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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

**2003-04**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on Government Operations and  
Spending Limitations...**

### **COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### **INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Assembly

### Record of Committee Proceedings

#### **Committee on Government Operations and Spending Limitations**

##### **Assembly Joint Resolution 65**

Relating to: deleting from the constitution the offices of secretary of state and state treasurer (first consideration).

By Representatives Suder, Kerkman, F. Lasee, Kreibich, Huebsch, Albers, Ainsworth, Bies, Gottlieb, Gundrum, Hines, Jeskewitz, Krug, Ladwig, LeMahieu, Montgomery, Nass, Owens, Loeffelholz, Vukmir, Ward, J. Wood and Ziegelbauer; cosponsored by Senators Roessler, Kanavas, Leibham, A. Lasee and Reynolds.

January 29, 2004      Referred to Committee on Government Operations and Spending Limitations.

February 11, 2004      **PUBLIC HEARING HELD**

Present:    (6)      Representatives F. Lasee, Loeffelholz, Musser, Weber, Zepnick and Wasserman.

Absent:    (0)      None.

##### Appearances For

- Rep. Samantha Kerkman, 66th Assembly District
- Rep. Scott Suder, 69th Assembly District

##### Appearances Against

- Dan Wisniewski, Board of Commissioners of Public Lands
- Jack Voight, State Treasurer

##### Appearances for Information Only

- None.

##### Registrations For

- Sen. Carol Roessler, 18th Senate District
- Senator Ted Kanavas, 33rd Senate District
- Sen. Alan Lasee, 1st Senate District

##### Registrations Against

Ron Kuehn, Professional Insurers, Independent Insurance Agents,  
Wisconsin Association of Insurance and Financial Advisors  
Joanne Ricca, Wisconsin State AFL-CIO

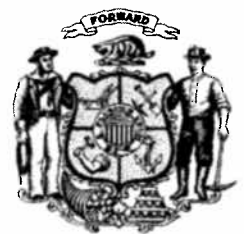
March 11, 2004

Failed to adopt pursuant to Senate Joint Resolution 1.

Lance Burri  
Committee Clerk



# WISCONSIN STATE LEGISLATURE





State Representative

## **Samantha J. Kerkman**

*Testimony of Representative Samantha Kerkman*

*Assembly Joint Resolution 65*

*Assembly Committee on Government Operations and Spending Limitations*

*February 11, 2004*

Thank you Chairman Lasee and committee members for the opportunity to testify before you today regarding Assembly Joint Resolution 65.

As some of you may be aware the Secretary of State and State Treasurer both appeared before the Budget Review Committee of which I am Chair of. After hearing from both of their offices it seemed to me that their duties did not necessarily need to be housed within their separate entities. In fact, the limited duties assigned to these offices could easily be assigned to departments that have similar interests. Eliminating these two positions, and their deputies, and dividing the duties amongst other departments, will clearly yield a financial savings. In addition to saving money, it will provide for a consumer friendly and streamlined form of government. As Chair of the Budget Review Committee, I am constantly looking for ways to make government more efficient. AJR 65 is a clear example of how the legislature can more effectively provide services to our residents.

In the 2003-04 Blue Book it states "In the early days of statehood, the secretary of state personally performed a broad range of duties that are now delegated to the specialized departments of the executive branch." This statement backs up the fact that although the Secretary of State had broad duties when the office was originally formed, these duties have now been redistributed.

Duties currently contained within the agencies could easily be disseminated to other departments with overlapping interests. There is no question that constituents find it confusing to get EdVest assistance from the State Treasurer instead of from the State Investment Board or Higher Educational Aids Board. Or, why the Secretary of State is charged with the duty of coordinating the publication of state laws with the Legislative Reference Bureau, instead of the LRB handling it.

Since introduction of the Assembly Joint Resolution 65 it has been alleged that this resolution represents a personal attack on those in office. I want to make clear that this resolution should not be viewed as such; instead it represents a common sense approach to consolidating Wisconsin government.

At this time I would be more than happy to answer any questions the committee may have.

### Office of the SECRETARY OF STATE

**Secretary of State:** DOUGLAS La FOLLETTE, 266-8888.

*Deputy Secretary of State:* MARY WAHLERS, 266-3470.

*Administrative Services Division:* MARLENE KOPLIN, *administrator*, 267-6810.

*Government Records Division:* MARJORIE H. ULMAN, *administrator*, 266-1437.

**Mailing Address:** P.O. Box 7848, Madison 53707-7848.

**Location:** 30 West Mifflin Street, 10th Floor, Madison 53702.

**Telephone:** (608) 266-8888.

**Fax:** (608) 266-3159.

**Internet Address:** <http://badger.state.wi.us/agencies/sos/>

**Publications:** Notary Public Information Brochure.

**Number of Employees:** 8.50.

**Total Budget 2001-03:** \$1,408,200.

**Constitutional References:** Article VI, Sections 1 and 2.

**Statutory Reference:** Chapter 14, Subchapter III.

**Agency Responsibility:** The Office of the Secretary of State performs a variety of services for state government and Wisconsin municipalities.

