent telephone call which he must make, thereby absenting himself when the vote is taken.

142. VOTING, RECONSIDERATION OF COMMITTEE VOTE

Although Jefferson's Manual (A.M. § 271) provides that "When a vote is once passed in a committee, it can not be altered but by the house", both houses do, in fact, follow the practice of permitting reconsideration. Senate Rule 24 specifically provides for reconsideration by the committee in much the same manner as by the Senate itself. Under a 1955 precedent (A.J. 1955 p. 1446) the Assembly committee may change its vote at any time. (A.M. §413 (c)) The committee may reconsider by a simple majority.

Mason's Manual of Legislative Procedure, section 635, provides that a standing committee may reconsider any action taken so long as the subject matter is in possession of the committee.

A motion to reconsider may be made at any time before the papers are reported to the house by any member who voted with the majority, or in case of a tie by any member.

143. VOTING, RESCINDING A COMMITTEE VOTE. See VOTING, RECONSIDERATION OF COMMITTEE VOTE

144. VOTING, REVERSING DECISION OF COMMITTEE. See VOTING,
RECONSIDERATION OF COMMITTEE VOTE

145. WITHDRAWAL OF PROPOSAL FROM STANDING COMMITTEE

A proposal may be withdrawn from a standing committee at any time by motion.

In the Senate the first attempt is by majority vote and if it fails, all subsequent efforts must be by a two-thirds vote.

In the Assembly it requires a two-thirds vote to withdraw a proposal within 2 weeks of referral, but only a majority vote thereafter.

(See Senate Rule 41; Assembly Manual §414)

To assure that all material in the jacket will be up to date if the measure is suddenly withdrawn, committee clerks should complete each part of each report as soon as possible.

III. APPENDIX

Standing committees are required to make a variety of reports. On the following pages are samples of each type of report which are explained in the text hereafter.

No. 1. NOTICE OF PUBLIC HEARING. This is a list, required by Senate Rule 26 and Assembly Rule 28, of all measures to be heard by the committee during the following week. It is prepared by the committee clerk at the direction of the chairman. The notices of all committees are integrated into a Bulletin of Committee Hearings which is issued Thursday of the week before the hearings are held.

No. 2. CARD NOTICE OF HEARING. Copy of a card sent by Capitol mail or U.S. mail to committee members, authors of proposals, those specifically requesting notification, and such others as may be interested, notifying them of the time and place of the hearing.

No. 3. COMMITTEE REPORT RECOMMENDING PROPOSAL FOR INTRODUCTION. This report has long been known as the bill history for a bill to be introduced. It gives the title of the proposal, the time and place of the executive session at which the question was decided, the roll call at the meeting and on the question of introduction. It is similar to the report of the executive session.

No. 4. COMMITTEE REPORT WITH PUBLIC HEARING AND EXECUTIVE SESSION (commonly known as the Bill History). If the latter term is used, it should be distinguished from the bill history which appears on the jacket or in the Bulletin of Proceedings which is the true bill history.

This report is provided for in Joint Rule 6. This committee report is divided into 2 parts, either of which may be omitted. Therefore 3 examples are given: 4A, 4B and 4C.

No. 4A. COMMITTEE REPORT WITH BOTH PUBLIC HEARING AND AN EXECUTIVE SESSION.

The latter follows the former. The report of the public hearing tells when and where it was held, the roll call of the members, and the appearances and registrations for and against. The executive session report gives the time and place of the meeting, the roll call of the members, and the motions made and the roll call vote on each.

No. 4B. COMMITTEE REPORT WITH PUBLIC HEARING ONLY.

In this case after the public hearing was held but before the executive session was held the bill was recalled from committee. Thus the report contains the information on the public hearing, but ends with a note on how the proposal left the committee.

No. 4C. COMMITTEE REPORT WITH EXECUTIVE SESSION ONLY.

In this case no public hearing was held, but the committee in executive session made a recommendation regarding the measure.

