



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 15

Senate Amendment 1

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Contact: John Stolzenberg, Chief of Research Services (266-2988)

Senate Bill 15 establishes that after January 2, 2011, the Natural Resources Board shall appoint the Secretary of Natural Resources. 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.

Senate Amendment 1 establishes that upon the expiration of the term of a member of the Natural Resources Board, who was nominated by the Governor after January 2, 2011, the position that was held by the member is vacant. Members of this board are nominated by the Governor, and with the advice and consent of the Senate appointed, to serve for staggered 6-year terms.

Currently, when the term of a member of the Natural Resources Board expires, there is no vacancy in the position if the member “holds over” in the position until the new appointee is confirmed by the Senate. The person who the Governor has nominated to succeed the board member whose term has expired may not exercise the powers and duties of the position until confirmed by the Senate. Until the Senate confirms the appointment, the prior member known as a “holdover” exercises the power of the office.

Under Senate Amendment 1, a Natural Resources Board member nominated after January 2, 2011, whose term has expired, may not hold over in the position, and the position becomes vacant. The Governor may fill the vacant position by a provisional appointment, and the provisional appointee may exercise all the powers and duties of the position, until the appointment is acted upon by the Senate. When confirmed by the Senate, the appointment continues for the residue of the unexpired term. When rejected by the Senate, the appointment lapses, and a vacancy in the position occurs. If the Senate does not act on the appointment, the appointment continues for the residue of the unexpired term.

Legislative History

Senate Amendment 1 was introduced and adopted by the Senate Committee on Environment and Natural Resources by separate votes of Ayes, 5; Noes, 0. This committee recommended passage of Senate Bill 15, as amended, by a vote of Ayes, 3; Noes, 2 on October 11, 2007.

JES:wu:jb;wu