



1997 ASSEMBLY JOINT RESOLUTION 45

March 27, 1997 - Introduced by Representatives DUFF, KRUG, OWENS, ZIEGELBAUER, WALKER, SPRINGER, WARD, GRONEMUS, NASS, ALBERS, HANDRICK, F. LASEE, URBAN, HUEBSCH, AINSWORTH, LADWIG and PORTER, cosponsored by Senators FARROW and HUELSMAN. Referred to Committee on Elections and Constitutional Law.

1 To amend so as in effect **to repeal** section 2 of article VI; **to amend** section 8 of article
2 V, sections 1 and 3 of article VI, sections 7 and 8 of article X and section 4 of
3 article XIII; and **to create** section 17 of article XIV of the constitution; **relating**
4 **to:** deleting from the constitution the positions of secretary of state and state
5 treasurer (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1997 legislature on first consideration, deletes from the constitution the positions of secretary of state and of state treasurer.

Secretary of state

Currently, the constitution assigns 4 duties to the secretary of state; all other duties are prescribed by law. The 4 duties prescribed by the constitution are: 1) to serve as governor when there is a vacancy in the office of lieutenant governor and the governor vacates his or her office or is absent from the state, impeached or incapable of performing the duties of office; 2) to keep a fair record of the official acts of the legislature and executive department of the state; 3) to serve as a member of the board of commissioners of public lands; and 4) to keep the great seal of Wisconsin.

Under this proposal, the secretary of state is replaced by the attorney general in the line of gubernatorial succession. The proposal deletes the requirement that the secretary of state keep legislative and executive records. The proposal also removes the secretary of state as a member of the board of commissioners of public

lands. Under the proposal, the constitution continues to provide for a great seal, but its placement is determined by law.

State treasurer

Currently, the only duty assigned to the state treasurer by the constitution is to serve as a member of the board of commissioners of public lands; all other duties are prescribed by law. The proposal removes the state treasurer as a member of the board of commissioners of public lands.

Effective date

The proposal takes effect on the first Monday in January of 2003.

Reconciling split ratification

When a proposed constitutional amendment incorporates more than one object or purpose, the legislature must submit each unrelated object or purpose to the people for ratification by a separate ballot question. The constitution provides that, “if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately” [see section 1 of article XII of the constitution].

The changes proposed in this joint resolution are structured to permit submission of the amendment for ratification by separate ballot questions relating to each of the offices to which the amendment relates.

Board of commissioners of public lands

The 3-member board of commissioners of public lands presently consists of the secretary of state, state treasurer and attorney general. Under this proposal: 1) the attorney general remains a member; 2) the governor becomes a member if either the position of secretary of state or the position of state treasurer is deleted from the constitution and may designate the lieutenant governor to serve as a member in lieu of the governor; and 3) the state superintendent of public instruction becomes a member if the positions of secretary of state and state treasurer are both deleted from the constitution.

Second consideration and ratification

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

1 ***Resolved by the assembly, the senate concurring, That:***

2 **SECTION 1.** Section 8 of article V of the constitution is amended to read:

3 [Article V] Section 8 (1) If there is a vacancy in the office of lieutenant governor
4 and the governor dies, resigns or is removed from office, the ~~secretary of state~~
5 attorney general shall become governor for the balance of the unexpired term.

1 (2) If there is a vacancy in the office of lieutenant governor and the governor
2 is absent from this state, impeached, or from mental or physical disease becomes
3 incapable of performing the duties of the office, the ~~secretary of state~~ attorney
4 general shall serve as acting governor for the balance of the unexpired term or until
5 the governor returns, the disability ceases or the impeachment is vacated.

6 **SECTION 2.** Section 1 of article VI of the constitution is amended to read:

7 [Article VI] Section 1. ~~The~~ At the 2002 general election and every 4 years
8 thereafter, the qualified electors of this state, ~~at the times and places of choosing the~~
9 ~~members of the legislature, shall in 1970 and every 4 years thereafter elect a~~
10 ~~secretary of state, treasurer and an~~ attorney general ~~who shall hold their offices for~~
11 4 years a 4-year term.

12 **SECTION 3.** Section 2 of article VI of the constitution is amended so as in effect
13 to repeal said section:

14 [Article VI] Section 2. ~~The secretary of state shall keep a fair record of the~~
15 ~~official acts of the legislature and executive department of the state, and shall, when~~
16 ~~required, lay the same and all matters relative thereto before either branch of the~~
17 ~~legislature. He shall perform such other duties as shall be assigned him by law. He~~
18 ~~shall receive as a compensation for his services yearly such sum as shall be provided~~
19 ~~by law, and shall keep his office at the seat of government.~~

20 **SECTION 4.** Section 3 of article VI of the constitution is amended to read:

21 [Article VI] Section 3. The powers, duties and compensation of the treasurer
22 and attorney general shall be prescribed by law.

