

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB317)

Received: 10/28/2009

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Joan Ballweg (608) 266-8077

By/Representing: Vincent

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Military Affairs - emerg govt
Legislature - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ballweg@legis.wisconsin.gov

Carbon copy (CC:) to: Pam.Shannon@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Continuity of government; interim successors for legislators

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>
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/P1	rnelson2 10/28/2009 rkite 10/29/2009 rnelson2 11/05/2009	wjackson 11/05/2009	mduchek 11/06/2009	_____	cduerst 11/06/2009		
/1	rnelson2 11/10/2009	wjackson 11/10/2009	rschluet 11/10/2009	_____	lparisi 11/10/2009	lparisi 11/10/2009	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/? /P1	rnelson2 10/28/2009 rkte 10/29/2009 rnelson2	/P1 WLJ 11/5					

FE Sent For:

Ryan, Robin

From: Sweet, Richard
Sent: Wednesday, October 28, 2009 10:43 AM
To: Ryan, Robin; Nelson, Robert P.; Shannon, Pam
Subject: FW: Amendment to SB 227/ AB 317

Robin/Bob,

Can you meet with me and Pam to discuss an amendment to the companion COOP bills. The amendment would replace the interim successor portions of those bills with the proposal below. (You should start at the bottom of the page.) Can you meet either tomorrow morning or some time late tomorrow afternoon?

Thanks.

Dick

From: Williams, Vincent
Sent: Wednesday, October 28, 2009 9:45 AM
To: Sweet, Richard; Barry, Sarah; Shannon, Pam
Subject: RE: Amendment to SB 227/ AB 317

I switched the lists for the Assembly so Caucus Secretary comes before Caucus Sgt-at-Arms.

Joan said when they vote on those positions in Caucus, Secretary comes before Sgt.-at-Arms.

Senate Caucuses don't have a secretary, so it's not an issue in that house.

From: Sweet, Richard
Sent: Wednesday, October 28, 2009 9:35 AM
To: Williams, Vincent; Barry, Sarah; Shannon, Pam
Subject: RE: Amendment to SB 227/ AB 317

Works for me. I think it's wise to spell it out in the law.

Dick

From: Williams, Vincent
Sent: Wednesday, October 28, 2009 9:18 AM
To: Barry, Sarah; Sweet, Richard; Shannon, Pam
Subject: RE: Amendment to SB 227/ AB 317

Well, we could spell it out....

Assembly Majority: Speaker, Majority Leader, Speaker Pro Tempore, Asst. Majority Leader, Caucus Chair, Caucus Vice-Chair, Caucus Secretary, Caucus Sgt-at-Arms.

Assembly Minority: Minority Leader, Asst. Minority Leader, Caucus Chair, Caucus Vice-Chair, Caucus Secretary, Caucus Sgt-at-Arms.

Senate Majority: Majority Leader, President, President Pro Tempore, Asst. Majority Leader, Caucus Chair, Caucus Vice-Chair, Caucus Sgt-at-Arms.

Senate Minority: Minority Leader, Asst. Minority Leader, Caucus Chair, Caucus Vice-Chair, Caucus Sgt-at-Arms

From: Barry, Sarah
Sent: Wednesday, October 28, 2009 9:02 AM
To: Williams, Vincent; Sweet, Richard; Shannon, Pam
Subject: RE: Amendment to SB 227/ AB 317

Good point, there must be something in statute about this?

Sarah Barry

Office of State Senator Bob Jauch
118 South, State Capitol
608-266-3510 (office)
608-216-4355 (cell)

From: Williams, Vincent
Sent: Wednesday, October 28, 2009 9:00 AM
To: Barry, Sarah; Sweet, Richard; Shannon, Pam
Subject: RE: Amendment to SB 227/ AB 317

What about Fred? Doesn't the Senate President fall into line somewhere?

From: Barry, Sarah
Sent: Wednesday, October 28, 2009 8:59 AM
To: Sweet, Richard; Williams, Vincent; Shannon, Pam
Subject: RE: Amendment to SB 227/ AB 317

Isn't there some line of succession right now in leadership? For example in the Senate it is Leader, Assistant Leader, Caucus Chair, Caucus Vice Chair, Caucus Sgt at Arms.