**Organization:** The secretary of state, a constitutional officer elected on a partisan ballot in the November general election, heads the Office of the Secretary of State.

**Unit Functions:** The *Administrative Services Division* maintains revenue and expenditure accounting systems and provides administrative support for the agency.

The *Government Records Division* keeps the Great Seal of the State of Wisconsin and affixes it to all official acts of the governor, issues notary public commissions, registers trade names and trademarks, coordinates the publication of state laws with the Legislative Reference Bureau, records official acts of the legislature and the governor, and files oaths of office. It also files deeds for state lands and buildings, issues notary authentications and apostilles (a form of international authentication of notaries public), preserves the original copies of all enrolled laws and resolutions, and files annexations, charter ordinances, and incorporation papers for villages and cities.

**History:** The 1836 congressional act that organized the Territory of Wisconsin provided for a secretary of the territory to be appointed by the President of the United States. This office was the forerunner of the post of secretary of state created by the Wisconsin Constitution. Delegates to the constitutional conventions of 1846 and 1848 determined that the secretary of state would be a constitutional officer. From the beginning of statehood until 1970, the secretary of state was elected for a 2-year term. Pursuant to a constitutional amendment ratified in 1967 and effective since the 1970 election, the term was extended to 4 years.

In the early days of statehood, the secretary of state personally performed a broad range of duties that are now delegated to the specialized departments of the executive branch. Chapter 276, Laws of 1969, created the Office of the Secretary of State to assist the secretary.

### Office of the STATE TREASURER

**State Treasurer:** JACK C. VOIGHT, 266-1714, [jack.voight@ost.state.wi.us](mailto:jack.voight@ost.state.wi.us)

*Deputy State Treasurer:* NICHOLAS J. VOEGELI, 266-7982, [nicholas.voegeli@ost.state.wi.us](mailto:nicholas.voegeli@ost.state.wi.us)

*Executive Assistant:* SHANE T. SAWALL, 266-3712, [shane.sawall@ost.state.wi.us](mailto:shane.sawall@ost.state.wi.us)

**Mailing Address:** P.O. Box 7871, Madison 53707-7871.

**Location:** One South Pinckney Street, 5th Floor, Madison.

**Telephone:** (608) 266-1714; Unclaimed property: (608) 267-7977, EdVest College Savings Program: (888) 338-3789.

**Fax:** (608) 266-2647.

**Internet Address:** <http://www.ost.state.wi.us>

**Publications:** Monthly and biennial reports of the cash position of the state; monthly report on the Local Government Pooled-Investment Fund; periodic newsletter for local clerks and treasurers; and annual classified listing of unclaimed property owners.

**Number of Employees:** 18.50.

**Total Budget 2001-03:** \$4,220,000.

**Constitutional References:** Article VI, Sections 1 and 3.

**Statutory Reference:** Chapter 14, Subchapter IV.

**Agency Responsibility:** The Office of the State Treasurer serves citizens and state agencies by providing for receipt, custody, oversight, and disbursement of state moneys and money deposited by law with the state.

**Organization:** The state treasurer, a constitutional officer elected for a 4-year term by partisan ballot in the November general election, heads the Office of the State Treasurer and is the fiscal trustee for the State of Wisconsin.

**Functions:** The state treasurer acts as registrar for all state general obligation bonds and administers the Local Government Pooled-Investment Fund. The office makes a daily determination of funds available for investment by the State of Wisconsin Investment Board; makes monthly collections of fines, forfeitures, penalties, and court fees due the state; makes quarterly collections of probate fees; collects payments on loans made by the Board of Commissioners of Public Lands; and makes annual settlements with local government treasurers of taxes and fees due the state. The state treasurer serves as custodian of unclaimed and escheated property that is transferred to the state when owners and heirs cannot be found and runs outreach programs to locate rightful owners. The state treasurer also administers EdVest, the state's Section 529 college savings program.

**History:** The territorial treasurer, an office created in 1839, was appointed by the governor, but the Wisconsin Constitution, adopted in 1848, made the office an elective partisan position. From 1848 through 1968, the state treasurer was elected to a 2-year term in the November general election. Since 1970, following ratification of a constitutional amendment in April 1967, the state treasurer has been elected to a 4-year term. Chapter 276, Laws of 1969, created the Office of the State Treasurer to assist the treasurer.

