



**SENATE SUBSTITUTE AMENDMENT 2,  
TO 2009 ASSEMBLY BILL 138**

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

1 **AN ACT** *to amend* 15.05 (1) (c), 15.34 (2) (a) and 17.20 (1); and *to create* 15.34  
2 (2) (be), (bg), (bi) and (br) of the statutes; **relating to:** the appointment and term  
3 of service of the secretary of natural resources and qualifications of members  
4 of and vacancies on the Natural Resources Board.

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***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 secretary of natural resources is nominated by the Natural Resources Board, and with the advice and consent of the senate appointed, for a four-year term. As the appointing body, the Natural Resources Board may remove the secretary from office at any time. 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. Current law requires that at least three of the members be from north, and at least three of the members be from south, of a line running east and west through the southern limits of the city of Stevens Point.

This substitute amendment requires that, beginning in 2016, at least one member of the Natural Resources Board have an agricultural background, at least one member have a business background, and at least one member have an environmental background. The substitute amendment also requires that, beginning in 2016, at least four members of the Natural Resources Board have held a hunting, fishing, or trapping license in at least seven of the ten years before the year of nomination. If an individual served on active duty in the military during the ten years before nomination, the number of years in which the individual is required to have held an annual hunting, fishing, or trapping license equals seven minus the number of years of active duty.

As with members of other state boards, under current law, 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.

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***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~~ natural resources board, and with the advice and consent of the senate  
4 appointed, ~~to serve at the pleasure of the governor~~ 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.** 15.34 (2) (be), (bg), (bi) and (br) of the statutes are created to read:

1           15.34 **(2)** (be) At least one member of the natural resources board shall have  
2 an agricultural background. The requirements of this paragraph apply to  
3 individuals who are members of the natural resources board on May 1, 2016, and  
4 thereafter.

5           (bg) At least one member of the natural resources board shall have a business  
6 background. The requirements of this paragraph apply to individuals who are  
7 members of the natural resources board on May 1, 2016, and thereafter.

8           (bi) At least one member of the natural resources board shall have an  
9 environmental background. The requirements of this paragraph apply to  
10 individuals who are members of the natural resources board on May 1, 2016, and  
11 thereafter.

12           (br) 1. At least 4 members of the natural resources board shall be individuals  
13 who held an annual hunting, fishing, or trapping license, in this state or another  
14 state, in at least 7 of the 10 years previous to the year in which the individual is  
15 nominated, except as provided in subd. 2. The requirements of this paragraph apply  
16 to individuals who are members of the natural resources board on May 1, 2016, and  
17 thereafter.

18           2. If an individual served on active duty in the U.S. armed forces or national  
19 guard during the 10 years previous to the year in which the individual is nominated,  
20 the number of years in which the individual is required to have held an annual  
21 hunting, fishing, or trapping license equals 7 minus the number of years of active  
22 duty served during those 10 years.

23           **SECTION 4.** 17.20 (1) of the statutes is amended to read:

24           17.20 **(1)** GENERAL. Vacancies in appointive state offices shall be filled by  
25 appointment by the appointing power and in the manner prescribed by law for

1 making regular full term appointments thereto, and appointees to fill vacancies  
2 therein shall hold office for the residue of the unexpired term or, if no definite term  
3 of office is fixed by law, until their successors are appointed and qualify, except that  
4 an appointee to fill a vacancy in the office of secretary of natural resources is  
5 appointed to a full 4-year term beginning on the date of appointment and  
6 qualification.

7 **SECTION 5. Nonstatutory provisions.**

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

11 (END)