No. 5. COMMITTEE REPORT WITH PUBLIC HEARING WHEN A JOINT PUBLIC HEARING IS HELD.

In this situation the 2 committees sit jointly in the hearing, but the executive session is held only by the committee of the house in which the proposal is at the time.

No. 6. REPORT OF A PUBLIC HEARING AND EXECUTIVE SESSION BY A JOINT STANDING COMMITTEE.

Reports of the Joint Committee on Finance and the Committee on Revisions, Repeals and Uniform Laws differ from a report in which 2 committees hold a joint hearing, because all actions are taken jointly. The vote in executive session is by the group acting as a unit rather than as 2 independent committees.

No. 7. REPORT OF A COMMITTEE IN WHICH THE PROPOSAL WAS REPORTED OUT "WITHOUT RECOMMENDATION".

Although it has long been possible to report out proposals without recommendation it was not until 1959 that the procedure was clarified and standardized. This report illustrates the proper action in the executive session.

No. 8. COMMITTEE REPORT. This is the document by which the committee returns the proposal to the house with its recommendation for disposition. It may contain a single measure or a whole series of bills, joint resolutions and resolutions listed in numerical order in that sequence. Beginning in 1959 this report provided the vote by which the recommendation was reached in order to inform the house if the committee had any doubts regarding the recommendation.

No. 9. COMMITTEE REPORT WITH MAJORITY AND MINORITY REPORTS. Committee reports may be accompanied by a majority and minority statement, or either of them. This is rarely done, but is provided for in the rules.

No. 10. MINUTES OF A STANDING COMMITTEE FOR ONE MEETING. The minutes are a chronological account of what is done in the committee. They include public hearings and executive sessions on introduction of measures and recommendations on proposals referred to them. They also include motions to take up bills at certain times, to report out certain bills and other matters considered by the committee which come to a vote. They may also list the names of nonmembers who were called to appear at executive sessions. Only actions are recorded. There is no verbatim account of what was said.

APPENDIX NO. 1. NOTICE OF PUBLIC HEARING.

ASSEMBLY

Committee on TRANSPORTATION

NOTICE OF PUBLIC

HEARINGS

Room No. 314, N.W.

(NOTE: Bills will not necessarily be heard in the order listed.)

TUESDAY, June 2, 1959, 1:30 P.M.

- BILL NO. 493, A. (By Messrs. Alfonsi and Pellant) A bill to amend 341.41 (4) of the statutes, relating to the interchange of trailers or semitrailers.
- BILL NO. 885, A. (By Messrs. Riehle and Warga) A bill to amend 348.21 (3) (b) (intro. par.) of the statutes, relating to increasing gross weight minimums for motor vehicles for enforcement purposes.
- BILL NO. 338, S. (By Senators LaFave, Panzer and Travis) A bill to amend 348.15 (3) (c) of the statutes, relating to the revision of the formula of weight limitations of certain vehicles on class "A" highways.

(signed)

FRANK W. CHRISTOPHERSON, JR., CHAIRMAN

APPENDIX NO. 2. CARD NOTICE OF HEARING.

Copy of cards sent to committee members, authors of proposals and those interested in the measures, notifying them of the time of public hearings on certain proposals.

ASSEMBLY CHAMBER
WISCONSIN LEGISLATURE195....
MADISON

DEAR SIR:
The Committee on
.....Chairman, has announced public hearings as follows:

Bill No.	Introduced By	Date of Hearing	Room
.....
.....
.....
.....
.....

ARTHUR L. MAY, Chief Clerk

By.....

APPENDIX NO. 3: COMMITTEE REPORT RECOMMENDING PROPOSAL FOR INTRODUCTION, KNOWN AS BILL HISTORY FOR BILLS TO BE INTRODUCED

BILL NO. _____, A.
(By Committee on Judiciary)

A bill to amend 56.08 (1) and (6) of the statutes, relating to daytime beneficial employment of persons imprisoned for contempt of court.

