

2005 DRAFTING REQUEST

Senate Joint Resolution

Received: 02/22/2005

Received By: **pdykman**

Wanted: **Soon**

Identical to LRB:

For: **Alan Lasee (608) 266-3512**

By/Representing: **Esser, Jennifer**

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

Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments**

Extra Copies: **JTK
RAC**

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 from the constitution the office of state treasurer

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 02/22/2005	csicilia 03/01/2005		_____			
/1			pgreensl 03/01/2005	_____	Inorthro 03/01/2005	sbasford 03/03/2005	

FE Sent For:

*None
Needed*

<END>

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/?	pdykman	<i>1 cjs 2/28 05</i>	<i>3/1 p8</i>	<i>3/1 p8/15</i>			

FE Sent For:

<END>

-2232/1

2003 SENATE JOINT RESOLUTION 61

February 9, 2004 Introduced by Senator A. LASEE, cosponsored by Representatives BIES, HINES, KERKMAN, NISCHKE and J. WOOD. Referred to Committee on Judiciary, Corrections and Privacy.

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1 To amend so as in effect **to repeal** section 2 of article VI; **to amend** section 8 of article
 2 V, section 1 of article VI, section 3 of article VI, sections 7 and 8 of article X and
 3 section 4 of article XIII; and **to create** section 17 of article XIV of the
 4 constitution; **relating to:** deleting from the constitution the offices of ~~secretary~~
 5 ~~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

2005

and substitutes the governor as the lieutenant governor if designated by the governor

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.

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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.

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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 senate, the assembly concurring, That:**

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

for the sale of public lands

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

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

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

10 [Article VI] Section 1. The At the ²⁰¹⁰~~2006~~/general election and every 4 years
 11 thereafter, the qualified electors of this state, at the times and places of choosing the
 12 members of the legislature, shall in 1970 and every 4 years thereafter elect a
 13 secretary of state, treasurer and an attorney general who shall hold their offices for
 14 4 years ~~4-year term~~ ^{terms} plan

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

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

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

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

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

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

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

↑ the governor or the lieutenant governor if designated by the governor ↑

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

2 [Article XIII] Section 4. ~~It shall be the duty of the The legislature to shall, by~~
3 ~~law, provide a great seal for the state, which shall be kept by the secretary of state,~~
4 ~~and all. All official acts of the governor, his approbation of the laws excepted except~~
5 ~~the governor's approval of bills that have passed the legislature, shall be thereby~~
6 ~~authenticated with the great seal.~~

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

8 [Article XIV] Section 17. The ~~secretary of state or~~ state treasurer holding office
9 on the date of ratification of the ~~2003-05~~ ²⁰⁰⁵⁻⁰⁷ amendment providing for the deletion of ~~one~~
10 ~~or both of those offices~~ ^{that office} from the constitution shall continue to hold that office until
11 the first Monday of January in ~~2007~~ ²⁰¹¹. Any vacancy in ~~either~~ ^{the} office occurring before
12 that date shall be filled in the manner provided by law.

13 ~~**SECTION 8. Split ratification.** (1) ISSUES; BALLOT QUESTIONS. It is the sense~~
14 ~~of the 2003 legislature that the amendment proposed by this joint resolution~~
15 ~~incorporates more than one object or purpose and that there are 2 separable issues~~
16 ~~that must be submitted to the people by separate ballot questions:~~

- 17 1) "Shall the office of secretary of state be deleted from the constitution?"; and
18 2) "Shall the office of state treasurer be deleted from the constitution?"

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

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

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

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

22 [Article VI] Section 1. ~~The At the 2006 general election and~~
23 ~~every 4 years thereafter, the~~ qualified electors of this state, ~~at the~~
24 ~~times and places of choosing the members of the legislature, shall in~~
25 ~~1970 and every 4 years thereafter~~ elect a secretary of state, state

1 treasurer and an attorney general who shall hold their offices for
2 terms of 4 years.

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

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

Basford, Sarah

From: Esser, Jennifer
Sent: Wednesday, March 02, 2005 5:03 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2232/1 Topic: Delete from the constitution the office of state treasurer

It has been requested by <Esser, Jennifer> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-2232/1 Topic: Delete from the constitution the office of state treasurer