Sarah Barry

Office of State Senator Bob Jauch
118 South, State Capitol
608-266-3510 (office)
608-216-4355 (cell)

From: Sweet, Richard
Sent: Wednesday, October 28, 2009 8:56 AM
To: Williams, Vincent; Shannon, Pam
Cc: Barry, Sarah
Subject: RE: Amendment to SB 227/ AB 317

Sounds reasonable. Another question--if the legislative leader is unavailable (e.g. vacancy in that seat also), should the bill include some alternatives, like the person in the same caucus with the most seniority? Marlin should like this idea.

Dick

From: Williams, Vincent
Sent: Wednesday, October 28, 2009 8:52 AM
To: Sweet, Richard; Shannon, Pam
Cc: Barry, Sarah
Subject: RE: Amendment to SB 227/ AB 317

Well, Sara brought up an example with the Senator, he has 9 counties. Each County Chair could forward a name, then the state party chair would have to narrow the selection to the 3-5 to forward to the legislative leaders.

Does that answer your question?

From: Sweet, Richard
Sent: Wednesday, October 28, 2009 8:44 AM
To: Williams, Vincent; Shannon, Pam
Cc: Barry, Sarah
Subject: RE: Amendment to SB 227/ AB 317

Vince,

Pam and I can work with LRB to get something drafted, and can work on a memo. One question--does the state party chair have any discretion in sending the names on to the legislative leaders, or can he/she pick and choose which ones to forward?

Dick

From: Williams, Vincent
Sent: Tuesday, October 27, 2009 4:46 PM
To: Shannon, Pam; Sweet, Richard
Cc: Barry, Sarah
Subject: FW: Amendment to SB 227/ AB 317

Rep. Ballweg and Sen. Jauch, met with Reps. Kessler, Barca, and Schneider. Can you guys talk to Bob and Ryan about getting this drafted?

Also, we would like to get a memo explaining the amendment.

The state party chair will solicit names of replacements from the county party chairs within the legislative district (Assembly or Senate), and then the state party chair would forward the names of possible replacements who reside in the district to the legislative leader of the same party; Speaker or Minority leader in the Assembly, Senate Majority Leader or Senate Minority Leader in the Senate.

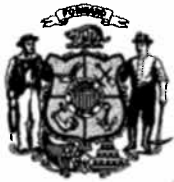
The list would name at least 3 potential replacements, but no more than 5 names.

The state party chair would have 1 week from the date of vacancy to send the list of names to the legislative leadership.

Then the legislative leadership would have 1 week from the deadline for receipt of the names to appoint the successors.

The temporary successors would take office 2 weeks after the threshold for vacancies has been reached, and they would serve until an elected successor wins the seat through the special election.

There is no need to appoint a temporary successor for an independent representative(s), because it would not alter the majority rule of either house, and a successor for that district would be elected at the special election.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0986/P1
RPN&RLR:J:...

WLJ

Friday if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 317

D-2

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

2 1. Page 3, line 2: delete the material beginning with that line and ending with
3 page 4, line 3 and substitute:

3

4

4 "13.41 Interim successor for legislators. (1) (a) If, during an emergency
5 resulting from enemy action, there are more than 9 vacancies in the senate at the
6 same time, as determined under s. 17.03, the senate leader of each political party
7 shall, for each vacant senate seat that was last held by a member of his or her party,
8 do all of the following:

9

10

11

1. Request that the state chairperson of the party solicit nominations for an
interim successor from the county chairpersons of the party in each county that is
at least partially within the senate district.

As specified in previous version

1 2. Request that the state chairperson of the party select at least 3 and not more
2 than 5 potential interim successors from the nominees under subd. 1. ✓

3 3. Request that the state chairperson of the party submit the names of the
4 potential interim successors selected under subd. 2. ✓ to the senate leader of the party
5 within 7 days after the date on which the 10th vacancy occurred.

6 4. Within 14 days after the 10th vacancy occurred, appoint an interim successor
7 from the list of potential interim successors submitted under subd. 3. ✓

8 (b) For the majority party in the senate, the person holding the highest position,
9 ranked in the following order, that is not vacant, shall perform the duties under par. of the senate leader described

- 10 10 ~~10~~ ✓ The senate majority leader ✓
- 11 20 ~~20~~ ✓ The president of the senate.
- 12 30 ~~30~~ ✓ The president pro tempore of the senate.
- 13 40 ~~40~~ ✓ The assistant senate majority leader.
- 14 50 ~~50~~ ✓ The senate majority caucus chairperson.
- 15 60 ~~60~~ ✓ The senate majority caucus vice chairperson.
- 16 70 ~~70~~ ✓ The senate majority caucus sergeant at arms. ✓

is the senate leader for the majority party under par. (a) :)