COMMITTEE ON JUDICIARY

<u>Date of Meeting</u>	<u>Hour</u>	<u>Room</u>
March 20, 1947	2:00 P.M.	213 NW

Members Present: Mr. Thomson, Chairman; Messrs. Burmaster, Cavey, B. A. Clark, Dancey, Finch, Mockrud.

Absent: Messrs. Beggs, Broadfoot, McParland & Raineri.

Moved by Mr. Finch, seconded by Mr. Mockrud, that the above entitled bill be recommended for introduction. Motion carried.

Ayes: Messrs. Thomson, Burmaster, Cavey, B. A. Clark, Dancey, Finch, and Mockrud.

Noes: None.

Absent and not voting: Messrs. Beggs, Broadfoot, McParland, and Raineri.

Chairman

APPENDIX NO. 4A. COMMITTEE REPORT WITH PUBLIC HEARING
AND EXECUTIVE SESSION.

BILL HISTORY

Bill No. 232, A. (Mr. Bidwell by request of Wisconsin County Normals Principals Association) A bill to amend 20.005 (1) (b), (line 8) and 20.31 (2) of the statutes, relating to state aids to county normal schools and making an appropriation of \$460,000.

May 24, 1955 Referred to Committee on Education and Public Welfare

June 1, 1955 Hearing held

Present: Senators Clark, Carr, Kendziorski and Lorge

Absent: Senator Nelson

Appearances for the bill:

Bert Vogel, Union Grove, representing Wisconsin County Normal Schools.
H. H. Thies, Reedsburg, representing Sauk County Normal.
H. C. Weinlick, Madison, representing Wisconsin Education Association.
John F. Roche, Rio, representing State Ass'n of Normal Boards.
R. F. Lewis, Madison, representing State Department of Public Instruction.
Robert L. Cook, New Lisbon, representing Juneau County Normal.
Michael S. Kies, W. Allis, representing Milwaukee County as County Superintendent of Schools.
Otto W. Lund, Monroe, representing County Normals.
Edgar G. Wippermann, Columbus, representing Columbia County Teacher's College.

Appearances against the bill:

None

Registrations for the bill:

Mrs. A. Bodenstein, Madison, representing Wisconsin Congress Parents-Teachers.
Vernon W. Buss, Dresser, representing St. Croix Valley School Board & Principal Ass'n.
Deryl K. Lien, Amery, representing Polk County Education Ass'n.
F. C. Lundberg, Clear Lake, representing Clear Lake School District.
T. S. Nilssen, Sr., Clear Lake, representing

Bill No. 232, A. (continued)

Registrations for the bill: (continued)

Upper St. Croix Valley School Board Ass'n
of Integ. Schools,
E. C. Rundle, Milltown, representing Milltown
Public Schools.
George Tipler, Oshkosh, representing Wisconsin
Ass'n of School Boards.
Ray Glynn, Frederic, representing St. Croix
Valley School Bds.

Registrations against the bill:

None

June 1, 1955

EXECUTIVE SESSION

Present: Senators Clark, Carr, Kendziorski,
Lorge and Nelson

Absent: None

Moved by Senator Kendziorski, seconded by
Senator Carr that the bill be recommended
for concurrence.

Ayes: (5) Senators Clark, Carr,
Kendziorski, Lorge and Nelson

Noes: (0)

Absent: (0)

Motion carried: Concurrence recommended

CONCURRENCE RECOMMENDED

s/ Agnes Ponti
Clerk

APPENDIX 4B. COMMITTEE REPORT WITH THE PUBLIC HEARING ONLY.

BILL HISTORY

Bill No. 13, S. (Senator Nelson) A bill to create 29.174 (14) of the statutes, relating to power of the conservation commission to acquire land by condemnation.

