

Supreme Court rejects Kaul attempt to force Walker appointee off Natural Resources Board

Posted on Wednesday, Jun 29, 2022

A split state Supreme Court today ruled Wausau dentist Frederick Prehn may continue to serve on the DNR Board until the GOP-controlled state Senate confirms his successor even though his term expired more than a year ago.

In the 4-3 ruling, the court found the expiration of Prehn's term doesn't create a vacancy under state law. Prehn, appointed to the board by former GOP Gov. Scott Walker, may only be removed from the body by the gov "for cause."

The court reached a similar conclusion in 1964, and Chief Justice Annette Ziegler wrote for the majority today the ruling "remains as sound today as it did when the case was first decided."

Writing for the minority, Justice Rebecca Dallet criticized the majority's "absurd holding" allowing Prehn to serve as long as he wants so long as he refuses to leave and Senate doesn't confirm a successor. She added the "misguided" reading of statutes steers government "directly into disorder and chaos."

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

Walker appointed Prehn to the board for a term that ended in May 2021. But he has refused calls to vacate his position, citing precedent that allows gubernatorial appointees to continue serving until the Senate confirms their successors.

Dem Gov. Tony Evers appointed Sandra Naas, a teacher and environmental consultant, to replace Prehn. But the GOP-controlled state Senate has taken no action on the appointment, and Majority Leader Devin LeMahieu, R-Oostburg, has said the chamber has no intentions of taking it up. Records show Prehn consulted

with Walker, LeMahieu and lobbyists as he decided to stay on the board.

Read the decision [here](#).