

WISCONSIN - LEGISLATIVE REFERENCE LIBRARY

The mechanics of disposal of all measures
prior to sine die adjournment or
adjournment for an extended period by
the Wisconsin legislature and the
nature of the joint resolution
adjourning the legislature for
an extended period

1959

Brief no.74

BRIEF NO. 74. THE MECHANICS OF DISPOSAL OF ALL MEASURES PRIOR TO SINE DIE ADJOURNMENT OR ADJOURNMENT FOR AN EXTENDED PERIOD BY THE WISCONSIN LEGISLATURE AND THE NATURE OF THE JOINT RESOLUTION ADJOURNING THE LEGISLATURE FOR AN EXTENDED PERIOD

Prepared by the Wisconsin Legislative Reference Library, June 1959

SOME GENERAL CONSIDERATIONS

Unlike certain jurisdictions, Wisconsin's legislature chooses to wipe the slate clean when it adjourns sine die by house action on every proposal introduced. We know of no law or rule which requires such action, but it is traditional.

Since 1943, however, in every session but one (the 1951 session) the legislature has adjourned in June, July or August to return later. This has given the legislature an opportunity to act on appointments, vetoes and correction bills, to take a more current look at state finances and to pass emergency measures. (For a more complete story on these sessions, see Brief 542, the adjourned legislative session in Wisconsin by Legislative Reference Library.)

METHODS OF DISPOSING OF LEGISLATION AT END OF SESSION

There are 3 ways of disposing of legislation which has not been approved by both houses at the end of the session. They are:

1. Disposal of each piece of legislation separately.
2. Disposal of all legislation en masse.
3. Disposal of part of the legislation on a piecemeal basis and the rest en masse.

If the adjournment is for a period of time but not sine die 2 additional elements arise:

1. In some cases specific proposals are referred to the adjourned session.
2. In order to prevent the revival of proposals at the adjourned session, those proposals killed in the house of origin on the last day may be reconsidered immediately to kill off the possibility of reconsideration on the first day of the adjourned session and those originating in the other house may be messaged immediately.

The details of the adjournment may be set forth in the joint resolution of adjournment.

Procedure for killing en masse

At least since 1949 the senate has killed the proposals at the end of the session en masse. If the proposals are killed en masse, it may be done by motion. In 1957 the senate motion was as follows:

"Senator Travis moved that all resolutions, joint resolutions and bills whether on calendars, before committees, in conference between the houses, before the Legislative Council, on the table, or in whatever other status, except measures which have been finally acted upon by the senate, and those which have been expressly reserved by resolutions for action at the recessed session be treated en masse and adversely disposed of". (S.J. 1957, p. 1789)

In 1955 the senate motion for such disposal made certain exclusions and read as follows:

"Senator Rogan moved that all resolutions, joint resolutions, bills and claims, whether on calendars, before committees, in conference between the houses, before the Legislative Council, on the table, or in whatever other status, except bills relating to claims and measures which have been finally acted upon by the senate, except those which have been expressly reserved by resolutions for action at the recessed session, and except No. 279, S., No. 535, S., No. 622, S., No. 455, A., No. 472, A., No. 522, A., and No. 688, A., be treated en masse and adversely disposed of." (S.J. 1955, p. 1694)

Several efforts by motion and unanimous consent to include other measures and to exclude some of those listed were made, but all were defeated.

The Journal then records the disposition made of the bills, listing them in numerical order under the category of action necessary to kill. These actions were as follows:

1. Senate bills before the senate were indefinitely postponed.
2. Assembly bills before the senate were nonconcurrent in.
3. Senate bills on the table were taken from the table and indefinitely postponed.
4. Senate resolutions on the table were taken from the table and rejected.
5. Assembly bills before the senate and not ready for final action were refused further action.
6. Senate resolutions in committee were recalled from committee and rejected.
7. Senate bills in committee were recalled from committee and indefinitely postponed.
8. Assembly measures in committee were recalled and nonconcurrent in.