January 15, 1957 Referred to Committee on Conservation

April 17 Hearing Held:

Present: Senators Krueger, Dempsey,
Nelson and LaFave

Absent: Senator Bice

Appearances for the bill:

Senator Nelson, author

Appearances against the bill:

R. W. Peterson, Rhinelander, representing
Rhinelander Paper Co.
Charles Brees, West Allis, representing Daniel
Boone Hunters League of Milwaukee, Conservation
Alliance of Milwaukee Co., Badger Fisherman's
League of Milwaukee.
William G. Callow, Waukesha, representing
Municipal League of Milwaukee County
C. A. Hummel, Briggsville, representing himself
John Mason, Laona, representing himself
Roland A. Martin, Fond du Lac, representing
DeNeveu Lake Club
George H. Leonhard, Madison, representing himself

Registrations for the bill:

None

Registrations against the bill:

Gordon P. Connor, Wausau, representing himself
Richard M. Connor, Jr., Laona, representing
himself
Mrs. Goldie Kastorff, Fond du Lac, representing
Lake DeNeveu
Charles Koravik, Fond du Lac, representing Lake
DeNeveu
San W. Orr, Madison, representing himself

June 28

Recalled from committee

APPENDIX 4C. COMMITTEE REPORT WITH EXECUTIVE SESSION ONLY.

BILL HISTORY

Bill No. 19, S. (Senator LaFave) A bill to create 947.08 of the statutes, relating to crime comics and providing a penalty.

April 18, 1957 Referred to Committee on Judiciary.

May 14 EXECUTIVE SESSION

Present: Senators Merten, Busby, Lorge,
Hendee and McParland

Absent: None

Moved by Senator Merten, seconded by Senator Lorge,
that the bill be recommended for passage.

Ayes: (4) Senators Merten, Busby, Lorge,
McParland

Noes: (1) Senator Hendee

Motion carried: Passage recommended.

PASSAGE RECOMMENDED.

(signed) Helen Grant
Clerk.

APPENDIX NO. 5. COMMITTEE REPORT OF THE PUBLIC HEARING WHEN
A JOINT PUBLIC HEARING IS HELD.

BILL NO. 102, A.
(By Messrs. Anderson and Hutnik)

A bill to amend 40.01 (3), 40.30 (13) and (14), 40.301, 40.67 (2) (b), 40.78 (2), 40.807 (4), 40.819 (1), 40.92, 41.05 (1), 65.90 (4), 66.901 (2), 66.902 (2) (intro. par.), 67.01 (1), 67.04 (6); and to create 40.078, 40.095 and 40.807 (1) (c) of the statutes, relating to the establishment of metropolitan school districts.

COMMITTEE ON EDUCATION
Joint hearing with Senate Committee on Education

<u>Date of Hearing</u>	<u>Hour</u>	<u>Room</u>
March 6, 1957	2:00 P.M.	315-S

Members Present: Mr. Calvert, Chairman; Messrs. Anderson, Haase, Ward, Guell, Harper, Coggs, Hardie, Tremain, Crane, and Hutnik.

Absent: None

Appearances:

For:	Mr. Ralph S. Lund, Black River Falls, for Wis. Assn. of School Boards.
	Mr. Norris M. Sanders, Oshkosh, for Northeastern Wis. Education Association.
	Mr. Dale F. Davis, Sparta, for Wis. Assn. School Adm. and Bd. of Education.
	Mr. Fred Trewyn, Whitewater, for School Board.
	Mr. Sheldon H. Nerby, LaCrosse, for self as alderman.
	Mrs. Helen B. Geiger, Oshkosh, for Wis. State Division of American Assn. of University Women.
	Mr. Michael S. Kies, Milwaukee, for office of county Supt. of Schools.
	Mr. H. C. Weinlick, Madison, for Wis. Education Assn.
	Mr. Frank Zuern, Oshkosh, for Oshkosh Ed. Assn.
Against:	Mr. Robt. D. Sundby, Madison, for League of Wis. Mun. Mayor Ivan A. Nestingen, Madison, for Madison, Wis.
	Mr. Wm. G. Callow, Waukesha, for Municipal League, Milw. Co.
	Mr. J. N. Kramer, Fennimore, for League of Wis. Mun. Education Comm.
	Mr. T. F. Fitzgerald, New London, for Waupaca County Taxpayers Group.
	Mr. David Bogue, Portage, for City Council of Portage and Wis. Rural Schools Assoc.
	Mr. Harry Theski, Washington Co., for Washington Co. School Board Assn.
	Mr. Russell Berg, Beloit, for Beloit Taxpayers League.
	Mr. H. E. Hamilton, New London, for Waup. Co. Tax. Group.
	Mr. William K. Kirt, Racine, for Racine Taxpayers Assn.

