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11/05/2008

1 **AN ACT** *to renumber and amend* 166.08 (2) (b); and *to create* 166.08 (2) (b) 2. and
2 166.08 (4m) of the statutes; **relating to:** emergency interim successors for
3 legislators.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on emergency management and continuity of government.

Current law provides a mechanism for appointment of emergency interim successors for the governor and a variety of state and local officers. However, current law does not provide a mechanism for appointment of emergency interim successors for legislators.

The bill provides that a legislator, as soon as practicable after the legislature convenes every 2 years, must file with the chief clerk for the legislator's house a list of not less than 3 nor more than 7 emergency interim successors. If there are more than 9 vacancies in the Senate, or more than 25 vacancies in the Assembly, interim successors named in the list are to be appointed by the presiding officer or his or her designee in the house in which the threshold has been met to fill the vacancies. An interim emergency successor is required to exercise the powers and discharge the duties of the office until the vacancy is filled through an election. All votes taken by emergency interim successors are as valid as if taken by a legislator.

4 **SECTION 1.** 166.08 (2) (b) of the statutes is renumbered 166.08 (2) (b) 1. and amended
5 to read:

6 166.08 (2) (b) 1. “Emergency Except as provided in subd. 2.,” “emergency interim
7 successor” means a person designated under this section, if the officer is unavailable, to
8 exercise the powers and discharge the duties of an office until a successor is appointed or
9 elected and qualified as provided by law or until the lawful incumbent is able to resume the
10 exercise of the powers and discharge the duties of the office.

1 **SECTION 2.** 166.08 (2) (b) 2. of the statutes is created to read:

2 166.08 (2) (b) 2. “Emergency interim successor” for a legislator means a person
3 designated under sub. (4m) to exercise the powers and discharge the duties of the legislator
4 as provided in sub. (4m) until a successor is elected as provided in s. 17.19 (1).

5 **SECTION 3.** 166.08 (4m) of the statutes is created to read:

6 **166.08 (4m) EMERGENCY INTERIM SUCCESSORS FOR LEGISLATORS.** (a) A legislator, as
7 soon as practicable after the legislature convenes under s. 13.02 (1), shall file with the chief
8 clerk for the legislator’s house a list of not less than 3 nor more than 7 emergency interim
9 successors for the legislator. The legislator may update the list as often as the legislator wishes.
10 The chief clerk shall file with the secretary of state all lists and revisions to the lists. A list
11 under this subsection is not subject to inspection or copying under s. 19.35 (1).

12 (b) If there are more than 9 vacancies in the senate, interim successors named under par.

13 (a) shall be appointed by the presiding officer or his or her designee to fill the vacancies.
14 Interim successors shall be appointed in the order named in the list, except that persons who
15 are unwilling, unable, or not qualified to serve may not be appointed.

16 (c) If there are more than 25 vacancies in the assembly, interim successors named under

17 par. (a) shall be appointed by the presiding officer or his or her designee to fill the vacancies.
18 Interim successors shall be appointed in the order named in the list, except that persons who
19 are unwilling, unable, or not qualified to serve may not be appointed.

20 (d) If a chief clerk is unavailable, powers and duties of the chief clerk under this section

21 become powers and duties of his or her deputy.

22 (e) An emergency interim successor taking office under this subsection shall exercise

23 the powers and discharge the duties of the office until the vacancy is filled pursuant to s. 17.19

1 (1). All votes taken by an emergency interim successor shall be as valid as if taken by a
2 legislator.

3 (f) For purposes of this subsection, vacancies shall be determined under s. 17.03.

(g) The chief clerk of each house shall notify the secretary of state of all vacancies that are filled by interim emergency successors under this subsection.

6 (END)