

2007 DRAFTING REQUEST

Bill

Received: 10/24/2007

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - miscellaneous
Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require senate to vote on Natrual Resources board nominee within 6 months

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>
/?							
/1	btradewe 10/30/2007	bkraft 11/12/2007	nmatzke 11/12/2007	_____	cduerst 11/12/2007	cduerst 11/13/2007	

FE Sent For: N/A

<END>

2007 DRAFTING REQUEST

Bill

Received: **10/24/2007**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **Jay Wadd**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require senate to vote on Natrual Resources board nominee within 6 months

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>
/?							
/1	btradewe 10/30/2007	bkraft 11/12/2007	nnatzke 11/12/2007	_____	cduerst 11/12/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 10/24/2007

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - miscellaneous
Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require senate to vote on Natrual Resources board nominee within 6 months

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>
/?	btradewe	/1 bjk 11/12	nwn 11/12	<u>nwn</u> <u>11/12</u>			

FE Sent For:

<END>

Tradewell, Becky

From: Wadd, Jay
Sent: Wednesday, October 24, 2007 4:26 PM
To: Tradewell, Becky
Subject: FW: Background on the 6 month vote on NRB Appointments
Attachments: Relavent Statutes for DNR Board Appointment.doc

Becky,

At the request of the LCV we would like to draft legislation requiring timely approval of appointees to the Natural Resources Board. Information is attached and provided below. let me know if you have any questions.

jay

From: Jennifer Giegerich [mailto:jennifer@conservationvoters.org]
Sent: Friday, October 19, 2007 3:05 PM
To: Wadd, Jay
Subject: Background on the 6 month vote on NRB Appointments

Hi Jay,

Thanks for the consideration of this.

The problem we would like to solve with this piece of the Hunter, Trapper, Angler Bill of Rights is the fact that the state Senate often refuses to hold votes to approve (or refuse) Natural Resource Board appointees for long periods of time. Timely Senate approval of NRB appointments is critical to sound natural resource management. The staggered six year terms of the seven NRB members ensures that there are no abrupt changes and various levels of experience on the board at any one time. But, if the Senate refuses to hold up-or-down votes on new appointees, it can cause a serious backlog in the new members being approved or rejected. For example, last session, the Senate refused to hold a vote on several pending appointees. As a result, six of the seven board members could have been changed within five months of November 2006 if a new Governor had been elected.

I think the statutory fix is easy enough. Attached are the current statutes that pertain to Executive Branch boards in general and the NRB specifically. I think we just need a sentence that says, "The Senate must hold a vote on NRB appointments within six months of receiving nominations from the Governor's office" or something like that. In looking over the other provisions of Chapter 15, it appears that there are many different conditions placed on the various state boards, so it wouldn't seem that usual to have a specific requirement for the NRB.

If Senator Hansen is interested in being the lead sponsor, I'd like to get a bill introduced relatively soon. As this is the final piece of the Hunter, Angler, Trapper Bill of Rights, it will be one of the top conservation priorities for our 2008 Conservation Lobby. I would like to get the talking points to the 450ish people we are expecting to attend this year.

Let me know if you have any questions or you need any additional information from me. I'll follow-up with you later next week.

10/24/2007

Thanks.

Have a good weekend,
Jenifer

Jennifer Giegerich, Capitol Liaison
Wisconsin League of Conservation Voters
306 E. Wilson St. #2E
Madison, WI 53703
(608) 661-0845
jennifer@conservationvoters.org
www.conservationvoters.org

Be sure to check out Wisconsin's only Conservation Vote Tracker. Hold your legislator accountable on all conservation issues!

15.07(1)(a) Executive Branch; Boards

(a) If a department or independent agency is under the direction and supervision of a board, the members of the board, other than the members serving on the board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve for terms prescribed by law, except: (DNR is not one of them)

15.34

15.34 Department of natural resources; creation.

15.34(1)

(1) There is created a department of natural resources under the direction and supervision of the natural resources board.

15.34(2)

(2)

15.34(2)(a)

(a) The natural resources board shall consist of 7 members appointed for staggered 6-year terms.

15.34(2)(b)

(b) At least 3 members of the natural resources board shall be from the territory north, and at least 3 members of the board shall be from the territory south, of a line running east and west through the south limits of the city of Stevens Point.

15.34(2)(c)

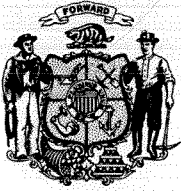
(c) No person may be appointed to the natural resources board, or remain a member of the board, who receives, or has during the previous 2 years received, a significant portion of his or her income directly or indirectly from holders of or applicants for permits issued by the department under ch. 283, except that this paragraph does not apply to permits issued under s. 283.33.

15.34(2)(d)

(d) The majority of members of the natural resources board may not derive a significant portion of their incomes from persons who are subject to permits or enforcement orders under ch. 285. Each board member shall inform the governor of any significant change in the income that he or she derives from persons who are subject to permits or enforcement orders under ch. 285.

15.34(2)(e)

(e) The restrictions in pars. (c) and (d) do not apply with respect to permits or licenses held or applied for by agencies, departments, or subdivisions of this state.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3349/1

RCT:.....

Lbjk

→ SOON (in 10/30)

2007 BILL

→ ANote

SA ✓
X-ref ✓

gen. cat.

- ① AN ACT ...; relating to: senate action on nominations to the natural resources
- ② board.

Analysis by the Legislative Reference Bureau

Under current law, the Natural Resources Board consists of seven members, who are nominated by the governor and with the advice and consent of the senate appointed. ✓

✓ This bill states that the senate must act on a nomination to the Natural Resources Board within 180 days of submission of the nomination by the governor. ✓

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

- 3 SECTION 1. 15.34 (2) (f) of the statutes is created to read:
- 4 15.34 (2) (f) The senate shall act on a nomination to the natural resources board
- 5 within 180 days of submission of the nomination by the governor. ✓

6 (END) ✓

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3349/1dn

RCT:.....

Lbjk

Date

Jay Wadd:

This draft, by requiring the Senate to act on a nomination within a specified time, creates a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Supreme Court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See State ex rel. La Follette v. Stitt, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the Senate may also choose to ignore it and the courts will not enforce provisions of this type.

An alternative approach might be to provide that if the Senate does not act on a nomination within 180 days, the nomination is considered confirmed.

Please contact me with any questions or redraft instructions.

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

With either alternative,
note that there may
be more than 180
days between scheduled
floor sessions.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3349/1dn
RCT:bjk:nwn

November 12, 2007

Jay Wadd:

This draft, by requiring the Senate to act on a nomination within a specified time, creates a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Supreme Court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the Senate may also choose to ignore it and the courts will not enforce provisions of this type.

An alternative approach might be to provide that if the Senate does not act on a nomination within 180 days, the nomination is considered confirmed. With either alternative, note that there may be more than 180 days between scheduled floor sessions.

Please contact me with any questions or redraft instructions.

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

Duerst, Christina

From: Wagnitz, John
Sent: Tuesday, November 13, 2007 9:27 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3349/1 Topic: Require senate to vote on Natural Resources board nominee within 6 months

Please Jacket LRB 07-3349/1 for the SENATE.