Rebuttal:

For: Mr. Geo. Tipler, Winneconne, for Wis. Assn. of School Boards.

Against: Mr. Robt. D. Sundby, Madison, for League of Wis. Mun.

Registered:

For: Mr. Conan Edwards, Ripon, for Board of Education.
 Mr. Wm. C. Godson, Marinette, for Marinette Public Schools (letter)
 Mr. G. H. Grosenick, Ashland, for Ashland Public Schools (letter)
 Mr. G. T. James, Berlin, for Berlin Board of Education
 Mr. R. F. Lewis, Madison, for State Dept. of Publ. Inst.
 Miss Lorraine H. Orchard, Shorewood Hills, for Shorewood Hills School Board (Jt.Sch.Dist.No. 7)
 Miss Alice Scott, Oshkosh, for Fox Valley Council of Ed. Assns.
 Mr. D. L. Thompson, Beloit, for Wis. Assn. of Sch. Bds.
 Mr. Martin A. Tollund, Mt. Horeb, for WSBA
 Mr. Lee F. Weigert, Oshkosh, for Oshkosh Ed. Assn.
 Mr. E. G. Wippermann, Columbus, for Legisl. Comm. of Wis. Assn. of School Administrators and Co. Teachers College Presidents Assn.
 Mr. C. R. Wolf, Berlin, for Bd. of Education

Against: Mr. J. Benj. Bollerud, Mineral Point, for self
 Mayor Roy G. DuCharme, Menasha, for City of Menasha.
 City Attorney Wm. R. Giese, Menasha, for City of Menasha.
 City Manager K. W. Gardner, Marinette, for city council (wire)
 Mr. Edw. Messerschmidt, Fall Creek, R.1, for Eau Claire and affiliated counties, and Voluntary Rural School Assn. (letter)
 Mayor R. L. Roemer, Appleton, for City of Appleton (letter)
 Mr. Roger Rupnow, Madison, for city of Madison.
 Mr. Donald S. Rush, Madison, for Provincial Conference.
 Mayor Swanson, Portage, for city of Portage.

COMMITTEE ACTION:

May 23, 1957 Bill withdrawn - Returned to author.

APPENDIX NO. 6. COMMITTEE REPORT OF THE PUBLIC HEARING AND
EXECUTIVE SESSION WHEN A HEARING IS HELD BEFORE A
JOINT STANDING COMMITTEE.

Bill No. 224, A.
(By Mr. Bidwell, by request of
County Teachers College Boards)

A bill to amend 20.005 (2) (a) (line 599) and 20.650 (18); and to
repeal and recreate 41.44 (1m) of the statutes, relating to state
aid to county teachers colleges and making an appropriation.

