

2007 DRAFTING REQUEST

Assembly Joint Resolution

Received: **11/10/2006**

Received By: **smiller**

Wanted: **Soon**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **himself**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Legislators performing ordered military duty; appointment of temporary acting senators and representatives.
Constitutional amendment.

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>
/?	smiller 11/16/2006	kfollett 11/16/2006		_____			
/P1			rschluet 11/16/2006	_____	sbasford 11/16/2006		
/1	rchampag 11/30/2006	kfollett 12/01/2006	jfrantze 12/01/2006	_____	cduerst 12/01/2006	cduerst 12/01/2006	

FE Sent For:

<END>

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/?	smiller 11/16/2006	kfollett 11/16/2006		_____			
/P1		<i>11/16/06</i> <i>12/19</i>	rschlue 11/16/2006	_____	sbasford 11/16/2006		

FE Sent For:

<END>

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RJF *CMK*
WLT
JLD
CJS

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/?	smiller	<i>1/11/06</i> <i>11/16</i>	<i>[Signature]</i> <i>11/16</i>				

FE Sent For:

<END>



State of Wisconsin
2005-2006 LEGISLATURE

LRB-1124/1

PJD:kjf:rs

LRB-0700/PI

~~SRM+RAC~~:kjf

2005 ASSEMBLY JOINT RESOLUTION 17

2007

January 25, 2005 - Introduced by Representative SCHNEIDER, cosponsored by Senator CARPENTER. Referred to Committee on Campaigns and Elections.

gen. cat.

Status of seats of legislators on ordered military duty and

1 To renumber and amend section 13 of article IV; and to create section 13 (1) and
2 (2) (b) to (g) of article IV of the constitution; relating to: appointment of
3 temporary acting ^{legislators} senators and representatives to the assembly for legislators
4 performing ordered military duty (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, permits the appointment of temporary acting senators and representatives to the assembly for legislators performing ordered military duty.

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

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 13 of article IV of the constitution is renumbered section 13

(2) (a) of article IV and amended to read:

[Article IV] Section 13 (2) (a) No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature,

Insert Analysis

two

1 be elected to congress, or be appointed to any office, civil or military, under the
 2 government of the United States, his or her acceptance thereof shall vacate his or her
 3 seat. However, a legislator performing ordered military duty does not vacate his or
 4 her seat. This restriction shall not prohibit a legislator from accepting short periods
 5 of active duty as a member of the reserve or national guard or from serving in the
 6 armed forces during any emergency declared by the executive for 30 days or less.

7 **SECTION 2.** Section 13 (1) and (2) (b) to (g) of article IV of the constitution are
 8 created to read:

9 [Article IV] Section 13 (1) In this section:

10 (a) "Armed forces of the United States" means the United States Army, the
 11 United States Navy, the United States Air Force, the United States Marine Corps,
 12 the United States Coast Guard, any reserve component of any of those services, or
 13 the national guard.

14 (b) "Ordered military duty" means any military duty performed in the armed
 15 forces of the United States as a result of being called to duty, drafted, or activated,
 16 including attendance at any service school conducted by the armed forces of the
 17 United States as a voluntary member of the national guard or of any reserve
 18 component of the armed forces of the United States pursuant to orders issued by
 19 competent state or federal authority.

20 (2) (b) A legislator who will begin performing ordered military duty for more
 21 than 30 days may appoint an individual to act temporarily for him or her during his *for her*
 22 absence while on the ordered military duty, subject to approval of the appointment
 23 by a vote of a majority of the members elected to that house *in which the legislator serves*
 of the legislature.

24 (c) A temporary acting legislator must be:

Insert 2-7

1 1. If the legislator is a member of a political party, a member of the same
2 political party as the legislator for whom he or she is acting; and

3 2. Qualified for office under paragraph (a), sections 6 and 12 of this article, and
4 section 3 of article XIII as if he or she were a legislator.

5 (d) A temporary acting legislator begins acting on the date specified in writing
6 by the legislator as the date the legislator will begin performing the ordered military
7 duty.

