

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:

Provisions concerning qualifications of board members

Instructions:

Add to bill: board must have 4 members with hunting or fishing background (see AB 84), 1 member with agricultural background, 1 member with business background, and 1 member with environmental background

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	jdyer 10/19/2009		_____			
/P1			mduchek 10/19/2009	_____	sbasford 10/19/2009		
/1	btradewe 10/19/2009	jdyer 10/20/2009	phenry 10/20/2009	_____	sbasford 10/20/2009	sbasford 10/20/2009	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	btradewe 10/19/2009	jdye 10/19/2009		_____			
/P1		<i>1/10/09</i> jdye	mduchek 10/19/2009	_____	sbasford 10/19/2009		

FE Sent For:

10/20/09
PH

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/?	btradewe	PI 10/19 jld	10/19	MD PH			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

Today, if possible

Senate Substitute Amendment

5065/PI
LRB-0132/2
RCT: [unclear]:ph
jld +
mnr
jwr

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.

please
reconsider

- 1 AN ACT to amend 15.05 (1) (c) and 17.20 (1) of the statutes; relating to:
- 2 appointment and term of service of the secretary of natural resources and
- 3 ^{qualifications of members of 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 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~~

substitute
amendment

substitute amendment

Analysis
insert

under current law

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:

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.

INSUB
-1203
→

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.

ASSEMBLY BILL 138

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

4 (END)



2009 ASSEMBLY BILL 84

at least one member have a business background and at least one member have an environmental background

February 24, 2009 - Introduced by Representatives LEMAHIEU, NERISON, SUDER, GUNDERSON, KESTELL, J. OTT, MEYER, PETERSEN, VOS, VAN ROY, DAVIS, HUEBSCH, A. OTT, LOTHIAN, STRACHOTA, TOWNSEND, SPANBAUER, BROOKS and BALLWEG, cosponsored by Senators KEDZIE, LAZICH, KAPANKE, GROTHMAN, HOPPER, LEIBHAM and SCHULTZ. Referred to Committee on Natural Resources.

Analysis insert

1 AN ACT to create 15.34 (2) (bg) and (br) of the statutes; relating to: membership
2 of the Natural Resources Board.

Substitute amendment

Analysis by the Legislative Reference Bureau

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 bill requires that, beginning in 2016, at least one member of the Natural Resources Board have an agricultural background. The bill also requires that, beginning in 2016, at least three 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.

(end analysis insert)

Four

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

Insert 1-1203
3

SECTION 1. 15.34 (2) (bg) and (br) of the statutes are created to read:



ASSEMBLY BILL 84

(be)



1 15.34 (2) (b) At least one member of the natural resources board shall have
2 an agricultural background. The governor may request statewide agricultural
3 organizations to submit recommendations for nominees under this paragraph. The
4 requirements of this paragraph apply to individuals who are members of the natural
5 resources board on May 1, 2016, and thereafter.

Insert X
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C to Insert -1203

(br) 1. At least 3 members of the natural resources board shall be individuals
who held an annual hunting, fishing, or trapping license, in this state or another
state, in at least 7 of the 10 years previous to the year in which the individual is
nominated, except as provided in subd. 2. The governor may request statewide
organizations that are primarily interested in supporting hunting, fishing, or
trapping to submit recommendations for nominees under this paragraph. The
requirements of this paragraph apply to individuals who are members of the natural
resources board on May 1, 2016, and thereafter.

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

(END) of insert -1203

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0165/P1ins
RCT.....

1
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Insert-X (to Insert -1203)

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

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

(end ins)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

10/19 Per Matt should require senate confirmation
50165/PI
RT



Tues a.m.

VMV

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT ,

TO 2009 ASSEMBLY BILL 138

X

Regen

is nominated by the Natural Resources Board, and with the advice and consent of the senate appointed,

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.

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 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 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.

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

1 natural resources board ✓

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. 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)