JOINT COMMITTEE ON FINANCE

<u>Date of Hearing</u>	<u>Hour</u>	<u>Room</u>
Thursday, March 21, 1957	1 PM	319S
Members Present: Senators Laun, Draheim, Leverich, Prange, Stalbaum Assemblymen Stone, Graass, Peters, Rewald, Kintz, Seymour and Molinaro		
Absent: Assemblymen Hintz and Huibregtse		
Appearances for: Mr. Bidwell, to explain E. G. Wippermann, Columbus, rep. Co. Teach. Col. Assn. Bert Vogel, Union Grove, rep. Racine-Kenosha Teach. Col. Mrs. Phyllis Ritter, Mayville, rep. Dodge Co. Teach. Col. Roland A. Koyen, Richland Center, rep. Co. Teach. Assn. Cecil Wanless, " " rep. Co. Sup't Assn. John F. Roche, Rio, rep. Co. Teach. College Boards Wm. Richter, Silver Lake, rep. County College " William C. Kahl, Madison, rep. Dept. of Pub. Instr. Ross B. Rowen, Madison, rep. Wis. Educ. Assn. A. J. Sesil, Antigo, rep. Co. Boards Assn. H. H. Thies, Reedsburg, rep. Sauk Co. Teach. College		
Against: None		
Registrations for: E. W. Blomquist, Adams, rep. Broth. Locomo. Fire & Eng. Mrs. A. Bodenstein, rep. Wis. PTA Irving F. Kennedy, Delavan, rep. Broth. Loco. Engr. Arvel W. Kinney, Milwaukee, rep. State Machinis. AFL-CIO Wm. McDonough, Superior, rep. Brotherh. Railway Trainmen		
Registrations against: None		
COMMITTEE ACTION: April 30, 1957		

Bill No. 224, A. (continued)

Members Present: Senators Laun, Draheim, Leverich, Prange and Stalbaum;
Assemblymen Stone, Hinz, Graass, Peters, Rewald, Huibregtse, Kintz, Seymour, and Molinaro

Absent: None

It was moved by Mr. Kintz and seconded by Senator Leverich that the above entitled bill be recommended for passage. Motion carried.

Ayes: (11) Senators Laun, Leverich, Prange and Stalbaum;
Assemblymen Stone, Hinz, Graass, Rewald, Huibregtse, Kintz and Molinaro

Noes: (3) Senator Draheim: Assemblymen Peters and Seymour

Absent and not voting: (1)

(signed) J. Riley Stone
J. RILEY STONE, Chairman

APPENDIX NO. 7. REPORT OF A COMMITTEE IN WHICH THE PROPOSAL
WAS REPORTED OUT "WITHOUT RECOMMENDATION".

BILL HISTORY

Bill No. 788, A. (By Committee on Rules by request of Mr. Ward by
request of Board of Circuit Judges) A bill to amend
256.40 of the statutes, relating to county law
libraries.

April 30, 1959 Referred to Committee on Judiciary

May 12 Public hearing held

Present: Mr. Ward, Chairman; Messrs. Greco,
Nikolay, Mulder, Goethel, Curley,
Hillemann, Timmerman, Cane, Haase and
Abraham

Absent: None

Appearances for the bill:

Richard W. Bardwell, Madison, for State Board of
Circuit Judges

Appearances against the bill:

None

Registrations for the bill:

Norris Maloney, Madison, for self
James J. O'Donnell, Milwaukee, for Legislative
Committee of Milwaukee County Board of Super-
visors

Registrations against the bill:

None

June 2, 1959

EXECUTIVE SESSION

Present: Mr. Ward, Chairman; Messrs. Goethel,
Curley, Hillemann, Timmerman and Cane

Absent: Messrs. Greco, Nikolay, Mulder,
Haase and Abraham

Moved by Mr. Goethel, seconded by Mr. Hillemann,
that Bill No. 788, A., be recommended for passage.