17 (c) For a minority party in the senate, the person holding the highest position,
18 ranked in the following order, that is not vacant shall perform the duties under par. of the senate leader described

- 19 1. The senate leader of the party.
- 20 2. The senate assistant leader of the party.
- 21 3. The senate caucus chairperson of the party.
- 22 4. The senate caucus vice chairperson of the party.
- 23 5. The senate caucus sergeant at arms ~~of the party~~ ✓

is the senate leader for a minority party under par. (a) :)

STET

24

1 (2) (a) If, during an emergency resulting from enemy action, there are more
2 than 25 vacancies in the assembly at the same time, as determined under s. 17.03,
3 the assembly leader of each political party shall, for each vacant assembly seat that
4 was last held by a member of his or her party, do all of the following:

5 1. Request that the state chairperson of the party solicit nominations for an
6 interim successor from the county chairpersons of the party in each county that is
7 at least partially within the assembly district.

8 2. Request that the state chairperson of the party select at least 3 and not more
9 than 5 potential interim successors from the nominees under subd. 1.

10 3. Request that the state chairperson of the party submit the names of the
11 potential interim successors selected under subd. 2. to the assembly leader of the
12 party within 7 days after the date on which the 26th vacancy occurred.

13 4. Within 14 days after the 26th vacancy occurred, appoint an interim successor
14 from the list of potential interim successors submitted under subd. 3.

15 (b) For the majority party in the assembly, the person holding the highest
16 position, ranked in the following order, that is not vacant shall perform the duties
17 of the assembly leader described under par. (a):

- 18 1. Speaker of the assembly.
- 19 2. The assembly majority leader.
- 20 3. The speaker pro tempore of the assembly.
- 21 4. The assistant assembly majority leader.
- 22 5. The assembly majority caucus chairperson.
- 23 6. The assembly majority caucus vice chairperson.
- 24 7. The assembly majority caucus secretary.
- 25 8. The assembly majority caucus sergeant at arms.

AS SPECIFIED IN PAR 50(b) AND (c) ✓

The

is the assembly leader for the majority party under par (a) ✓

1 (c) For a minority party in the assembly, the person holding the highest
2 position, ranked in the following order, that is not vacant, shall perform the duties

3 of the assembly leader described under par. (a): *is the assembly leader for a minority party under par (a)*

- 4 1. The assembly leader of the party. ↓
- 5 2. The assembly assistant leader of the party. ↓
- 6 3. The assembly caucus chairperson of the party. ↓
- 7 4. The assembly caucus vice chairperson of the party. ↓
- 8 5. The assembly caucus secretary of the party. ↓
- 9 6. The assembly caucus sergeant at arms of the party. ↓

10 (3) The senate and assembly political party leaders may not appoint an interim
11 successor who is unwilling, unable, or ineligible under the constitution and the
12 statutes to serve as a legislator.”. ↓

13 ↓ 2. Page 4, line 4: delete “(3) or (4)” and substitute “(1) or (2)”. ↓

14 ↓ 3. Page 4, line 5: after “office” insert “immediately upon appointment”.

15 ↓ 4. Page 4, line 13: delete “or the emergency resulting from the enemy action
16 has ended”.

17 ↓ 5. Page 4, line 15: delete the material beginning with that line and ending with
18 page 5, line 9 and substitute:

19 “SECTION 2m. 13.41 (1) (a) (intro.) and (2) (a) (intro.) of the statutes, as created
20 by 2009 Wisconsin Act(this act), are amended to read:

21 13.41 (1) (a) (intro.) If, during an emergency resulting from enemy action, there
22 are more than 9 vacancies in the senate at the same time, as determined under s.
23 17.03, the senate leader of each political party shall, for each vacant senate seat that
24 was last held by a member of his or her party, do all of the following:

1 (2) (a) ~~If, during an emergency resulting from enemy action,~~ there are more
2 than 25 vacancies in the assembly at the same time, as determined under s. 17.03,
3 the assembly leader of each political party shall, for each vacant assembly seat that
4 was last held by a member of his or her party, do all of the following: ✓/0

5 **6.** Page 5, line 13: delete the material beginning with “means” and ending with
6 “systems” on page 5 line 17 and substitute “has the meaning given in s. 323.01 (6)”. ✓

7 ↓ **7.** Page 7, line 16: delete lines 16 to 25.

