

2003 DRAFTING REQUEST

Senate Joint Resolution

Received: 12/19/2002

Received By: pdykman

Wanted: Soon

Identical to LRB:

For: Alan Lasee (608) 266-3512

By/Representing: aide

This file may be shown to any legislator: NO

Drafter: pdykman

May Contact:

Addl. Drafters:

Subject: Constitutional Amendments

Extra Copies: JTK

Submit via email: YES

Requester's email: Sen.Lasee@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Delete secretary of state and state treasurer from constitution

Instructions:

See Attached

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>
/?	pdykman 12/19/2002	kgilfoy 12/20/2002		_____			
/1			chaugen 01/06/2003	_____	sbasford 01/06/2003	mbarman 01/21/2004	

FE Sent For:

<END>

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1?	pdymman	1-12/20 KMG	CH 12-27	CH pdymman			

FE Sent For:

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- 1235/1

SENATE

2003 ASSEMBLY JOINT RESOLUTION

Sen. Cat.

1 **To amend** section 8 of article V, section 1 of article VI, section 2 of article VI, section
 2 3 of article VI, sections 7 and 8 of article X and section 4 of article XIII of the
 3 constitution; **relating to:** deleting from the constitution the offices of secretary
 4 of state and state treasurer (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, deletes from the constitution the offices 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 dies, resigns, or is removed from office, or to serve as acting governor when there is a vacancy in the office of lieutenant governor and the governor 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.

Terms of incumbents

The last election for secretary of state or state treasurer required by the constitution will be the one held in November 2002. The incumbents will continue to serve until the first Monday in January 2007.

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 three-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 office of secretary of state or the office 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 offices of secretary of state and state treasurer are both deleted from the constitution.

Second consideration and ratification

A proposed 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.

(B)
(I)

The ~~Senate~~
assembly

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 2006 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
2 the governor's approval of bills that 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 2003–05 amendment providing for the deletion of one
7 or both of those offices from the constitution shall continue to hold that office until
8 the first Monday of January in 2007. Any vacancy in either office occurring before
9 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 2003 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 office of secretary of state be deleted from the constitution?"; and

15 2) "Shall the office of state treasurer be deleted from the constitution?"

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

23 [Article VI] Section 1. The At the 2006 general election and
24 every 4 years thereafter, the qualified electors of this state, ~~at the~~
25 ~~times and places of choosing the members of the legislature,~~ shall in

1 ~~1970 and every 4 years thereafter~~ elect a secretary of state, treasurer
2 and an attorney general ~~who shall hold their offices for terms of 4~~
3 years.

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

13 (3) STATE TREASURER DELETION NOT RATIFIED. If the people ratify the deletion of
14 the office of secretary of state from the constitution, but do not ratify the deletion of
15 the office of state treasurer from the constitution, then: a) section 3 of article VI and
16 section 8 of article X of the constitution shall not be amended by this joint resolution;
17 and b) section 1 of article VI and section 7 of article X of the constitution, as affected
18 by the ratification vote, shall read as follows:

19 [Article VI] Section 1. ~~The~~ At the 2006 general election and
20 every 4 years thereafter, the qualified electors of this state, ~~at the~~
21 ~~times and places of choosing the members of the legislature, shall in~~
22 ~~1970 and every 4 years thereafter~~ elect a secretary of state, state
23 treasurer and an attorney general ~~who shall hold their offices for~~
24 terms of 4 years.

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

10 **SECTION 9. Numbering of new provision.** The new section 17 of article XIV
11 of the constitution created in this joint resolution shall be designated by the next
12 higher open whole section number in that article if, before the ratification by the
13 people of the amendment proposed in this joint resolution, any other ratified
14 amendment has created a section 17 of article XIV of the constitution of this state.
15 If one or more joint resolutions create a section 17 of article XIV simultaneously with
16 the ratification by the people of the amendment proposed in this joint resolution, the
17 sections created shall be numbered and placed in a sequence so that the sections
18 created by the joint resolution having the lowest enrolled joint resolution number
19 have the numbers designated in that joint resolution, and the sections created by the
20 other joint resolutions have numbers that are in the same ascending order as are the
21 numbers of the enrolled joint resolutions creating the sections.

22 *Be it further resolved, That* this proposed amendment be referred to the
23 legislature to be chosen at the next general election and that it be published for 3
24 months previous to the time of holding such election.

25 (END)

Barman, Mike

From: Lord, Shari
Sent: Wednesday, January 21, 2004 11:27 AM
To: Barman, Mike

Please have the following drafts jacketed for Senator Lasee: 1164/1 (Lt. Governor) and 1235/1 (Secretary of State and State Treasurer) Shari Lord, Office of Senator Alan Lasee