

Review finds Wisconsin has least active full-time legislature in nation since pandemic

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The Wisconsin Legislature has been the least active full-time state legislative body in the country since states began taking measures to combat the COVID-19 pandemic, a WisPolitics.com review finds.

In the other nine states with full-time legislatures, as defined by the National Conference of State Legislatures, lawmakers on average have met 18 times more frequently than their Wisconsin counterparts since Gov. Tony Evers first declared a public health emergency on March 12.

Kit Beyer, a spokeswoman for Assembly Speaker Robin Vos, R-Rochester, noted seven of the nine other full-time legislatures are in states with an annual budget, a process requiring more floor sessions.

Both Beyer and a spokesman for Senate Majority Leader Scott Fitzgerald, R-Juneau, also highlighted committee action and the floor calendar approved by a vast majority of state lawmakers at the beginning of the legislative session. That calendar set the last regularly scheduled floor period at the end of March.

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“That means Democrats agreed to the number of floor days for the Legislature,” Beyer said in an email.

An Evers spokeswoman countered Republicans have the ability to convene in extraordinary sessions outside of the regularly scheduled session.

“Republicans in Wisconsin have refused to take COVID-19 seriously from the

beginning and continue to be unfazed by this crisis even after more than 50 reported COVID-19 deaths in three days,” spokeswoman Britt Cudaback said in an email. “Wisconsinites deserve elected officials who will put politics aside and show up to work to do the right thing, and that’s what the governor will continue to do in responding to this pandemic.”

Since Evers first declared a public health emergency due to COVID-19, a quorum of lawmakers has met on the floor just once in each chamber of the GOP-run Wisconsin Legislature. The state Assembly convened in a hybrid virtual/in-person format on April 14 to pass legislation aimed at helping Wisconsin deal with the impact of COVID-19. The Senate met almost entirely online one day later to send the package to Evers’ desk, and the gov signed it into law the same day.

By comparison, a WisPolitics.com review of legislative journals — combined with outreach to legislative clerks — found in states with full-time legislatures, the higher and lower chambers combined to convene for between nine and 58 floor sessions since March 12.

The states are: Dem-controlled California (37 meetings), New York (30 meetings), Hawaii (43 meetings), Massachusetts (57 meetings) and Illinois (nine meetings); and GOP-controlled Pennsylvania (33 meetings), Ohio (23 meetings), Michigan (58 meetings) and Alaska (33 meetings).

Of that group, only Hawaii and Ohio use biennial budgets.

NCSL, a nonpartisan organization currently led by Vos, defines those nine states and Wisconsin as full-time based on three factors: working as a legislator for at least 80 percent of what would be considered a full-time job; employing large staffs; and being compensated well enough to not require supplemental income.

Wisconsin’s other neighbors, Iowa and Minnesota, both fall under NCSL’s hybrid full-time/part-time definition. Minnesota lawmakers have met on the floor 62 times since March 12, while the Iowa Legislature met 17 times in that period. In Minnesota, a biennial budget state, the Senate is controlled by Republicans while Dems control the House. Republicans in Iowa control both chambers of the statehouse as well as the state’s annual budget process.

COVID-19 relief

Since the Wisconsin Legislature's last meeting in April, Evers has urged them to take action on COVID-19. Still, the only special session he's called was to address police policies.

After Republican lawmakers sued the Evers administration over an extension of the gov's stay-at-home order, the state Supreme Court struck down the directive and ruled it should've been issued as a rule to give lawmakers oversight of the process.

Lawyers representing Republican lawmakers in that suit indicated in an April legal brief the Legislature was "ready, willing, and able to work with DHS and at the same time craft legislation (which it is drafting even now) to respond to the pandemic in a comprehensive and balanced fashion and guided by federal recommendations."

But since the court decision, no such plan materialized.

The state now ranks among the worst in the country in coronavirus cases. Wisconsin is also experiencing record hospitalizations and single-day deaths due to the virus. Critics have argued the lack of a statewide plan, which GOP lawmakers now have the power to implement, is the driving force behind the recent COVID-19 spike.

Quizzed on the state of COVID-19 in Wisconsin, Beyer said Vos is "concerned with the rise in COVID cases and deaths."

"He has been in regular contact with health officials and local leaders on the response to the coronavirus," she said. "Speaker Vos hasn't heard directly from the governor beyond wanting people to wear a mask."

Beyer also said Vos "agrees with the governor and the White House that everyone should follow CDC guidelines and he continues to encourage mask wearing."

Vos' Facebook page, two Twitter pages and press releases do not contain messaging encouraging mask wearing. Beyer said Vos "frequently" backs mask wearing in interviews, press conferences and interactions with constituents but could not provide an example.