INDEPENDENT UNIT ATTACHED FOR BUDGETING, PROGRAM COORDINATION, AND RELATED MANAGEMENT FUNCTIONS BY SECTION 15.03 OF THE STATUTES

#### COLLEGE SAVINGS PROGRAM BOARD

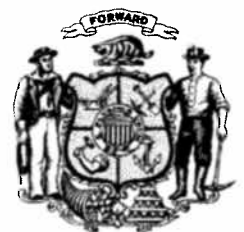
**Members:** ALBERTA DARLING, *chairperson*; JACK C. VOIGHT (state treasurer), *vice chairperson*; TOBY MARCOVICH (UW Board of Regents president); ROLF WEGENKE (president of the Wisconsin Association of Independent Colleges and Universities); JAMES A. SENTRY (designated by the chairperson of the Investment Board); NINO AMATO (president of the Technical College System Board); PAUL C. ADAMSKI, JOHN BUBOLZ, MICHAEL D. WOLFF 2 vacancies. (All except *ex officio* members are appointed by the governor with senate consent.)

**Mailing Address:** P.O. Box 7871, Madison 53707-7871.

**Telephone:** 264-7886.



# WISCONSIN STATE LEGISLATURE



STATEMENT BY SECRETARY OF STATE DOUG LA FOLLETTE  
TO THE ASSEMBLY COMMITTEE ON GOVERNMENT OPERATIONS AND  
SPENDING LIMITATIONS  
IN REGARDS TO ASSEMBLY JOINT RESOLUTION 65  
WEDNESDAY, FEBRUARY 11, 2004

Thank you for the opportunity to comment on Assembly Joint Resolution 65, which would abolish the Offices of the Secretary of State and State Treasurer. I would like to express my concerns to you regarding this proposed constitutional amendment and explain my opposition to it, particularly as it relates to the Secretary of State.

Allow me to begin by telling you briefly about the responsibilities of the Office of the Secretary of State. In addition to the four tasks assigned to me by the constitution, there are many more assigned by the statutes. Currently these duties require 8.5 employees to implement and include registering trade names and trademarks, issuing notary public commissions, notary authentications and apostilles and recoding annexations and charter ordinances of villages and cities.

These responsibilities cannot simply be abolished or given to the Attorney General. They must be performed somewhere, presumably within an organization with an administrative hierarchy of supervisors.

I believe that the duties of the Secretary of State should remain with an elected official. It is better to have an individual charged with these responsibilities – some of them policy-oriented - to be elected for the following reasons:

First, there is the issue of ensuring high quality service to the people of Wisconsin. It is obvious that elected officials are most accountable as their performance comes under public scrutiny and periodic review at every election. And, Wisconsin citizens know their names because they have voted for or against them and have observed the election



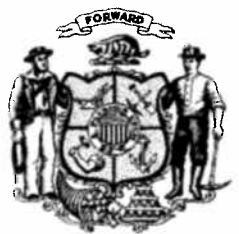
campaign. This means that, unlike appointed officials or permanent administrators, elected representatives are strongly encouraged to interact with their constituents, to be open to citizen input, and if feasible, to act on it.

A second related issue is the public's right to elect the men and women who administer their government. From school boards to sheriffs and from Secretary of State to State Legislators, we must allow and encourage participation in the process. Having a number of elected officials facilitates the flow of information, and lets the people of Wisconsin exercise their right to participate in their government.

In summary, let me say that something is always lost when the public's right to choose is limited. The performance of elected officials and those working for them comes under public scrutiny. The performance of appointed officials and permanent bureaucrats does not. I feel the citizens of Wisconsin should not have their rights to elect their government leaders limited.



# WISCONSIN STATE LEGISLATURE





**NATIONAL ASSOCIATION OF INSURANCE  
AND FINANCIAL ADVISORS - WISCONSIN**

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Madison, WI 53704  
(608) 244-3131  
(608) 244-0476 fax  
info@naifawisconsin.org  
http://wisconsin.naifa.org

February 11, 2004

RE: AJR-65

Representative Frank Lasee  
Chair, Assembly Government Operations  
Committee  
105 West State Capitol  
P.O. Box 8952  
Madison, WI 53708

FEB 12 2004

*File*

Dear Rep. Lasee:


We oppose elimination of the office of the State Treasurer.

In the past two years, the personnel at the Wisconsin Treasurer's office, including the Treasurer himself, have been instrumental in making the Wisconsin College Savings program more widely available to Wisconsin citizens through their local financial advisor. Notwithstanding internal problems at the Strong organization, the Treasurer's office opened this program to participation by independent financial advisors including our 2,000 members in Wisconsin. This is good for Wisconsin families.

In addition to consulting with our members who are experts on technical aspects of various college savings programs, the staff at the Treasurer's office worked closely with us to develop a series of educational programs for financial advisors so that Wisconsin residents could be sure to obtain correct information from trained advisors.

We understand the desire to trim state government, but we suggest that an agency that has been instrumental in encouraging long-term savings in our state is not the place to start.

Sincerely,

  
Susan K. Linck  
Executive Vice President

Cc: Ronald Kuehn, Legislative Counsel  
Board of Directors, NAIFA Wisconsin