In order to assure that all measures adversely disposed of on the last day could not be revived when the senate reconvened, a motion was made in 1955 that the vote by which the prior motion was adopted be reconsidered, and the motion failed, thereby precluding all efforts to revive these proposals when the legislature reconvened. (See S.J. 1955, p. 1703)

Precisely the same technique was used by the senate in 1953.
(See S.J. 1953, p. 1481)

Specific provision for postponement of particular bills

The senate motion of 1955 alluded to bills expressly reserved by resolutions for action at the recessed session. By Joint Resolutions 97, S., and 103, S., specific bills were referred to the Legislative Council with instructions to report on them to the adjourned session.

Disposition of measures on an individual basis

Since 1953 the assembly has adversely disposed of all measures not adopted, passed or concurred in at the end of the session on an individual basis. Under this plan each measure is placed under consideration by withdrawal from its current location and indefinitely postponed, returned to author, nonconcurred in or otherwise disposed of as the situation warrants.

As has been pointed out in connection with the treatment en masse, any action to dispose of the measures on the last day before a prolonged adjournment, other than sine die, opens up the measures to reconsideration on the day of reconvening. To allay this, at least once, in 1953, the assembly went through the laborious process of moving reconsideration on every assembly measure killed on the last day to stop any possibility of later reconsideration, and immediately messaged all senate measures killed for the same reason.

En masse treatment in the assembly

In 1951, however, by Resolution 49, A., the assembly provided:

"Resolved by the assembly, That all bills, resolutions and joint resolutions in the assembly committees and in the chief clerk's possession, at the time of adjournment in accordance with joint resolution No. 99, A., upon which action is incomplete be indefinitely postponed, nonconcurred in or rejected, and that all bills, resolutions and joint resolutions upon which action has been completed and which are in committees or in the chief clerk's possession be completed by enrollment as provided by assembly rules." (See A.J. 1951, p. 1905)

This resolution was followed by a listing of:

1. Assembly bills indefinitely postponed.
2. Assembly joint resolutions rejected.
3. Assembly resolutions rejected.
4. Senate joint resolutions and bills nonconcurred in.

In 1949 the same result was obtained by a series of requests for unanimous consent as follows:

"Mr. Thomson asked unanimous consent that the rules be suspended and that all bills, presently on the table, be withdrawn from the table and indefinitely postponed. Granted." (A.J. 1949, p. 2218)

"Mr. Thomson asked unanimous consent that the rules be suspended and that all bills, referred to or presently in special committees, be withdrawn from said committees and indefinitely postponed. Granted." (A.J. 1949, pp. 2218-19)

"Mr. Thomson asked unanimous consent, that the rules be suspended, and that all bills upon which action was incomplete, be indefinitely postponed. Granted." (A.J. 1949, p. 2219)

However, a similar request for unanimous consent made on September 13 just prior to adjournment was objected to (see A.J. 1949, p. 2275) and so several joint resolutions introduced at the adjourned session died in process, generally in committee.

In 1947 a hybrid system was used in the assembly whereby on motion all the enumerated bills, joint resolutions and resolutions in particular committees were withdrawn and indefinitely postponed, non-concurred or rejected. (A.J. 1947, pp. 2047-2051) A careful check of the records reveals that the assembly completed action on every senate measure but one, 611, S., which went to conference on the last day of the session prior to recess, but no meeting of the conference committee was ever held.

Joint resolutions of adjournment for prolonged periods of time 1947-1957

Except for the 1951 session, each legislature since 1943 has adjourned in June, July or August and returned later to complete its work. Each time some attention was given to the content of the joint resolution providing such adjournment in order to set out precisely what would be considered when the legislature reconvened. These efforts to clearly define the limitations were not always successful nor were they always adhered to.

The text of the joint resolutions of adjournment since 1947 were as follows:

1947. Joint Resolution 79, S., July 19. (Session from 1/8-7/19 and 9/9 to 9/11)

Resolved by the senate, the assembly concurring, That when the two houses adjourn on Saturday, July 19, 1947, they adjourn until 10 a.m., Tuesday, September 9, 1947, such adjourned session to be only for the consideration of pending executive vetoes, revisor's correction bills and reports of committees of conference on any bills in connection with which such committees of conference were appointed or requested prior to adjournment on July 19. Be it further

Resolved, That after July 19, 1947, the chief clerks and sergeants-at-arms of the respective houses be directed to retain only such employes as are necessary to the completion of pending business at the compensation provided by law.