Meanwhile, Fitzgerald spokesman Dan Romportl said "there is nothing before the senate to act on."

"The Governor has not reached out to legislative leadership on a second bill

regarding COVID-19,” Romportl said in an email.

Evers in July issued a new public health emergency along with a mask mandate while indoors. On Sept. 22, he re-upped both orders for an additional 60 days.

Fitzgerald suggested after Evers issued the initial mask mandate he has the votes in his caucus to overturn it, saying Senate Republicans are “ready to convene the body” to end the order. Some Assembly Republicans also issued statements in the wake of the original mask mandate calling for the Legislature to come back for a vote on the directive.

Though Vos and Fitzgerald said both the July and the September orders were illegal, the Legislature has yet to reconvene to overturn them. Republican lawmakers today filed a brief supporting a lawsuit that seeks to overturn the mask mandate, a move Cudaback blasted.

“It’s unconscionable that Republicans who haven’t passed a bill in 170 days somehow mustered the will to join yet another lawsuit aimed at preventing the governor from keeping people safe,” she said in an email.

Conservatives and liberals call for legislative action

Organizations spanning the political spectrum have called for the Legislature to both take up new proposals and give final passage to more than 100 bills awaiting action in the state Senate. Lawmakers can convene in extraordinary session to take up those proposals, but bills that don’t pass in this two-year session have to be reintroduced, starting the process all over.

The conservative-leaning Wisconsin Manufacturers & Commerce in mid-September published a letter to lawmakers backed by over 60 business associations, nonprofits and local chambers of commerce asking for action on a proposal that would provide coronavirus liability protection.

“The Legislature needs to act quickly to protect businesses, non-profits, and individuals doing the right thing,” the coalition wrote in the letter.

Beyer indicated coronavirus liability protection “may be considered in the future.”

Republican U.S. Sen. Ron Johnson also called on the Legislature to reconvene to take up legislation aimed at allowing absentee ballots sent through the mail to be

counted before Election Day.

“I think we should change the law so the ballots can be counted well before Election Day, so that Wisconsin results are known by 9, 10, 11 o’clock on Election Day, so Wisconsin isn’t part of the problem,” the Oshkosh Republican said in an interview aired Sunday on the “UpFront” program, which is produced in partnership with WisPolitics.com.

Sen. Kathy Bernier — a Chippewa Falls Republican and former county clerk who chairs the Senate panel overseeing elections — told WisPolitics.com last month she had no interest in such a bill, citing concerns about transparency.

Beyer highlighted Vos’ support for a separate bill that would allow those returning an absentee ballot in-person ahead of election day to feed their ballot into a tabulator at a clerk’s office rather than sealing it in an envelope for processing on election day.

That bill was approved by Bernier’s panel along party lines but did not see the Senate floor. The Chippewa Falls Republican said the bill was one of her top priorities in the next legislative session.

A host of liberal-leaning and nonpartisan organizations as well as Dem lawmakers have also called on the Assembly and Senate to reconvene to take up myriad other issues ranging from police reform to support for those with disabilities.

Evers in August called a special session to take up a package of bills addressing police training and policies in the wake of the shooting of Jacob Blake, a Black man, by a Kenosha police officer. But Republicans who control both the Senate and the Assembly instead opted to gavel in and adjourn with few members in the chambers.

Both Beyer and Romportl pointed to an Assembly task force on racial justice and police policies seeking to pull together proposals that could be voted on after lawmakers reconvene in January.

Meeting frequency becoming a campaign issue

The Legislature’s lack of action has made its way into campaign messaging.

The State Senate Democratic Committee earlier this week attacked Sen. Patrick Testin, R-Stevens Point, and legislative Republicans for being more concerned about

“suing Governor Evers over his life-saving mask mandate than they do about actually doing their jobs and helping Wisconsinites mitigate the damage this pandemic has caused.”

“As the chair of the Senate Committee on Health and Human Services, you’d expect that Senator Testin would be at the forefront of helping both his constituents and his state navigate the perils caused by COVID-19,” SSDC Executive Director Eric LaGesse said in a release. “Instead he seems more interested in shooting skeet and holding in-person fundraisers to support his re-election campaign than actually doing his job.”

Testin’s campaign was not immediately available to comment.

The state Dem Party has targeted vulnerable Assembly Republicans Jim Ott, of Mequon, and Todd Novak, of Dodgeville, with similar criticism.

This item first ran in WisPolitics.com’s [FRI REPORT](#), which is available to subscribers only. See subscription information [here](#).