



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0748/1  
RLR&JK:kjf:md

**ASSEMBLY AMENDMENT 2,  
TO 2009 ASSEMBLY BILL 317**

September 17, 2009 – Offered by Representatives KESSLER and ZEPNICK.

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  
page 4, line 3, and substitute:

3 **“13.41 Interim successors for legislators. (3) (a)** If, during an emergency  
4 resulting from enemy action, there are more than 9 vacancies in the senate at the  
5 same time, as determined under s. 17.03, the senate majority leader shall appoint  
6 an interim successor to fill any seat left vacant by a member of the majority leader’s  
7 political party; the senate minority leader shall appoint an interim successor to fill  
8 any seat left vacant by a member of the minority leader’s political party; and, if a seat  
9 is left vacant by a senator who is not a member of the majority leader’s or minority  
10 leader’s political party, the leader of whichever of the 2 parties that most recently had  
11 a member serving in the vacant senate seat shall appoint an interim successor for  
12 the vacancy. The senate majority leader or senate minority leader may not appoint

1 an interim successor who is unwilling, unable, or ineligible under the constitution  
2 and the statutes to serve as a legislator.

3 (b) If the majority leader's seat is vacant, the senate president shall make  
4 appointments that the majority leader is required to make under par. (a), except that,  
5 if the senate president's seat is vacant, the member of the majority leader's political  
6 party who has served longest in the senate shall make the appointments that the  
7 majority leader is required to make under par. (a).

8 (c) If the minority leader's seat is vacant, the assistant minority leader shall  
9 make the appointments that the minority leader is required to make under par. (a),  
10 except that, if the assistant minority leader's seat is vacant, the member of the  
11 minority leader's political party who has served longest in the senate shall make the  
12 appointments that the minority leader is required to make under par. (a).

13 (4) (a) If, during an emergency resulting from enemy action, there are more  
14 than 25 vacancies in the assembly at the same time, as determined under s. 17.03,  
15 the assembly majority leader shall appoint an interim successor to fill any seat left  
16 vacant by a member of the majority leader's political party; the assembly minority  
17 leader shall appoint an interim successor to fill any seat left vacant by a member of  
18 the minority leader's political party; and, if a seat is left vacant by a member of the  
19 assembly who is not a member of the majority leader's or minority leader's political  
20 party, the leader of whichever of the 2 political parties that most recently had a  
21 member serving in the vacant assembly seat shall appoint an interim successor for  
22 the vacancy. The assembly majority leader or assembly minority leader may not  
23 appoint an interim successor who is unwilling, unable, or ineligible under the  
24 constitution and the statutes to serve as a legislator.

1 (b) If the majority leader’s seat is vacant, the assistant majority leader shall  
2 make any appointments that the majority leader is required to make under par. (a),  
3 except that, if the assistant majority leader’s seat is vacant, the member of the  
4 majority leader’s political party who has served longest in the assembly shall make  
5 any appointments that the majority leader is required to make under par. (a).

6 (c) If the minority leader’s seat is vacant, the assistant minority leader shall  
7 make any appointments that the minority leader is required to make under par. (a),  
8 except that, if the assistant minority leader’s seat is vacant, the member of the  
9 minority leader’s political party who has served longest in the assembly shall make  
10 the appointments that the minority leader is required to make under par. (a).”.

11 **2.** Page 4, line 15: delete “(3), (4)” and substitute “(3) (a), (4) (a)”.

12 **3.** Page 4, line 17: delete the material beginning with that line and ending with  
page 5, line 5, and substitute:

13 “13.41 (3) (a) If, during an emergency resulting from enemy action, there are  
14 more than 9 vacancies in the senate at the same time, as determined under s. 17.03,  
15 the senate majority leader shall appoint an interim successor to fill any seat left  
16 vacant by a member of the majority leader’s political party; the senate minority  
17 leader shall appoint an interim successor to fill any seat left vacant by a member of  
18 the minority leader’s political party; and, if a seat is left vacant by a senator who is  
19 not a member of the majority leader’s or minority leader’s political party, the leader  
20 of whichever of the 2 parties that most recently had a member serving in the vacant  
21 senate seat shall appoint an interim successor for the vacancy. The senate majority  
22 leader or senate minority leader may not appoint an interim successor who is

1 unwilling, unable, or ineligible under the constitution and the statutes to serve as  
2 a legislator.

3 (4) (a) ~~If, during an emergency resulting from enemy action,~~ there are more  
4 than 25 vacancies in the assembly at the same time, as determined under s. 17.03,  
5 the assembly majority leader shall appoint an interim successor to fill any seat left  
6 vacant by a member of the majority leader’s political party; the assembly minority  
7 leader shall appoint an interim successor to fill any seat left vacant by a member of  
8 the minority leader’s political party; and, if a seat is left vacant by a member of the  
9 assembly who is not a member of the majority leader’s or minority leader’s political  
10 party, the leader of whichever of the 2 political parties that most recently had a  
11 member serving in the vacant assembly seat shall appoint an interim successor for  
12 the vacancy. The assembly majority leader or assembly minority leader may not  
13 appoint an interim successor who is unwilling, unable, or ineligible under the  
14 constitution and the statutes to serve as a legislator.”.

15 **4.** Page 9, line 3: delete “(3)” and substitute “(3) (a)”.

16 **5.** Page 9, line 4: delete “(4)” and substitute “(4) (a)”.

17 (END)