1949. Joint Resolution 64, S., July 9. (Session from 1/12-7/9 and 9/12-13)

Resolved by the senate, the assembly concurring, That when the two houses adjourn on Saturday, July 9, 1949, they adjourn until 10. a.m. Monday, September 12, 1949, such adjourned session to be only for the consideration of pending executive vetoes, revisor's correction bills and senate action on appointments of the governor. Be it further

Resolved, That after July 9, 1949, the chief clerks and sergeants at arms of the respective houses be directed to retain only such employes as are necessary to the completion of pending business at the compensation provided by law.

1951. Joint Resolution 99, A., June 14. (Session 1/10-6/14, continuous)

(A substitute amendment for an ajourned session was defeated)

Resolved by the assembly, the senate concurring, That when the two houses of the legislature adjourn on the day of June 14, 1951, they adjourn sine die. Be it further

Resolved, That after the date of adjournment the chief clerks and sergeants at arms of the respective houses be directed to retain only such employes as are necessary to the completion of pending business and at the compensation provided by law.

1953. Joint Resolution 58, S., June 12. (Session 1/14-6/12 and 10/26 to 11/6)

Resolved by the senate, the assembly concurring, That when the two houses adjourn on Friday, June 12, 1953, they adjourn until 2 p.m. Monday, October 26, 1953, such adjourned session to be only for the consideration of action on matters relating to reapportionment including Bill 472, A., matters relating to state finance, action on claims against the state which have been referred to the claims commission created by Chapter , (Bill 859, A.) laws of 1953, for investigation, turnpike legislation, pending executive vetoes, governor's appointments and revisor's correction bills; and be it further

Resolved, That after June 12, 1953, the chief clerks and sergeants at arms of the respective houses be directed to retain only such employes as are necessary to the completion of pending business at the compensation provided by law; and be it further

Resolved, That the following bills be held by the chief clerk of the house of origin pending the reconvening of the legislature:

SENATE CLAIM BILLS:

67, S. (Senator Knowles by request of Joe F. Gregor) Joe F. Gregor to compensate him for damages to his property caused by bridge construction.

- 127, S. (Senator Padrutt) Eileen Reardon to compensate her for damages arising from injuries to her person sustained on September 30, 1952 in the city of Eau Claire, Eau Claire county, Wisconsin.
- 169, S. (Senator Olson) Ernest Ziehli to compensate him for damages sustained by reason of anthrax infection among his cattle.
- 175, S. (Committee on Judiciary by request of Robert J. Simpson) Robert J. Simpson to reimburse him for damages resulting from the construction of a state highway.
- 179, S. (Senator Busby) Alois Koziellecki as partial compensation for an unsuccessful effort to rehabilitate a state charge.
- 262, S. (Senator Porter) Kenneth L. Seitz to compensate him for damages to his property caused by highway construction.
- 394, S. (Senator Leverich) Ray Solberg d/b/a Sparta Floral Company of Sparta for property damage caused by 3 boys from the Wisconsin child center.
- 481, S. (Senator Lenroot, at the request of Atty. P. G. McGill) Daniel Kilgore for personal injuries sustained and to Mrs. Joseph Hucovski for medical expenses incurred as a result of an accident in which Daniel Kilgore was injured.
- 520, S. (Committee on Legislative Procedure) Lisle and Myron Piper for loss sustained as a result of condemnation of swine due to vesicular exanthema.
- 547, S. (Committee on Legislative Procedure) Arthur Lucht and Sons for loss sustained as a result of condemnation of swine due to vesicular exanthema.
- 588, S. (Committee on Legislative Procedure) Harry Alexopoulos of Milwaukee to compensate him for expenses incurred and for his pain and sufferings as a result of an accident in which he was injured at the state fair park on August 23, 1952.
- 614, S. (Committee on Legislative Procedure) Carl Jenkins of the town of Suamico for property damage by reason of the destruction of his car by 2 inmates of the Wisconsin state reformatory.
- 616, S. (Committee on Legislative Procedure) Green Bay soap company to compensate it for losses sustained by reason of anthrax quarantine of hides.
- 657, S. (Senator LaFond) Guy LaFond to compensate him for damages sustained by reason of seizure of his fish nets by employes and agents of the conservation department.
- 658, S. (Committee on Legislative Procedure) Lelon R. Lange for loss sustained as a result of condemnation of swine due to vesicular exanthema.

