

ASSEMBLY BILL 138 (LRB -0132)

An Act to amend 15.05 (1) (c) and 17.20 (1) of the statutes; relating to: the appointment and term of service of the secretary of natural resources and vacancies on the Natural Resources Board.

2009

03-09. A. Introduced by Representatives **Black, Kaufert, Hubler, Spanbauer, Van Akkeren, Suder, Sherman, Tauchen, Berceau, Bies, Parisi, Hebl, Danou, Benedict, Van Roy, Soletski, Schneider, Pope-Roberts, Davis, Hilgenberg, Brooks, Grigsby, Smith, Barca, Roth, Krusick, Zepnick, Bernard Schaber, Kestell, Pasch, Molepske Jr., Mursau, Pocan, Zigmunt, Garthwaite, Shilling, Nerison, Hraychuck, Lothian, Richards, Clark, Vruwink, Mason, Sinicki, Hixson, Turner, Roys, Jorgensen, Seidel, Toles and Young**; cosponsored by Senators **Wirch, Cowles, Lehman, Holperin, Vinehout, Lassa, Carpenter, Hansen, Risser, Miller, Leibham, Schultz, Erpenbach, Sullivan, Taylor, Robson and Coggs**.

03-09. A. Read first time and referred to committee on Natural Resources 98

07-28. A. Public hearing held.

09-02. A. Executive action taken.

09-02. A. Assembly substitute amendment 1 offered by committee on Natural Resources (**LRB s0104**) 360

09-02. A. Assembly amendment 1 offered by committee on Natural Resources (**LRB a0610**) 360

09-02. A. Assembly amendment 2 offered by committee on Natural Resources (**LRB a0609**) 360

09-02. A. Assembly amendment 3 offered by committee on Natural Resources (**LRB a0608**) 360

09-08. A. Report passage recommended by committee on Natural Resources, Ayes 10, Noes 4 365

09-08. A. Referred to committee on Rules 365

09-17. A. Placed on calendar 9-22-2009 by committee on Rules.

09-22. A. Read a second time 399

09-22. A. Assembly substitute amendment 2 offered by Representative Huebsch (**LRB s0125**) 399

09-22. A. Assembly substitute amendment 2 laid on table, Ayes 52, Noes 43 399

09-22. A. Assembly amendment 4 offered by Representative Huebsch (**LRB a0732**) 399

09-22. A. Assembly amendment 4 laid on table, Ayes 54, Noes 41 399

09-22. A. Assembly amendment 5 offered by Representative Huebsch (**LRB a0733**) 400

09-22. A. Assembly amendment 5 laid on table, Ayes 51, Noes 44 400

09-22. A. Assembly amendment 6 offered by Representative Huebsch (**LRB a0734**) 400

09-22. A. Assembly amendment 6 laid on table, Ayes 52, Noes 43 400

09-22. A. Assembly amendment 7 offered by Representative LeMahieu (**LRB a0715**) 400

09-22. A. Point of order that Assembly amendment 7 not germane well taken 400

09-22. A. Decision of the Chair appealed 401

09-22. A. Decision of the Chair upheld, Ayes 52, Noes 43 401

09-22. A. Assembly amendment 8 offered by Representative Gunderson (**LRB a0754**) 401

09-22. A. Assembly amendment 8 laid on table, Ayes 52, Noes 43 401

09-22. A. Assembly amendment 9 offered by Representative Gunderson (**LRB a0755**) 401

09-22. A. Assembly amendment 9 laid on table, Ayes 54, Noes 41 401

09-22. A. Assembly amendment 10 offered by Representative Gunderson (**LRB a0753**) 401

09-22. A. Assembly amendment 10 laid on table, Ayes 52, Noes 43 401

09-22. A. Ordered to a third reading 402

09-22. A. Rules suspended 404

09-22. A. Refused to lay on the table, Ayes 41, Noes 54 404

09-22. A. Read a third time and **passed**, Ayes 61, Noes 32, Paired 4 405

09-22. A. Ordered immediately messaged 405

09-23. S. Received from Assembly 333

09-24. S. Read first time and referred to committee on Transportation, Tourism, Forestry, and Natural Resources 337

10-22. S. Executive action taken.

10-22. S. Report introduction of Senate Amendment 1 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 7, Noes 0 (**LRB a0900**) 377

10-22. S. Report adoption of Senate Amendment 1 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 7, Noes 0 377

10-22. S. Report introduction of Senate Substitute Amendment 1 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 7, Noes 0 (**LRB s0164**) 377

10-22. S. Report introduction of Senate Substitute Amendment 2 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 7, Noes 0 (**LRB s0165**) 377

10-22. S. Report introduction of Senate Amendment 2 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 7, Noes 0 (**LRB a0901**) 377

10-22. S. Report concurrence as amended recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 5, Noes 2 377

