



2011 SENATE RESOLUTION 3

March 2, 2011 – Introduced by Senator S. FITZGERALD. Referred to Committee on Senate Organization.

- 1 *To amend* senate rule 84; and *to create* senate rule 13n; relating to: imposing a
2 penalty on a senator who is absent without leave.

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other matters, not including salary, the amount of any unpaid penalties and costs. The senate majority leader may also take certain measures to compel the attendance of any senator who is absent without leave.

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

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- 3 *Resolved by the senate, That:*
4 SECTION 1. Senate rule 13n is created to read:

1 SENATE RULE 13n. **Imposing penalties on senators who are absent**
2 **without leave.** (1) **PENALTY.** A member of the senate who is absent from 2 or more
3 session days without obtaining a leave of absence under rule 16 shall do all of the
4 following:

5 (a) Forfeit to the senate \$100 for each day that the member is absent without
6 leave. Amounts under this paragraph shall be paid exclusively from the member's
7 personal funds.

8 (b) Reimburse to the senate the actual costs incurred in compelling the
9 attendance of the member. The chief clerk shall calculate the costs and submit the
10 result to the president. Amounts under this paragraph shall be paid exclusively from
11 the member's personal funds.

12 (2) **PROCESS.** (a) The penalties and costs under sub. (1) are imposed by a senate
13 resolution that identifies the member who is absent without leave. A resolution
14 under this paragraph is a privileged resolution and may be offered by any member
15 of the senate at any time during the legislative session in which the absence without
16 leave occurs.

17 (b) Publication of a senate calendar that includes the resolution serves as notice
18 to the member who is absent without leave that the member is subject to the
19 penalties and costs under sub. (1). The president may provide additional notice to
20 the member who is absent without leave by requiring the sergeant at arms to deliver
21 a copy of both the calendar and the resolution to the senate office of the member who
22 is absent without leave.

23 (c) A member of the senate who is identified in a resolution under this
24 subsection shall be given an opportunity to be heard on the resolution only on the

1 session day on which the resolution is before the senate. If the member is absent on
2 that day, the member waives his or her opportunity to be heard on the resolution.

3 (3) COLLECTION AND COMPULSION. (a) If a member who owes the penalties and
4 costs imposed under subs. (1) and (2) has not paid those amounts in full within 30
5 days after the day on which a resolution under sub. (2) is adopted, the chief clerk shall
6 withhold any payments due to the member for per diem, travel expenses, or other
7 matters, not including salary, in an amount equal to the unpaid penalties and costs.

8 (b) When a member of the senate is absent without leave from 2 or more session
9 days, the senate majority leader, with the consent of the committee on senate
10 organization, may do any of the following to compel the absent member to attend:

11 1. Direct the chief clerk to terminate the direct deposit of the absent member's
12 paycheck and provide the paycheck to the majority leader for the absent member to
13 pick up in person.

14 2. Direct the chief clerk to cease any and all expense reimbursements for the
15 absent member that are paid out of the member's office expense account until a date
16 specified or the end of the legislative biennium, whichever is earlier.

17 3. Direct the chief clerk to reduce or zero out the balance of the absent member's
18 office expense account for the remainder of the legislative biennium.

19 4. Direct the sergeant at arms to revoke the parking privileges allocated to the
20 absent member, and the member's staff, for the remainder of the legislative
21 biennium.

22 SECTION 2. Senate rule 84 is amended to read:

23 SENATE RULE 84. **Sergeant to bring in absentees.** The chief clerk shall
24 immediately call the roll of the members, and note the absentees, whose names shall
25 be read, and entered upon the journal in such manner as to show who are absent with

1 leave and who are absent without leave. The chief clerk shall furnish the sergeant
2 at arms with a list of those who are absent without leave, and the sergeant at arms
3 shall forthwith proceed to find and bring in such absentees. In exercising his or her
4 responsibilities under this rule, the sergeant at arms may request the assistance of
5 any law enforcement officer in this state.

6 **SECTION 3. Initial applicability.**

7 (1) The treatment of senate rules 13n and 84 first applies to a senator who is
8 absent 2 or more session days that occur on or after the day this resolution is adopted
9 by the senate.

10 (END)