- 666, S. (Committee on Legislative Procedure) Ervin Jakubiak, Ignatz Jakubiak and Raymond Jakubiak for losses sustained as a result of condemnation of swine due to vesicular exanthema.
- 670, S. (Committee on Legislative Procedure) Edward J. Ignasiak and Theodore Ignasiak--condemnation of swine due to vesicular exanthema.

ASSEMBLY CLAIM BILLS:

- 105, A. (Mr. Peabody) Ed H. Matz--anthrax.
- 346, A. (Mr. Kostuck) Wendell Krogwold--anthrax.
- 358, A. (Mr. Stone) Roy D. Bailey of Sauk County to reimburse him for property damages caused by a defective highway.
- 548, A. (Mr. Nitschke by request) Earl E. Schumacher to reimburse him for property damage incurred as a result of a collision with a state owned motor vehicle.
- 698, A. (Mr. Reilly) Theodore H. Esser of Wauwatosa to reimburse him for the unused portion of a 1950-1951 truck registration fee due to his induction into the armed forces.
- 743, A. (Mr. LaFave) Ansorge Distributing Company of Gillett, Wisconsin anthrax.
- 748, A. (Mr. Merten) Ferd J. Schmidt to compensate him for materials furnished the state in 1916.
- 768, A. (Mr. Nowakowski) Mrs. Margaret Schinko, of Milwaukee, to compensate her for loss of wages and medical expenses resulting from an accident at state fair park on August 24, 1952.
- 786, A. (Mr. Toepel by request) Theodore A. Neurater to compensate him for damages resulting from a defective state trunk highway.
- 194, A. (Indemnity occasioned by quarantine orders of dept. of agriculture.)

1955. Joint Resolution 117, A., June 24. (Session 1/12-6/24 and 10/3-10/21)

Resolved by the assembly, the senate concurring, That when the two houses adjourn on Friday, June 24, 1955, they adjourn until 2. p.m. Monday, October 3, 1955, such adjourned session to be only for consideration and action on measures still pending in bill or resolution form, action on claims against the state which have been referred to the claims commission created by Chapter 98, laws of 1955, for investigation, pending executive vetoes, governors' appointments and revisor's correction bills; and, be it further

Resolved, That after June 24, 1955, the chief clerks and sergeants at arms of the respective houses be directed to retain only such employes as are necessary to the completion of pending business at the compensation provided by law.

1957. Joint Resolution 116, A., June 28. (Session 1/9-6/28 and 9/23-9/27)

Resolved by the assembly, the senate concurring, That when the two houses adjourn on June 29, 1957, they adjourn until 2 p.m. Monday, September 23, 1957; and, be it further

Resolved, That after June 30, 1957, the chief clerks and sergeants at arms of the respective houses be directed to retain only such employes as are necessary to the completion of pending business at the compensation provided by law.

Adherence to the joint resolutions of adjournment

Between the date of adjournment and reconvening of an adjourned session, many things may happen which make it impossible to adhere to the adjournment agreement as expressed in the joint resolution of adjournment. In 1955 the point of order was raised that the joint resolution of adjournment precluded the introduction of new bills. It was ruled that the joint resolution of adjournment did not supersede the rules relating to the introduction of bills, but was merely a general agreement.

It is clear that regardless of what restrictions are placed on the scope of the adjourned session, measures may be introduced by:

1. Unanimous consent. (See Bill No. 878, A., in Assembly Journal of 1953, p. 1903 and Bills 714, S., and 715, S., in Senate Journal 1953, pp. 1653 and 1659; see also Bill 842, A., of 1957)
2. Suspension of the rules. (See Senate Journal of October 28, 1953, and November 3, 1953, for efforts to introduce bills by this method)
3. By joint resolution. In 1947 three bills were introduced by authority of joint resolutions. (See Joint Resolution 108, A., 1947, authorizing introduction of Bill No. 602, A.)
4. By authorized committees. In 1957 the Committee on Rules introduced 18 bills, the Committee on Legislative Procedure introduced 28 and the Committee on Revision, Repeals and Uniform Laws introduced 3. The Legislative Council and the Joint Finance Committee could also introduce bills.
5. Any member by reason of having met the original deadline on the introduction of bills by a request filed with the Legislative Reference Library prior to the deadline of the 44th day may be introduced any time prior to sine die adjournment.