

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB138)

Received: **10/19/2009**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Matt Phillips**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Governer to appoint secretary from list submitted by board

Instructions:

Have board submit to governor a list of 5 potential secretaries and require governor to select one of them.
Keep the 4-year term for secretary and provisions about vacancies on board

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 10/19/2009	jdye 10/19/2009		_____			
/P1			phenry 10/19/2009	_____	cdurst 10/19/2009		
/1	btradewe 10/19/2009	jdye 10/20/2009	phenry 10/20/2009	_____	sbasford 10/20/2009	sbasford 10/20/2009	

FE Sent For:

<END>

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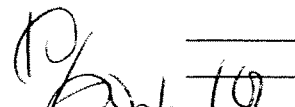
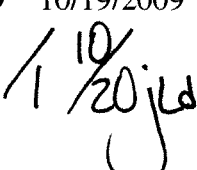
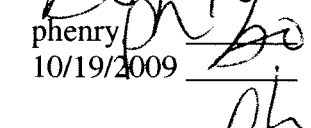
Governor to appoint secretary from list submitted by board

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Have board submit to governor a list of 5 potential secretaries and require governor to select one of them.
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*Per Matt - OK as is - redraft to
11.
RET*

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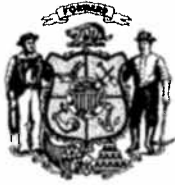
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/?	btradewe	PI 10/19 jld	10/19 ph	10/19 ph/mb			

FE Sent For:

<END>



State of Wisconsin

2009 - 2010 LEGISLATURE

Today, if possible

Senate Substitute Amendment

50164/P1

LRB 0132/2

RCT: [unclear].ph

jld + nwn rnmr

To 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.

Regen

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.

substitute amendment

Analysis insert

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.

substitute amendment

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.

substituted amendment

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

substituted amendment

ASSEMBLY BILL 138

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:

✓
Insert 2-1
→

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.

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.**

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0164/Plins
RCT:.....

1

Analysis insert
NO # Under this substitute amendment, the governor must choose a nominee for secretary of natural resources from a list of five names submitted by the Natural Resources Board. The substitute amendment also provides that the secretary of natural resources serves for a four-year term.

2

Insert 2-1

3

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

4

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5

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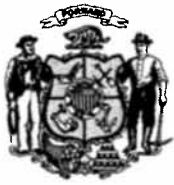
6

~~pleasure of the governor~~ for a 4-year term. The governor shall select the nominee

7

for secretary from a list of 5 names submitted by the natural resources board.

History: 1973 c. 90; 1977 c. 4, 196; 1985 a. 18; 1985 a. 332 s. 251 (3); 1989 a. 31, 169; 1993 a. 399; 1995 a. 27.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0164/B1
RCT:jld&nwn:ph

Tues am

vmr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT ,

TO 2009 ASSEMBLY BILL 138

No changes

✓

Regen

1 AN ACT *to amend* 15.05 (1) (c), 15.34 (2) (a) and 17.20 (1) of the statutes; **relating**
2 **to:** the appointment and term of service of the secretary of natural resources
3 and 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 substitute amendment, the governor must choose a nominee for secretary of natural resources from a list of five names submitted by the Natural Resources Board. The substitute amendment also provides that the secretary of natural resources serves for a four-year term. The substitute amendment provides that the secretary in office when the substitute amendment 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 substitute amendment, 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 substitute amendment provides that the position of a member of the Natural Resources Board nominated 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:

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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
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5 for secretary from a list of 5 names submitted by the natural resources board.

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15 of office is fixed by law, until their successors are appointed and qualify, except that
16 an appointee to fill a vacancy in the office of secretary of natural resources is

1 appointed to a full 4-year term beginning on the date of appointment and
2 qualification.

3 **SECTION 4. Nonstatutory provisions.**

4 (1) The secretary of natural resources serving on the effective date of this
5 subsection shall serve a 4-year term beginning on the date on which the secretary
6 was appointed by the governor.

7 (END)