2011 SENATE BILL 119

June 2, 2011 – Introduced by Senators HOLPERIN, WIRCH, HANSEN, MILLER, VINEHOUT, RISSER, S. COGGS and LASSA, cosponsored by Representatives BEWLEY, HULSEY, JORGENSEN, PASCH, MOLEPSKE JR, POCAN, HEBL, BERCEAU, KAUFERT and RINGHAND. Referred to Committee on Natural Resources and Environment.

1   AN ACT *to amend* 15.05 (1) (c), 15.34 (2) (a) and 17.20 (1) of the statutes; **relating**

2   **to:** the appointment and term of service of the secretary of natural resources

3   and vacancies on the Natural Resources Board.

Analysis by the Legislative Reference Bureau

Under current law, the secretary of natural resources is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under this bill, the secretary of natural resources is nominated by the Natural Resources Board, and with the advice and consent of the senate appointed, for a four-year term. As the appointing body, the Natural Resources Board may remove the secretary from office at any time. The bill provides that the secretary in office when the bill takes effect serves a four-year term beginning when he or she was appointed.

Under current law, when an appointive state office that has a specific term becomes vacant, because of a resignation or removal, for example, the new appointee is appointed for the rest of the unexpired term. Under this bill, when the office of secretary of natural resources becomes vacant, the new appointee serves a full four-year term beginning when he or she is appointed.

Under current law, the Natural Resources Board consists of seven members nominated by the governor, and with the advice and consent of the senate appointed, for six-year terms. As with members of other state boards, a member of the Natural Resources Board may continue to serve after the expiration of his or her term until a successor is nominated and the senate consents to the nomination. This bill

provides that the position of a member of the Natural Resources Board nominated after January 1, 2012, becomes vacant upon the expiration of the member's term. This change triggers the application of a current provision under which the governor may provisionally fill a vacancy, without the consent of the senate. The provisional appointment remains in effect until the senate acts on the appointment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 15.05 (1) (c) of the statutes is amended to read:

2 15.05 **(1)** (c) The secretary of natural resources shall be nominated by the

3 ~~governor~~ natural resources board, and with the advice and consent of the senate

4 appointed, ~~to serve at the pleasure of the governor~~ for a 4–year term.

5 SECTION 2. 15.34 (2) (a) of the statutes is amended to read:

6 15.34 **(2)** (a) The natural resources board shall consist of 7 members appointed

7 for staggered 6–year terms. Upon the expiration of the term of a member nominated

8 after January 1, 2012, the position that was held by the member is vacant.

9 SECTION 3. 17.20 (1) of the statutes is amended to read:

10 17.20 **(1)** GENERAL. Vacancies in appointive state offices shall be filled by

11 appointment by the appointing power and in the manner prescribed by law for

12 making regular full term appointments thereto, and appointees to fill vacancies

13 therein shall hold office for the residue of the unexpired term or, if no definite term

14 of office is fixed by law, until their successors are appointed and qualify, except that

15 an appointee to fill a vacancy in the office of secretary of natural resources is

16 appointed to a full 4–year term beginning on the date of appointment and

17 qualification.

18 SECTION 4. **Nonstatutory provisions.**

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SENATE BILL 119   SECTION 4

1   (1) The secretary of natural resources serving on the effective date of this

2 subsection shall serve a 4–year term beginning on the date on which the secretary

3 was appointed by the governor.

4   **(END)**