Ayes: (3) Messrs. Goethel, Timmerman and Cane

Noes: (3) Messrs. Ward, Curley and Hillemann

Absent: (5) Messrs. Greco, Mulder, Nikolay,
Haase and Abraham

Motion failed: Tie Vote

WITHOUT RECOMMENDATION (Assembly Rule 32)

Grace Thompson, Clerk

APPENDIX NO. 8. COMMITTEE REPORT RETURNING PROPOSALS
TO HOUSE WITH RECOMMENDATIONS

C O M M I T T E E R E P O R T

The committee on JUDICIARY
reports and recommends:

- Jt. Res. No. 58, A. (By Mr. Cates) A Jt. Resolution to amend article I, section 7, and to create article IV, section 34 of the constitution, relating to rights of accused and venue of jury trials.
INDEFINITE POSTPONEMENT; AYES (6) NOES (2)
ABSENT (3)
- Bill No. 250, A. (By Mr. Wackett) A bill to create 331.45 of the statutes, relating to action by child against parent.
AMENDMENT NO. 1, A., ADOPTION; AYES (10) NOES (0)
ABSENT (1)
INDEFINITE POSTPONEMENT; AYES (6) NOES (4)
ABSENT (1)
- Bill No. 344, A. (By Mr. Baumgart by request of A. P. Lehner) A bill to amend 272.18 (5) and (6) of the statutes, relating to certain personal property exempt from execution.
SUBSTITUTE AMENDMENT NO. 1, A., ADOPTION; AYES (9)
NOES (0) ABSENT (2)
INDEFINITE POSTPONEMENT; AYES (8) NOES (1)
ABSENT (2)
- Jt. Res. No. 57, S. (By Committee on Legislative Procedure by request of Public Affairs Forum) A Jt. Resolution to amend article IV, section 23, of the constitution, relating to the establishment of authority to create a county chief executive.
CONCURRENCE; AYES (5) NOES (4) ABSENT (2)
- Bill No. 490, S. (By Senator Carr by request of Public Welfare Dept.) A bill to create 955.22 of the statutes, relating to disposition of intrastate detainers.
NONCONCURRENCE; AYES (5) NOES (3) ABSENT (3)
- Bill No. 514, S. (By Senator Wilkie) A bill to create 331.047 of the statutes, relating to contribution by joint tort-feasors on the basis of comparative negligence in actions for damages resulting from negligence.
WITHOUT RECOMMENDATION (Assembly Rule 32)

APPENDIX NO. 9. COMMITTEE REPORT CONTAINING MINORITY OR
MAJORITY STATEMENT.

COMMITTEE REPORTS

The committee on State and Local Government reports and recommends:

No. 81, S.

Rejection of substitute amendment No. 1, S., adoption of Substitute amendment No. 2, S., and passage.

No. 396, S.

Passage

No. 441, S.,

No. 483, S.,

No. 484, S., and

No. 485, S.

Indefinite postponement.

BERNHARD GETTELMAN,
Chairman.

Senators Maier and Kendziorski presented the following minority report on substitute amendment No. 2, S. to Bill No. 81, S.

MINORITY REPORT ON SUBSTITUTE AMENDMENT NO. 2, S., TO BILL NO. 81, S.

In connection with a recommended adoption of substitute amendment No. 2, S., to Bill No. 81, S., and the recommended passage of this bill with the adoption of the substitute, this minority report is submitted with objection both to the manner in which the substitute amendment was introduced and a challenge of the recommendation.

Three public hearings were held on Bill No. 81, S., and substitute amendment No. 1, S. After having held three public hearings, substitute amendment No. 2, S., literally appeared through the back door during an executive session of the committee. The appearance of substitute amendment No. 2, S., was accompanied by Jack Rouse, the paid organizer of the Republican Voluntary Committee. The authors of this minority report were not consulted on an invitation for this appearance and consider the procedure highly irregular.

The substitute amendment offered by Mr. Rouse during executive session called for placing Milwaukee county's election procedure on a basis consistent with that of places elsewhere in the state as defined in section 6.32 of the statutes. The chairman of the committee insisted that this substitute be amended so that a strange and irregular procedure for Milwaukee county be established. So at that last executive session, substitute amendment No. 2, S., was brought in in revised form.

