



1995 ASSEMBLY BILL 431

June 6, 1995 - Introduced by Representatives CULLEN, BELL, WILDER, MORRIS-TATUM, SPRINGER, BAUMGART and TURNER, cosponsored by Senator CLAUSING. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to amend** 13.04 (1) (b); and **to create** 230.08 (5) of the statutes; **relating**
2 **to:** the appointment of state elective officers to positions in state employment.

Analysis by the Legislative Reference Bureau

Under current law, there is no general prohibition against an elective state official, such as governor, lieutenant governor, senator, assembly member, treasurer, secretary of state, superintendent of public instruction or attorney general, from being appointed to a position in state employment after leaving office, except for a Wisconsin constitutional provision that prohibits a member of the legislature from being appointed or elected to a civil office in this state which was created or the emoluments of which were increased during the legislator's term in office.

This bill prohibits an elective state official from being appointed to any position in state employment that is a limited term appointment, project position or position outside the classified service, other than an appointment to become the head of a state department or independent agency or a position as a justice of the supreme court, court of appeals judge or circuit court judge, during his or her term in office or for a period of 2 years after the date of leaving office.

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

3 **SECTION 1.** 13.04 (1) (b) of the statutes is amended to read:
4 13.04 (1) (b) Any Subject to s. 230.08 (5), any former member of the legislature
5 may, after expiration of the term for which the former member was elected to the
6 legislature, be appointed or elected to any judicial office or state civil office or position

1 and shall, if so appointed or elected, be entitled to the full compensation, expense
2 reimbursement or other emoluments established by law for such office or position.

3 **SECTION 2.** 230.08 (5) of the statutes is created to read:

4 230.08 (5) APPOINTMENT OF ELECTIVE STATE OFFICIALS TO POSITIONS IN THE
5 CLASSIFIED AND UNCLASSIFIED SERVICE. (a) In this subsection:

6 1. "Department" has the meaning given in s. 15.01 (5).

7 2. "Elective state official" has the meaning given in s. 13.62 (6).

8 3. "Head" has the meaning given in s. 15.01 (8).

9 4. "Independent agency" has the meaning given in s. 15.01 (9).

10 5. "Project position" has the meaning given in s. 230.27 (1).

11 (b) Subject to s. 13.04 (1) (a), no person who serves as an elective state official
12 may, during his or her term in office or for 2 years after the date of leaving office, be
13 appointed to any position in state employment that is a limited term appointment
14 under s. 230.26, or to a project position or position outside the classified service, other
15 than to a position that is the head of a department or independent agency or a
16 position as a justice of the supreme court, court of appeals judge or circuit court judge.

17 **SECTION 3. Initial applicability.**

18 (1) This act first applies to an elective state official who holds an elected state
19 office on the effective date of this subsection.

20 (END)