

2001 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB3)

Received: **01/29/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Kevin Shibilski (608) 266-3123**

By/Representing: **Todd**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - miscellaneous**
Nat. Res. - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Board appoint DNR secretary

Instructions:

Add incumbent protection language from last session's draft

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>
/?	traderc 01/29/2001	jdye 01/29/2001		_____			
/1			pgreensl 01/30/2001	_____	lrb_docadmin 01/30/2001	lrb_docadmin 01/30/2001	

FE Sent For:

<END>

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/?	traderc	1 1/29 jld	1/30 P8	1/30 P8/10			

FE Sent For:

<END>

1999 BILL

1 **AN ACT** *to repeal* 15.05 (1) (c); *to amend* 15.05 (1) (b); and *to create* 15.05 (1)
2 (bn) of the statutes; **relating to:** the appointment of the secretary of natural
3 resources.

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) is administered by a secretary who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The bill restores the authority to appoint the secretary of natural resources to the governing board of DNR.

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

4 **SECTION 1.** 15.05 (1) (b) of the statutes is amended to read:
5 15.05 (1) (b) Except as provided in ~~pars. (c) and par.~~ (d), if a department is under
6 the direction and supervision of a board, the board shall appoint a secretary to serve
7 at the pleasure of the board outside the classified service. In such departments, the
8 powers and duties of the board shall be regulatory, advisory and policy-making, and

ild
ONote

Senate substitute amendment
to **2001 SENATE BILL 3**

January 12, 2001 - Introduced by Senators SHIBILSKI, RISSER, BURKE, DECKER, HANSEN, ROBSON, BRESKE, GROBSCHMIDT, MOEN, ERPENBACH, JAUCH, WIRCH, PLACHE, M. MEYER, BAUMGART, MOORE and GEORGE, cosponsored by Representatives BLACK, HUBLER, HEBL, BOYLE, SHERMAN, CARPENTER, LA FAVE, J. LEHMAN, WASSERMAN, BERCEAU, BOCK, KRUG, POCAN, REYNOLDS, PLOUFF, HUBER, LASSA, SHILLING, SINICKI, TRAVIS, SCHOOFF, BALOW, STASKUNAS, RICHARDS, MEYERHOFER and MILLER. Referred to Committee on Environmental Resources.

repeal

1 AN ACT *to repeal* 15.05 (1) (c); and *to amend* 15.05 (1) (b) of the statutes;
2 relating to: the appointment of the secretary of natural resources.

Analysis by the Legislative Reference Bureau
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. Under this bill, the natural resources board appoints the secretary of natural resources.

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

3 SECTION 1. 15.05 (1) (b) of the statutes is amended to read:
4 15.05 (1) (b) Except as provided in ~~pars. (c) and~~ par. (d), if a department is under
5 the direction and supervision of a board, the board shall appoint a secretary to serve
6 at the pleasure of the board outside the classified service. In such departments, the
7 powers and duties of the board shall be regulatory, advisory, and policy-making, and
8 not administrative. All of the administrative powers and duties of the department

SENATE BILL 3

SECTION 1

1 are vested in the secretary, to be administered by him or her under the direction of
2 the board. The secretary, with the approval of the board, shall promulgate rules for
3 administering the department and performing the duties assigned to the
4 department.

5 **SECTION 2.** 15.05 (1) (c) of the statutes is repealed.

6 (END)

Insert 2-4 ✓

BILL

1 not administrative. All of the administrative powers and duties of the department
2 are vested in the secretary, to be administered by him or her under the direction of
3 the board. The secretary, with the approval of the board, shall promulgate rules for
4 administering the department and performing the duties assigned to the
5 department.

6 **SECTION 2.** 15.05 (1) (bn) ^X of the statutes is created to read:

Insert
2-8/
7 15.05 (1) (bn) Notwithstanding the requirement under par. (b) [✓] that the
8 secretary of natural resources be appointed by the natural resources board, the
9 secretary of natural resources who is appointed by the governor and who is holding
10 office on the effective date of this paragraph [✓] [revisor inserts date], shall continue
11 to serve until the secretary vacates his or her office or is removed from office by the
12 natural resources board.

13 **SECTION 3.** 15.05 (1) (c) of the statutes is repealed.

14 (END)

50029/dn
RJT: jld

DNote

I deleted

As I have explained, the so-called "incumbent protection" language from ^{last session's} this draft because it is unnecessary. The change in an appointing authority does not affect the status of an incumbent secretary, except that it changes the identity of the authority that can remove the secretary from office. Superfluous language should not be added to the statutes because it makes the statutes unnecessarily long and complex and because, it may lead to misinterpretation by courts, ^{for example,} if another bill ~~contains~~ changing an appointing authority omits ^{superfluous} the language.

RJT

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0020/1dn
RCT:jld:pg

January 30, 2001

As I have explained, I deleted the so-called "incumbent protection" language from last session's draft because it is unnecessary. The change in an appointing authority does not affect the status of an incumbent secretary, except that it changes the identity of the authority that can remove the secretary from office. Superfluous language should not be added to the statutes because it makes the statutes unnecessarily long and complex and because it may lead to misinterpretation by courts, for example, if another bill changing an appointing authority omits the superfluous language.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us