The authors of this minority report moved that a public hearing be held upon substitute amendment No. 2, S. This public hearing was voted down by a majority of the committee. Substitute amendment No. 2, S., establishes the election machinery for Milwaukee county on the basis of the county's vote for president rather than upon a city

vote, which is inconsistent with provisions of the present statute in relation to the City of Milwaukee and the statutes relating to election districts elsewhere in the state. The substitute calls for the establishing of the election machinery on a four-year basis, also inconsistent with present statutes. The substitute seemingly has an entirely different purpose than the author of the original bill had. The question of germaneness of the substitute is properly raised.

This substitute amendment would seem to be a brazen attempt by a paid organizer of the Republican Voluntary Committee, in collaboration with the chairman of the Committee on State and Local Government, to unfairly legislate themselves into control of the election machinery of the City of Milwaukee and the county of Milwaukee for the next four years. The following questions are raised in connection with the unwholesome introduction of this substitute:

1. Why was the substitute amendment introduced at the eleventh hour after three public hearings had been held on the bill?
2. Why should the entire intent of the original bill be perverted to a change that serves an entirely different purpose than the author intended?
3. What public demand exists for this substitute amendment?
4. Why should a city's election machinery be based upon a county's vote?
5. Why should an election district be contingent upon a four-year general election when all other districts in the state are contingent on two-year general elections?

The answer to these questions would seem to be that this substitute amendment is a flagrant attempt of the Republican Voluntary Committee to seize control of the election machinery of the City of Milwaukee for the next four years.

Sober reflection should indicate that the substitute amendment is bad in principle for both major parties for:

1. It bases the city's election machinery on another area's vote, which is contrary to general practice.
2. It freezes one party into control of the election machinery for four years.
3. The procedure used in introducing this substitute in secret session is contrary to sound public policy.

We the undersigned minority members of the Senate Committee on State and Local Government file this minority report and urgently request that substitute amendment No. 2,S., be defeated.

Respectfully submitted,

HENRY W. MAIER,
Senator, 9th District.
CASIMIR KENDZIORSKI,
Senator, 3rd District.

APPENDIX NO. 10. MINUTES OF A STANDING COMMITTEE FOR ONE MEETING.

MINUTES

Committee on Highways

<u>Date of Meeting</u>	<u>Hour</u>	<u>Room</u>
January 28, 1947	2:00 P.M.	325 W

Members Present: Mr. Hugh A. Harper, Chairman, Messrs. Padrutt, Fisher, Jones, Andersen, and Meunier.

Absent: Mr. Wiley.

Bills to be heard: Nos. 16, A., 33, A., and 41, A.

Bill No. 16, A.

Appearances:

For: Assemblyman Rohan.

Against: Mr. J. C. Smyth of Motor Vehicle Dept.

Registered:

For: Assemblyman Ryczek.

Against: Mr. R. C. Pederson for Wisconsin Citizens Alliance.

Bill No. 33, A.

Appearances:

Etc. as above

Bill No. 41, A.

Appearances:

Etc. as above

COMMITTEE ACTION:

Moved by Mr. Padrutt, seconded by Mr. Jones, that Substitute Amendment No. 1, A. to Bill No. 16, A. be recommended for adoption. Motion carried.

Ayes: Messrs. Harper, Padrutt, Fisher, Jones, Anderson, and Meunier.

Noes: None. Absent and not voting: Mr. Wiley.

Moved by Mr. Padrutt, seconded by Mr. Anderson, that Bill No. 16, A. as amended by Substitute Amendment No. 1, A. be recommended for passage. Motion carried.

Ayes: Messrs. Harper, Padrutt, Jones, Anderson, and Meunier.

Noes: Mr. Fisher, Absent and not voting: Mr. Wiley.

Moved by Mr. Fisher, seconded by Mr. Meunier, that Bills Nos. 33, A. and 41, A. be laid over for further consideration. Carried unanimously.

Meeting adjourned at 4:15 P.M.

Signed by Clerk