



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 1,
TO 2009 SENATE BILL 227**

March 3, 2010 – Offered by Representatives BALLWEG and SCHNEIDER.

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

2 **1.** Page 1, line 3: before “meetings” insert “interim successors for legislators,”.

3 **2.** Page 5, line 10: before that line insert:

4 “**SECTION 2m.** 13.41 of the statutes is created to read:

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

10 1. Request that the state chairperson of the party solicit nominations for an
11 interim successor from the county chairpersons of the party in each county that is
12 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 9th vacancy occurred.

6 4. Within 14 days after the 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
25 more vacancies in the assembly at the same time, as determined under s. 17.03, the

1 assembly leader of each political party, as specified in pars. (b) and (c), shall, for each
2 vacant assembly seat that was last held by a member of his or her party, do all of the
3 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 25th vacancy occurred.

12 4. Within 14 days after the 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.

24 (c) The person holding the highest position, ranked in the following order, that
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 **(4)** Interim successors appointed under sub. (1) or (2) shall take the oath of
11 office immediately upon appointment, but may not be required, as a prerequisite to
12 the exercise of the powers or discharge of the duties of a legislator, to comply with any
13 other provision of law relative to taking office.

14 **(5)** The chief clerk of each house, or if he or she is unavailable, his or her deputy,
15 shall notify the secretary of state of all vacancies that are filled by interim successors
16 under this section.

17 **(6)** An interim successor taking office under this section shall exercise the
18 powers and discharge the duties of the office until the vacancy is filled under s. 17.19.
19 All votes taken by an interim successor shall be as valid as if taken by an elected
20 legislator.

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

23 13.41 **(1)** (a) (intro.) ~~If, during an emergency resulting from enemy action,~~ there
24 are 9 or more vacancies in the senate at the same time, as determined under s. 17.03,

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

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

7 **3.** Page 9, line 9: before that line insert:

8 "SECTION 8m. Effective dates. This act takes effect on the day after
9 publication, except as follows:

10 (1) INTERIM SUCCESSORS FOR LEGISLATORS. The amendment of section 13.41 (1)
11 (a) (intro.) and (2) (a) (intro.) of the statutes takes effect on the day after the secretary
12 of state notifies the legislature that an amendment to the Wisconsin Constitution has
13 been approved that requires the legislature to provide for temporary succession to
14 the powers and duties of public offices for the period of an emergency resulting from
15 a cause other than an enemy action."

16 (END)