



State of Wisconsin
2021 - 2022 LEGISLATURE

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2021 SENATE JOINT RESOLUTION 78

November 19, 2021 - Introduced by Senator ROTH, cosponsored by Representatives SORTWELL, MAGNAFICI, KNODL, MOSES, THIESFELDT and TITTL. Referred to Committee on Veterans and Military Affairs and Constitution and Federalism.

1 **To renumber** section 5 of article VIII; **to renumber and amend** section 1 of article
2 X; **to amend** section 1 of article VI and section 3 of article VI; and **to create**
3 section 1e of article VI, section 1f of article VI, section 5 (2) of article VIII and
4 section 17 of article XIV of the constitution; **relating to:** providing for
5 gubernatorial appointment of the secretary of state, state treasurer, and state
6 superintendent of public instruction and requiring the creation of the
7 Department of Revenue under the direction and supervision of the state
8 treasurer (first consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2021 legislature on first consideration, does all of the following:

1. Provides for appointment of the state treasurer and establishment of the Department of Revenue. Currently, the constitution provides for popular election of the state treasurer every four years. Under this constitutional amendment, the governor appoints the state treasurer for a four-year term, subject to the advice and consent of the senate. The proposal also specifies certain events causing a vacancy in office. Currently, the only duty assigned to the state treasurer by the constitution is to serve as a member of the Board of Commissioners of Public Lands. All other powers and duties are prescribed by law.

The constitutional amendment further requires the legislature to establish by law the Department of Revenue to administer Wisconsin's tax laws. Under the amendment, the Department of Revenue is to be under the direction and supervision of the state treasurer.

2. Provides for appointment of the secretary of state. Currently, the constitution provides for popular election of the secretary of state every four years. Under this constitutional amendment, the governor appoints the secretary of state for a four-year term, subject to the advice and consent of the senate. The proposal also specifies certain events causing a vacancy in office. The constitution assigns the following four duties to the secretary of state, with all other powers and duties being prescribed by law:

a. Serve as governor when there is a vacancy in the office of lieutenant governor and the governor dies, resigns, or is removed from office, or serve as acting governor when there is a vacancy in the office of lieutenant governor and the governor is absent from the state, impeached, or incapable of performing the duties of office.

b. Keep a fair record of the official acts of the legislature and executive department of the state.

c. Serve as a member of the Board of Commissioners of Public Lands.

d. Keep the great seal of Wisconsin.

3. Provides for appointment of the state superintendent of public instruction. Currently, the constitution provides for popular election of the state superintendent of public instruction. Under this constitutional amendment, the governor appoints the state superintendent for a four-year term, subject to the advice and consent of the senate. The proposal also specifies certain events causing a vacancy in office. The constitution vests the supervision of public instruction in the state superintendent and such other officers as the legislature directs. The state superintendent's powers and duties are prescribed by law.

A constitutional amendment requires adoption by two successive legislatures and ratification by the people before it can become effective.

1 ***Resolved by the senate, the assembly concurring, That:***

2 **SECTION 1.** Section 1 of article VI of the constitution is amended to read:

3 [Article VI] Section 1. The qualified electors of this state, ~~at the times and~~
4 ~~places of choosing the members of the legislature, shall in 1970 and every 4 years~~
5 ~~thereafter elect a secretary of state, treasurer and an~~ attorney general who shall
6 ~~hold their offices for 4 years~~ to serve a 4-year term.

7 **SECTION 2.** Section 1e of article VI of the constitution is created to read:

1 [Article VI] Section 1e. The secretary of state shall be nominated by the
2 governor, and with the advice and consent of the senate appointed, to serve a 4-year
3 term. A vacancy in office shall occur upon the earliest of the following events:

4 (1) The 4-year term expires.

5 (2) A governor assumes office who did not appoint the sitting secretary of state.

6 (3) Any other event provided by law.

7 **SECTION 3.** Section 1f of article VI of the constitution is created to read:

8 [Article VI] Section 1f. The treasurer shall be nominated by the governor, and
9 with the advice and consent of the senate appointed, to serve a 4-year term. A
10 vacancy in office shall occur upon the earliest of the following events:

11 (1) The 4-year term expires.

12 (2) A governor assumes office who did not appoint the sitting treasurer.

13 (3) Any other event provided by law.

14 **SECTION 4.** Section 3 of article VI of the constitution is amended to read:

15 [Article VI] Section 3. The powers, duties, and compensation of the treasurer
16 and attorney general shall be prescribed by law.

17 **SECTION 5.** Section 5 of article VIII of the constitution is renumbered section
18 5 (1) of article VIII.

19 **SECTION 6.** Section 5 (2) of article VIII of the constitution is created to read:

20 [Article VIII] Section 5 (2) The legislature shall establish by law a department
21 of revenue to administer this state's tax laws, which shall be under the direction and
22 supervision of the treasurer. The treasurer's other powers and duties and the
23 treasurer's compensation shall be established by law.

24 **SECTION 7.** Section 1 of article X of the constitution is renumbered section 1 (1)
25 (intro.) of article X and amended to read:

1 [Article X] Section 1 (1) (intro.) The supervision of public instruction shall be
2 vested in a state superintendent and such other officers as the legislature shall
3 direct; and their qualifications, powers, duties and compensation shall be prescribed
4 by law. The state superintendent shall be chosen by the qualified electors of the state
5 at the same time and in the same manner as members of the supreme court, and shall
6 hold office for 4 years from the succeeding first Monday in July. nominated by the
7 governor, and with the advice and consent of the senate appointed, to serve a 4-year
8 term. A vacancy in office shall occur upon the earliest of the following events:

9 (a) The 4-year term expires.

10 (b) A governor assumes office who did not appoint the sitting state
11 superintendent.

12 (c) Any other event provided by law.

13 (2) The term of office, time and manner of electing or appointing all other
14 officers of supervision of public instruction shall be fixed by law.

15 **SECTION 8.** Section 17 of article XIV of the constitution is created to read:

16 [Article XIV] Section 17. The treasurer, secretary of state, and state
17 superintendent of public instruction holding office on the date of ratification of the
18 2021-23 amendment providing for the appointment of those offices by the governor
19 may each continue to hold office until the expiration of his or her term.

20 **SECTION 9. Numbering of new provisions.** If another constitutional
21 amendment ratified by the people creates the number of any provision created in this
22 joint resolution, the chief of the legislative reference bureau shall determine the
23 sequencing and the numbering of the provisions whose numbers conflict and adjust
24 any cross-references thereto.