8 **8.** Page 8, line 1: on lines 1, 2, 18 ✓ and 19, delete “166.05” and substitute
9 “323.51”. ✓

10 **9.** Page 9, line 3: delete the material beginning with “(3)” and ending with “(7)”
11 on page 9, line 4 and substitute “(1) (a) (intro.) and (2) (a) (intro.)”. ✓

12

(END)

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

LRBa0986/P/dn
RLR&RPN:/::...

WLj

Date

Representative Ballweg:

This amendment accounts for having more than two parties represented in the legislature. Is this ok?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

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

LRBa0986/P1dn
RLR&RPN:wlj:rs

November 6, 2009

Representative Ballweg:

This amendment accounts for having more than two parties represented in the legislature. Is this OK?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

Nelson, Robert P.

From: Williams, Vincent
Sent: Monday, November 09, 2009 4:32 PM
To: Nelson, Robert P.; Ryan, Robin
Subject: FW: AB 317/SB 227 Legislative Continuity amendment language

Attachments: 09a0986P1.pdf

Bob & Robin,

I understand that Dick already talked to Robin about the second bullet point and that issue has been addressed.

Could you make the changes suggested in the first bullet point before sending Rep. Ballweg the slash 1. I think what we got on Friday was a P-draft.

Thanks,

Vince

From: Sweet, Richard
Sent: Monday, November 09, 2009 10:05 AM
To: Rep.Ballweg; Sen.Jauch
Cc: Williams, Vincent; Barry, Sarah; Shannon, Pam
Subject: FW: AB 317/SB 227 Legislative Continuity amendment language

Just a couple of comments on the draft:

- Assuming that you want the vacancy threshold to be 25%, you should change "more than 9" to "9 or more" on page 1, line 5 and page 4, line 19. Similarly, "more than 25" should be changed to "25 or more" on page 2, lines 24 and 25 and page 4, lines 22 and 23. Also, "9th" should replace "10th" on page 2, lines 5 and 6; and "25th" should replace "26th" on page 3, lines 11 and 12. The amendment just parallels the language of the bill, but I think the bill might have been wrong on this. (This isn't a biggie, but it is more accurate to state that the threshold is 25% if you use 9 and 25 respectively.)
- I'm not sure why item 7 of the amendment (page 5, line 5) is deleting from the bill the notification of the Legislature by the Secretary of State that the constitutional amendment has been approved. This provision of the bill triggers the statutory change from enemy actions disasters to all disasters. Maybe Robin and Bob can shed some light on this.

Dick Sweet

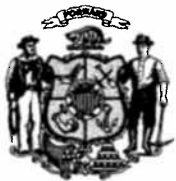
Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.wisconsin.gov

From: Rep.Ballweg
Sent: Friday, November 06, 2009 3:51 PM

To: Sen.Jauch; Barry, Sarah; Schneider, Marlin; Rep.Schneider; Rep.Kerkman; Kerkman, Samantha; Sweet, Richard; Shannon, Pam
Subject: AB 317/SB 227 Legislative Continuity amendment language



09a0986P1.pdf (25
KB)



11/10
State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0986/P1
RPN&RLR:wlj:rs

Today

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 317

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

2 1. Page 3, line 2: delete the material beginning with that line and ending with
3 page 4, line 3, and substitute:

4 "13.41 Interim successors for legislators. (1) (a) If, during an emergency
5 resulting from enemy action, there are ^{9 or} more ^{than 9} vacancies in the senate at the
6 same time, as determined under s. 17.03, the senate leader of each political party, as
7 specified in pars. (b) and (c), shall, for each vacant senate seat that was last held by
8 a member of his or her party, do all of the following:

9 1. Request that the state chairperson of the party solicit nominations for an
10 interim successor from the county chairpersons of the party in each county that is
11 at least partially within the senate district.

1 2. Request that the state chairperson of the party select at least 3 and not more
2 than 5 potential interim successors from the nominees under subd. 1.

3 3. Request that the state chairperson of the party submit the names of the
4 potential interim successors selected under subd. 2. to the senate leader of the party
5 within 7 days after the date on which the ~~10th~~^{9th} vacancy occurred.

6 4. Within 14 days after the ~~10th~~^{9th} vacancy occurred, appoint an interim successor
7 from the list of potential interim successors submitted under subd. 3.

8 (b) The person holding the highest position, ranked in the following order, that
9 is not vacant, is the senate leader for the majority party under par. (a):

- 10 1. The senate majority leader.
- 11 2. The president of the senate.
- 12 3. The president pro tempore of the senate.
- 13 4. The assistant senate majority leader.
- 14 5. The senate majority caucus chairperson.
- 15 6. The senate majority caucus vice chairperson.
- 16 7. The senate majority caucus sergeant at arms.