23 **SECTION 5.** Sections 7 and 8 of article X of the constitution are amended to read:

24 [Article X] Section 7. ~~The secretary of state, treasurer~~ There is created a board
25 of commissioners of public lands to consist of the governor or the lieutenant governor

1 if designated by the governor, the state superintendent of public instruction and the
2 attorney general, shall constitute a board of commissioners for. The board shall
3 administer the sale of the school and university lands and ~~for~~ the investment of the
4 funds arising therefrom. Any ~~two of said commissioners~~ 2 members shall be a
5 quorum for the transaction of all business pertaining to the duties of ~~their office~~ the
6 board.

7 Section 8. ~~Provision shall be made by law for the~~ The sale of all school and
8 university lands, after they shall have been appraised; and when, shall be regulated
9 by law. Whenever any portion of such lands shall be is sold and the purchase money
10 shall is not be paid at the time of the sale, the ~~commissioners~~ board of commissioners
11 of public lands shall take security by mortgage upon the lands sold for the sum
12 remaining unpaid, with seven per cent 7 percent interest thereon, payable annually
13 ~~at the office of the treasurer~~ as provided by law. The ~~commissioners~~ shall be
14 ~~authorized to~~ board may execute a good and sufficient conveyance to all purchasers
15 of such lands, ~~and to.~~ The board may discharge any mortgages taken as security,
16 when the sum due thereon shall have has been paid. The ~~commissioners~~ shall have
17 ~~power to~~ board may withhold from sale any portion of such lands when they shall
18 ~~deem~~ the board considers it expedient, ~~and.~~ The board shall invest all moneys arising
19 from the sale of such lands, as well as all other university and school funds, in ~~such~~
20 the manner as the legislature shall provide, and shall provided by law. The members
21 of the board shall give such security for the faithful performance of their duties as
22 ~~may be~~ required by law.

23 **SECTION 6.** Section 4 of article XIII of the constitution is amended to read:

24 [Article XIII] Section 4. It shall be the duty of the The legislature to shall, by
25 law, provide a great seal for the state, ~~which shall be kept by the secretary of state,~~

1 and all. All official acts of the governor, his approbation of the laws excepted except
2 the governor's approval of bills which have passed the legislature, shall be thereby
3 authenticated with the great seal.

4 **SECTION 7.** Section 17 of article XIV of the constitution is created to read:

5 [Article XIV] Section 17. The secretary of state or state treasurer holding office
6 on the date of ratification of the 1997-99 amendment providing for the deletion of
7 one or both of those positions from the constitution shall continue to hold that
8 position until the first Monday of January in 2003. Any vacancy in either office
9 occurring before that date shall be filled in the manner provided by law.

10 **SECTION 8. Split ratification.** (1) ISSUES; BALLOT QUESTIONS. It is the sense
11 of the 1997 legislature that the amendment proposed by this joint resolution
12 incorporates more than one object or purpose, and that there are 2 separable issues
13 that must be submitted to the people by separate ballot questions:

14 1) "Shall the position of secretary of state be deleted from the constitution?";

15 and

16 2) "Shall the position of state treasurer be deleted from the constitution?"

17 (2) SECRETARY OF STATE DELETION NOT RATIFIED. If the people ratify the deletion
18 of the position of state treasurer from the constitution, but do not ratify the deletion
19 of the position of secretary of state from the constitution, then: a) section 2 of article
20 VI of the constitution shall not be amended by this joint resolution so as in effect to
21 repeal said section; b) section 8 of article V and section 4 of article XIII shall not be
22 amended by this joint resolution; and c) section 1 of article VI and section 7 of article
23 X of the constitution, as affected by the ratification vote, shall read as follows:

24 [Article VI] Section 1. The At the 2002 general election and
25 every 4 years thereafter, the qualified electors of this state, at the

1 times and places of choosing the members of the legislature, shall in
2 1970 and every 4 years thereafter elect a secretary of state, treasurer
3 and an attorney general who shall hold their offices for terms of 4
4 years.

5 [Article X] Section 7. ~~The~~ There is created a board of
6 commissioners of public lands to consist of the governor or the
7 lieutenant governor if designated by the governor, the secretary of
8 state, treasurer and the attorney general, shall constitute a board of
9 commissioners for. The board shall administer the sale of the school
10 and university lands and for the investment of the funds arising
11 therefrom. Any two of said commissioners 2 members shall be a
12 quorum for the transaction of all business pertaining to the duties of
13 their office the board.

14 (3) STATE TREASURER DELETION NOT RATIFIED. If the people ratify the deletion of
15 the position of secretary of state from the constitution, but do not ratify the deletion
16 of the position of state treasurer from the constitution, then: a) section 3 of article
17 VI of the constitution shall not be amended by this joint resolution; and b) section 1
18 of article VI and section 7 of article X of the constitution, as affected by the ratification
19 vote, shall read as follows:

20 [Article VI] Section 1. ~~The~~ At the 2002 general election and
21 every 4 years thereafter, the qualified electors of this state, at the
22 times and places of choosing the members of the legislature, shall in
23 1970 and every 4 years thereafter elect a secretary of state, treasurer
24 and an attorney general who shall hold their offices for terms of 4
25 years.

