

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/10/2001**

Received By: **dykmapj**

Wanted: **As time permits**

Identical to LRB:

For: **Alvin Ott (608) 266-5831**

By/Representing: **Beata Kalies**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous  
State Government - miscellaneous**

Extra Copies: **JTK  
RJM**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Governor's statutory nominations would become appointments if the senate by roll call vote does not appoint or reject within six months

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**Instructions:**

See Attached include ch 15 appointments and appointments to authorities. Exclude those that constitution covers such as judges and DA's etc

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 09/13/2001	jdye 09/14/2001	jfrantze 09/14/2001	_____	lrb_docadmin 09/14/2001	lrb_docadmin 09/17/2001	

FE Sent For:

<END>

↪ Not Needed

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1?	dykmapj	11/9/14 jld	8/9/14	Self 9/1/14			

FE Sent For:

<END>

**Dykman, Peter**

**From:** Our Family [pjdykman@chorus.net]  
**Sent:** Sunday, September 09, 2001 4:35 PM  
**To:** Dykman, Peter  
**Subject:** FW: Governor's appointments by the Senate.

-----Original Message-----

**From:** Our Family [mailto:pjdykman@chorus.net]  
**Sent:** Thursday, September 06, 2001 10:47 PM  
**To:** Kalies, Beata  
**Subject:** RE: Governor's appointments by the Senate.

We will treat your e-mail as a drafting request.

-----Original Message-----

**From:** Kalies, Beata [mailto:Beata.Kalies@legis.state.wi.us]  
**Sent:** Thursday, September 06, 2001 9:02 AM  
**To:** pjdykman@chorus.net  
**Subject:** RE: Governor's appointments by the Senate.

Thank you for getting back to me so quickly.

Rep. Ott would like to go with the second possibility - nominations would become appointments if the senate does not act in the time frame specified. I thought that perhaps six months may be enough time to allow for senate action.

Would you be creating this draft? Do I need to send in a request form as well or will this be sufficient?

Thank you for looking into this for us.

Beata Kalies  
Agriculture Committee Clerk  
Office of Representative Al Ott  
6-5831

-----Original Message-----

**From:** Dykman, Peter  
**Sent:** Wednesday, September 05, 2001 3:58 PM  
**To:** Kalies, Beata  
**Subject:** RE: Governor's appointments by the Senate.

A statute can not tell the senate how to conduct its procedures, only the constitution.

I see two possibilities, but there may be others:

You may wish to provide that certain positions are NOT nominated by the governor and with the approval of the senate appointed. They would be just appointed by the governor without senate confirmation. That would be the simplest to draft.

You may wish to provide that certain (or all) nominations requiring senate confirmation for appointment become appointments by the governor without

senate confirmation for the full term, if the senate does not act on to confirm or reject within a specified number of days.

-----Original Message-----

**From:** Kalies, Beata  
**Sent:** Wednesday, September 05, 2001 3:37 PM  
**To:** Dykman, Peter  
**Subject:**

Good Afternoon.

Rep. Al Ott would like to explore a statutory change dealing with confirmation of Governor's appointments by the Senate.

More directly, he would like to specify a time frame for confirmation to take place.

It has become known to us that 6 members of the DATCP Board have not been confirmed yet. Three nominees are from 2 years ago and 3 are from one year ago and all have been appointed by Gov. Thompson.

Can anything be done?

Beata Kalies  
Agriculture Committee Clerk  
Office of Representative Al Ott



jld

2001 BILL

Gen

1 AN ACT ...; relating to: effect of nonaction<sup>✓</sup> of senate on nominations by governor.

*Analysis by the Legislative Reference Bureau*

This bill provides that a nomination of the governor for appointment to a statutory office is considered confirmed 180<sup>✓</sup> days after its submission if it has not been rejected by the senate<sup>✓</sup> or withdrawn by the governor.

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

2 SECTION 1. 13.37<sup>✓</sup> of the statutes is created to read:

3 13.37 Effect of nonaction of senate on nominations by governor.<sup>✓</sup> A

4 nomination submitted to the senate by the governor for appointment to an office

5 created by statute<sup>that</sup> which requires the advice and consent of the senate is considered

6 confirmed if it is not confirmed or rejected by the senate or withdrawn by the

7 governor within 180<sup>✓</sup> days after its date of submission.

8 SECTION 2. 17.20 (2) (a)<sup>✓</sup> of the statutes is amended to read:

**BILL**

1           17.20 (2) (a) Vacancies occurring in the office of any officer normally nominated  
2 by the governor, and with the advice and consent of the senate appointed, may be  
3 filled by a provisional appointment by the governor for the residue of the unexpired  
4 term, if any, subject to confirmation by the senate. Any such appointment shall be  
5 in full force until ~~acted upon~~ the appointee is confirmed<sup>✓</sup> by the senate, and when  
6 confirmed by the senate shall continue for the residue of the unexpired term, if any,  
7 or until a successor is chosen and qualifies. A provisional appointee may exercise all  
8 of the powers and duties of the office to which such person is appointed during the  
9 time in which the appointee qualifies. Any appointment made under this paragraph  
10 which is withdrawn or rejected by the senate shall lapse. When a provisional  
11 appointment lapses, a vacancy occurs. Whenever a new legislature is organized, any  
12 appointments then pending before the senate shall be referred by the president to  
13 the appropriate standing committee of the newly organized senate.

14 **History:** 1973 c. 24; 1977 c. 29 s. 1649; 1977 c. 418; 1997 a. 298.

(END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

September 14, 2001

### MEMORANDUM

To: Representative Ott

From: Attorney Peter J. Dykman, General Counsel

Re: LRB-3754/1 Governor's statutory nominations would become appointments if the senate by roll call vote does not appoint or reject within six months

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7098 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

*Thank you!*