17 (c) The person holding the highest position, ranked in the following order, that
18 is not vacant, is the senate leader for the minority party under par. (a):

- 19 1. The senate leader of the party.
- 20 2. The senate assistant leader of the party.
- 21 3. The senate caucus chairperson of the party.
- 22 4. The senate caucus vice chairperson of the party.
- 23 5. The senate caucus sergeant at arms of the party.

24 (2) (a) If, during an emergency resulting from enemy action, there are ^{25 or} more
25 than 25 vacancies in the assembly at the same time, as determined under s. 17.03,

1 the assembly leader of each political party, as specified in pars. (b) and (c), shall, for
2 each vacant assembly seat that was last held by a member of his or her party, do all
3 of the following:

4 1. Request that the state chairperson of the party solicit nominations for an
5 interim successor from the county chairpersons of the party in each county that is
6 at least partially within the assembly district.

7 2. Request that the state chairperson of the party select at least 3 and not more
8 than 5 potential interim successors from the nominees under subd. 1.

9 3. Request that the state chairperson of the party submit the names of the
10 potential interim successors selected under subd. 2. to the assembly leader of the
11 party within 7 days after the date on which the ~~26th~~^{25th} vacancy occurred.

12 4. Within 14 days after the ~~26th~~^{25th} vacancy occurred, appoint an interim successor
13 from the list of potential interim successors submitted under subd. 3.

14 (b) The person holding the highest position, ranked in the following order, that
15 is not vacant, is the assembly leader for the majority party under par. (a):

- 16 1. The speaker of the assembly.
- 17 2. The assembly majority leader.
- 18 3. The speaker pro tempore of the assembly.
- 19 4. The assistant assembly majority leader.
- 20 5. The assembly majority caucus chairperson.
- 21 6. The assembly majority caucus vice chairperson.
- 22 7. The assembly majority caucus secretary.
- 23 8. The assembly majority caucus sergeant at arms.

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25 is not vacant, is the assembly leader for a minority party under par. (a):

- 1 1. The assembly leader of the party.
- 2 2. The assembly assistant leader of the party.
- 3 3. The assembly caucus chairperson of the party.
- 4 4. The assembly caucus vice chairperson of the party.
- 5 5. The assembly caucus secretary of the party.
- 6 6. The assembly caucus sergeant at arms of the party.

7 **(3)** The senate and assembly political party leaders may not appoint an interim
 8 successor who is unwilling, unable, or ineligible under the constitution and the
 9 statutes to serve as a legislator.”.

10 **2.** Page 4, line 4: delete “(3) or (4)” and substitute “(1) or (2)”.

11 **3.** Page 4, line 5: after “office” insert “immediately upon appointment”.

12 **4.** Page 4, line 13: delete “or the emergency resulting from the enemy action
 13 has ended”.

14 **5.** Page 4, line 15: delete the material beginning with that line and ending with
 15 page 5, line 9, and substitute:

16 “**SECTION 2m.** 13.41 (1) (a) (intro.) and (2) (a) (intro.) of the statutes, as created
 17 by 2009 Wisconsin Act ... (this act), are amended to read:

18 13.41 (1) (a) (intro.) If, ~~during an emergency resulting from enemy action,~~ there
 19 are more ^{9 or} ~~many~~ vacancies in the senate at the same time, as determined under s.
 20 17.03, the senate leader of each political party shall, for each vacant senate seat that
 21 was last held by a member of his or her party, do all of the following:

22 **(2)** (a) ^(intro.) ~~If, during an emergency resulting from enemy action,~~ there are more ^{25 or}
 23 ~~many~~ vacancies in the assembly at the same time, as determined under s. 17.03,

1 the assembly leader of each political party shall, for each vacant assembly seat that
2 was last held by a member of his or her party, do all of the following:"

3 **6.** Page 5, line 13: delete the material beginning with "means" and ending with
4 "systems" on line 17 and substitute "has the meaning given in s. 323.01 (6)".

5 **7.** Page 7, line 16: delete lines 16 to 25.

6 **8.** Page 8, line 1: on lines 1, 2, 18 and 19, delete "166.05" and substitute
7 "323.51".

8 **9.** Page 9, line 3: delete the material beginning with "(3)" and ending with "(7)"
9 on line 4 and substitute "(1) (a) (intro.) and (2) (a) (intro.)".

10

(END)