



**TO:** Members, Wisconsin State Assembly

**FROM:** Scott Manley, Environmental Policy Director

**DATE:** September 22, 2009

**RE:** Assembly Bill 138 – Appointment of the DNR Secretary

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Wisconsin Manufacturers & Commerce (WMC) is opposed to Assembly Bill 138, which would change the manner in which the Secretary of the Department of Natural Resources (DNR) is appointed. For the reasons cited below, we respectfully ask that you oppose passage of this legislation.

WMC is the state's largest business trade association, with nearly 4,000 members in the manufacturing, service, health care, retail, energy, banking, insurance and other service sectors of our economy. WMC is dedicated to making Wisconsin the most competitive state in the nation to do business, and toward that goal, we support consistent, cost-effective and market-driven regulatory approaches that recognize a balance between environmental protection and the competitiveness of Wisconsin's jobs and economy.

We believe government must be responsive and accountable to the citizens of this state, and we believe the cabinet form of government is the model that best accomplishes this important goal. We therefore support allowing the Governor to appoint the DNR Secretary, with the consent of the Senate, because making that position accountable to the oversight of elected officials will ensure that agency decision making is reflective of the will of the people.

As an agency, the DNR makes regulatory decisions that substantially impact the day-to-day operations of Wisconsin employers. These decisions often directly influence the ability of Wisconsin companies to compete in the national and international marketplace. However, the DNR is not unique in this regard, and the fact that DNR plays a regulatory function is not a legitimate reason for insulating the agency's top decision maker from the public through an unelected board.

Virtually every cabinet-level agency plays a significant regulatory function in state government. For example, the Department of Health Services oversees the facilities that provide care for our elderly and infirm. The Department of Workforce Development regulates workplace standards and fair employment practices. The Department of Regulation and Licensing oversees dozens of professional occupations, including the physicians who deliver our health care. In these, and many other examples, the Governor appoints the agency Secretaries with the consent of the Senate. This is a system that works, and nobody questions whether the decision-making in those agencies is politicized simply because the Governor appoints the agency Secretary.

The Department of Natural Resources should be no different, and we do not believe there is anything unique about the DNR's regulatory functions that should preclude the agency's Secretary from being appointed by the Governor.

WMC believes the citizens' ability to hold agency decision making accountable is dramatically enhanced when the top agency decision makers are themselves accountable to the voters through their elected officials. Giving citizens a voice through their elected Governor and elected State Senator helps ensure that agencies are responsive to the citizens who have entrusted public officials to run state government.

By contrast, insulating bureaucratic decision-making by placing an unelected board of political appointees between the Secretary and the citizens will result in less accountability.

In conclusion, WMC opposes this bill because we believe it will diminish the responsiveness and accountability of a state agency that makes decisions significantly impacting the day-to-day operations of Wisconsin businesses. We do not believe the DNR Secretary's position has been politicized as a result of gubernatorial appointment, nor do we believe the groups that support Assembly Bill 138 have produced specific examples to support such a claim.

Like any other agency, the DNR makes decisions that are sometimes unpopular or controversial. It is important for legislators to understand that the surest way to keep the secretary of any agency accountable to their constituents remains the cabinet model of government, where decision makers must answer to elected officials. Placing the appointment of the DNR Secretary into the hands of an unelected and unaccountable board of political appointees will remove an important check on the responsiveness of state government.

Thank you for your thoughtful consideration of our position on Assembly Bill 138. Please feel free to contact me if you have any questions, or if I can provide you with additional information, at (608) 258-3400 or smanley@wmc.org.