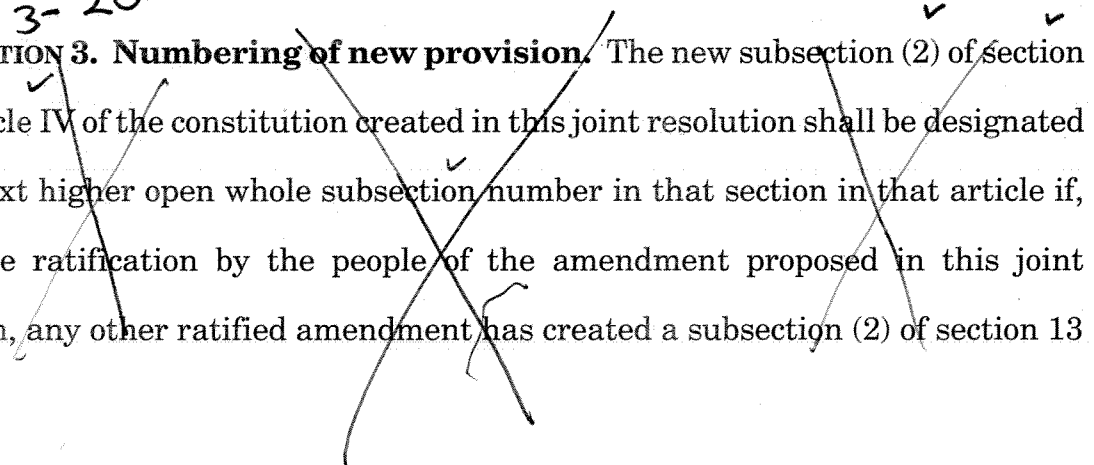
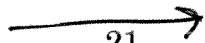
8 (e) A temporary acting legislator may act until the legislator is no longer on the
9 ordered military duty or until end of the term of office of the legislator for whom he
10 or she is acting or until the legislator revokes the appointment, whichever comes
11 first.

12 (f) A temporary acting legislator has all the powers and privileges, and may
13 carry out all the duties, regularly exercised by the legislator for whom he or she is
14 acting. A temporary acting legislator is entitled to the same amount of
15 compensation, payable in the same manner and from the same source, as the
16 legislator for whom he or she is acting.

17 (g) A temporary acting legislator is ineligible to be nominated for or elected to
18 the office of legislator of the district in which he or she serves as temporary acting
19 legislator, but is ineligible only at the first election for that office held after being so
20 appointed.

21 **SECTION 3. Numbering of new provision.** The new subsection (2) of section
22 13 of article IV of the constitution created in this joint resolution shall be designated
23 by the next higher open whole subsection number in that section in that article if,
24 before the ratification by the people of the amendment proposed in this joint
25 resolution, any other ratified amendment has created a subsection (2) of section 13

insert 3-20



1 of article IV of the constitution of this state. } If one or more joint resolutions create
2 a subsection (2) of section 13 of article IV simultaneously with the ratification by the
3 people of the amendment proposed in this joint resolution, the subsections created
4 shall be numbered and placed in a sequence so that the subsections created by the
5 joint resolution having the lowest enrolled joint resolution number have the numbers
6 designated in that joint resolution and the subsections created by the other joint
7 resolutions have numbers that are in the same ascending order as are the numbers
8 of the enrolled joint resolutions creating the subsections.

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

12 (END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0700/1insRC
RAC:.....

Insert Analysis:

Currently, a legislator does not vacate his or her office if he or she accepts a *short period* of active duty as a member of the reserve or serves in the armed forces during an emergency declared by the governor. This proposed constitutional amendment, proposed to the 2007 legislature on first consideration, provides that a legislator does not vacate his or her seat if he or she performs ordered military duty for *any period* during his or her term in office. The amendment specifies that "ordered military duty" is military duty performed in the armed forces of the United States as a result of being called to duty, drafted, or activated, including attendance at any service school conducted by the armed forces of the United States as a voluntary member of the national guard or of any reserve component of the armed forces of the United States pursuant to orders issued by competent state or federal authority.

The amendment further provides that a legislator on ordered military duty may appoint a temporary acting legislator in his or her place, subject to approval by a vote of the majority of members elected to the house of the legislator in which the legislator serves. The temporary acting legislator serves in office until the legislator on ordered military duty returns or his or her term expires, whichever occurs first.

Insert 2-7:

SECTION 1. Section 13 of article IV of the constitution is renumbered section 13

(2) (a) of article IV and amended to read:

[Article IV] Section 13 (2) (a) No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the government of the United States, his or her acceptance thereof shall vacate his or her seat. ~~This restriction shall not prohibit a legislator from accepting short periods of active duty as a member of the reserve or from serving in the armed forces during any emergency declared by the executive, except that a legislator performing ordered~~ military duty does not vacate his or her seat.

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0700/?inskf
.....

INSERT 3-20

1 **SECTION 1. Numbering of new provisions.** The new subsection (1) of section
2 13 of article IV of the constitution created in this joint resolution, and the new
3 subsection (2) of section 13 of article IV of the constitution resulting from the
4 renumbering and amendment of section 13 of article IV of the constitution and the
5 creation of subsection (2) (b) to (g) of section 13 of article IV of the constitution by this
6 joint resolution, shall be designated by the next higher open whole subsection
7 numbers in that section in that article if, before the ratification by the people of the
8 amendment proposed in this joint resolution, any other ratified amendment has
9 established subsection (1) or (2) of section 13 of article IV of the constitution of this
10 state. If one or more joint resolutions create subsection (1) or (2) of section 13 of
11 article IV simultaneously with the ratification by the people of the amendments
12 proposed in this joint resolution, the subsections created shall be numbered and
13 placed in a sequence so that the subsections created by the joint resolution having
14 the lowest enrolled joint resolution number have the numbers designated in that
15 joint resolution and the subsections created by the other joint resolutions have
16 numbers that are in the same ascending order as are the numbers of the enrolled
17 joint resolutions creating the subsections.