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10-22. S. Available for scheduling.
11-04. S. Placed on calendar 11-5-2009 by committee on Senate Organization 401
11-05. S. Senate substitute amendment 3 offered by Senator Grothman (**LRB s0185**).
11-05. S. Senator Taylor withdrawn as a cosponsor.
11-05. S. Read a second time.
11-05. S. Senate substitute amendment 3 rejected.
11-05. S. **Senate amendment 1 adopted.**
11-05. S. Ordered to a third reading.
11-05. S. Rules suspended.
11-05. S. Read a third time and **concurred in** as amended, Ayes 21, Noes 11.
11-05. S. Ordered immediately messaged.
11-05. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) 506
11-05. A. Senate amendment 1 **concurred in**, Ayes 49, Noes 44 508
11-05. A. Action ordered immediately messaged 508

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

09-0132/2

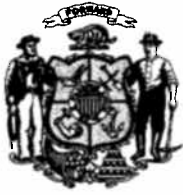
Amendments to above (if none, write "NONE"): SA1 - a 0900/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

11-9-09
Date

[Signature]
Enrolling Drafter



2009 ASSEMBLY BILL 138

March 9, 2009 - Introduced by Representatives BLACK, KAUFERT, HUBLER, SPANBAUER, VAN AKKEREN, SUDER, SHERMAN, TAUCHEN, BERCEAU, BIES, PARISI, HEBL, DANOU, BENEDICT, VAN ROY, SOLETSKI, SCHNEIDER, POPE-ROBERTS, DAVIS, HILGENBERG, BROOKS, GRIGSBY, SMITH, BARCA, ROTH, KRUSICK, ZEPNICK, BERNARD SCHABER, KESTELL, PASCH, MOLEPSKE JR., MURSAU, POCAN, ZIGMUNT, GARTHWAITE, SHILLING, NERISON, HRAYCHUCK, LOTHIAN, RICHARDS, CLARK, VRUWINK, MASON, SINICKI, HIXSON, TURNER, ROYS, JORGENSEN, SEIDEL, TOLES and YOUNG, cosponsored by Senators WIRCH, COWLES, LEHMAN, HOLPERIN, VINEHOUT, LASSA, CARPENTER, HANSEN, RISSER, MILLER, LEIBHAM, SCHULTZ, ERPENBACH, SULLIVAN, TAYLOR, ROBSON and COGGS. Referred to Committee on Natural Resources.

- 1 **AN ACT** *to amend* 15.05 (1) (c) and 17.20 (1) of the statutes; **relating to:** the
2 appointment and term of service of the secretary of natural resources and
3 vacancies on the Natural Resources Board.

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 for a four-year term. As the appointing body, the Natural Resources Board may remove the secretary from office at any time. The bill provides that the secretary in office when the bill takes effect serves a four-year term beginning when he or she was appointed.

Under current law, when an appointive state office that has a specific term becomes vacant, because of a resignation or removal, for example, the new appointee is appointed for the rest of the unexpired term. Under this bill, when the office of secretary of natural resources becomes vacant, the new appointee serves a full four-year term beginning when he or she is appointed.

Under current law, the Natural Resources Board consists of seven members nominated by the governor, and with the advice and consent of the senate appointed, for six-year terms. As with members of other state boards, a member of the Natural Resources Board may continue to serve after the expiration of his or her term until a successor is nominated and the senate consents to the nomination. This bill provides that the position of a member of the Natural Resources Board nominated

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after January 2, 2011, becomes vacant upon the expiration of the member's term. This change triggers the application of a current provision under which the governor may provisionally fill a vacancy, without the consent of the senate. The provisional appointment remains in effect until the senate acts on the appointment.

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

1 **SECTION 1.** 15.05 (1) (c) of the statutes is amended to read:

2 ~~15.05 (1) (c) The secretary of natural resources shall be nominated by the~~
3 ~~governor, and with the advice and consent of the senate appointed, to serve at the~~
4 ~~pleasure of the governor appointed by the natural resources board for a 4-year term.~~

INS.
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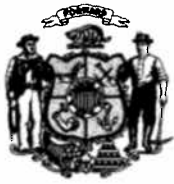
5 **SECTION 2.** 15.34 (2) (a) of the statutes is amended to read:

6 15.34 (2) (a) The natural resources board shall consist of 7 members appointed
7 for staggered 6-year terms. Upon the expiration of the term of a member nominated
8 after January 2, 2011, the position that was held by the member is vacant.

9 **SECTION 3.** 17.20 (1) of the statutes is amended to read:

10 17.20 (1) GENERAL. Vacancies in appointive state offices shall be filled by
11 appointment by the appointing power and in the manner prescribed by law for
12 making regular full term appointments thereto, and appointees to fill vacancies
13 therein shall hold office for the residue of the unexpired term or, if no definite term
14 of office is fixed by law, until their successors are appointed and qualify, except that
15 an appointee to fill a vacancy in the office of secretary of natural resources is
16 appointed to a full 4-year term beginning on the date of appointment and
17 qualification.

18 **SECTION 4. Nonstatutory provisions.**



**SENATE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 138**

October 22, 2009 – Offered by COMMITTEE ON TRANSPORTATION, TOURISM, FORESTRY,
AND NATURAL RESOURCES.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: delete lines 2 to 4 and substitute:

3 “15.05 (1) (c) The secretary of natural resources shall be nominated by the
4 ~~governor~~ natural resources board, and with the advice and consent of the senate
5 appointed, ~~to serve at the pleasure of the governor~~ for a 4-year term.”

6

(END)

SA1-1