



State of Wisconsin  
2011 – 2012 LEGISLATURE  
January 2011 Special Session



LRB-1585/1  
RAC:kjf:rs

## SENATE RESOLUTION 1

March 3, 2011 – Introduced by Senator S. FITZGERALD. Referred to Committee on Senate Organization.

1     **Relating to:** compelling attendance of senators without leave.

2             Whereas, article IV, section 7 of the Wisconsin Constitution provides that “Each  
3     house shall be the judge of the elections, returns and qualifications of its own  
4     members; and a majority of each shall constitute a quorum to do business, but a  
5     smaller number may adjourn from day to day, and may compel the attendance of  
6     absent members in such manner and under such penalties as each house may  
7     provide”; and

8             Whereas, article IV, section 8 of the Wisconsin Constitution provides that “Each  
9     house may determine the rules of its own proceedings...”, and may punish for  
10    contempt; and

11            Whereas, Senate Rule 16 provides that “Members of the senate may not be  
12    absent from the daily session during the entire day without first obtaining a leave  
13    of absence”; and

14            Whereas, the senate was called to order and the roll was taken on February 17,  
15    18, 22, 23, 24, and 25, and March 1 and 2; and

1           Whereas, the following senate members were absent from each of those  
2 sessions: Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin,  
3 Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout, and Wirch; and

4           Whereas, each of those absent senators was absent without leave; and

5           Whereas, the absent senators have violated and continue to violate their plain  
6 and positive duty of attendance as required by Senate Rule 16, the plain and positive  
7 duty undertaken pursuant to the Wisconsin Constitution, article IV, section 28 which  
8 provides that “Members of the legislature...shall...take and subscribe an  
9 oath...faithfully to discharge the duties of their respective offices to the best of their  
10 ability” and the plain and positive duty inherent in their election in a representative  
11 democracy to faithfully attend, participate, and vote in the sessions of the legislature  
12 to which they were elected; and

13           Whereas, this body has sought by multiple calls of the senate, by the passage  
14 of certain resolutions, and by its taking of certain actions through its leadership, to  
15 provide notice to the absent senators that their continued absence was, and  
16 continues to be, contrary to the senate rules and was, and continues to be, contrary  
17 to the duty those senators owe to this body and owe to the citizens of Wisconsin; and

18           Whereas, the absent senators have been provided an opportunity to be heard  
19 on all matters that have been raised concerning their conduct by returning at any  
20 time to the senate in order to be recognized by the chair during session and speak on  
21 those matters, but none have returned; now, therefore, be it

22           ***Resolved by the senate, That*** the senate hereby exercises its constitutional  
23 authority, including, but not limited to, the authority granted to it by article IV,  
24 section 7, to “[c]ompel the attendance of absent members in such manner and under  
25 such penalties” as it may provide; and, be it further