Champagne, Rick

From: Basford, Sarah
Sent: Thursday, November 30, 2006 7:45 AM
To: Champagne, Rick
Subject: FW: Draft review: LRB 07-0700/P1 Topic: Legislators performing ordered military duty; appointment of temporary acting senators and representatives. Constitutional amendment.

I assume he will want it re-drafted to a /1. Thanks.

Sarah Basford

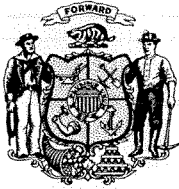
Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

From: Schneider, Marlin
Sent: Wednesday, November 29, 2006 3:31 PM
To: Basford, Sarah
Subject: RE: Draft review: LRB 07-0700/P1 Topic: Legislators performing ordered military duty; appointment of temporary acting senators and representatives. Constitutional amendment.

Please jacket for introduction.

From: Basford, Sarah
Sent: Thursday, November 16, 2006 2:32 PM
To: Rep.Schneider
Subject: Draft review: LRB 07-0700/P1 Topic: Legislators performing ordered military duty; appointment of temporary acting senators and representatives. Constitutional amendment.

Following is the PDF version of draft LRB 07-0700/P1.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0700/PT
RAC:kjf:rs

RMR

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~
2007 ASSEMBLY JOINT RESOLUTION

- gen. cat.

1 **To renumber and amend** section 13 of article IV; and **to create** section 13 (1) and
2 (2) (b) to (g) of article IV of the constitution; **relating to:** status of seats of
3 legislators on ordered military duty and appointment of temporary acting
4 legislators for legislators performing ordered military duty (first
5 consideration).

Analysis by the Legislative Reference Bureau

Currently, a legislator does not vacate his or her office if he or she accepts a *short period* of active duty as a member of the reserve or serves in the armed forces during an emergency declared by the governor. This proposed constitutional amendment, proposed to the 2007 legislature on first consideration, provides that a legislator does not vacate his or her seat if he or she performs ordered military duty for *any period* during his or her term in office. The amendment specifies that "ordered military duty" is military duty performed in the armed forces of the United States as a result of being called to duty, drafted, or activated, including attendance at any service school conducted by the armed forces of the United States as a voluntary member of the national guard or of any reserve component of the armed forces of the United States pursuant to orders issued by competent state or federal authority.

The amendment further provides that a legislator on ordered military duty may appoint a temporary acting legislator in his or her place, subject to approval by a vote

of the majority of members elected to the house of the legislator in which the legislator serves. The temporary acting legislator serves in office until the legislator on ordered military duty returns or his or her term expires, whichever occurs first.

A proposed constitutional amendment requires adoption by two 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 13 of article IV of the constitution is renumbered section 13
3 (2) (a) of article IV and amended to read:

4 [Article IV] Section 13 (2) (a) No person being a member of congress, or holding
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6 legislature; and if any person shall, after his election as a member of the legislature,
7 be elected to congress, or be appointed to any office, civil or military, under the
8 government of the United States, his or her acceptance thereof shall vacate his or her
9 seat. ~~This restriction shall not prohibit a legislator from accepting short periods of~~
10 ~~active duty as a member of the reserve or from serving in the armed forces during~~
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20 (b) "Ordered military duty" means any military duty performed in the armed
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3 component of the armed forces of the United States pursuant to orders issued by
4 competent state or federal authority.

5 (2) (b) A legislator who will begin performing ordered military duty for more
6 than 30 days may appoint an individual to act temporarily for him or her during his
7 or her absence while on the ordered military duty, subject to approval of the
8 appointment by a vote of a majority of the members elected to that house in which
9 the legislator serves.

10 (c) A temporary acting legislator must be:

11 1. If the legislator is a member of a political party, a member of the same
12 political party as the legislator for whom he or she is acting; and

13 2. Qualified for office under paragraph (a), sections 6 and 12 of this article, and
14 section 3 of article XIII as if he or she were a legislator.

15 (d) A temporary acting legislator begins acting on the date specified in writing
16 by the legislator as the date the legislator will begin performing the ordered military
17 duty.

18 (e) A temporary acting legislator may act until the legislator is no longer on the
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16 state. If one or more joint resolutions create subsection (1) or (2) of section 13 of
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