

1983 Assembly Bill 975

Date of enactment: April 25, 1984
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1983 Wisconsin Act 378
(Vetoed in Part)

AN ACT to repeal 15.625, 757.81 (2) and 757.81 (7); to amend 19.47 (2), 20.923 (4) (b) 2m, 230.08 (2) (o), 757.83 (1) (a) and (4), 757.87 (3) and 757.94; to repeal and recreate 757.97; and to create 20.665 (1) (cm) and (mm), 230.08 (2) (om) and 757.93 (4) of the statutes; and to affect 1983 Wisconsin Act 27, section 2016 (1), relating to the judicial commission and ethics board and making appropriations. **Vetoed in Part**

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

SECTION 1. 15.625 of the statutes, as affected by 1983 Wisconsin Act 27, is repealed.

SECTION 2. 19.47 (2) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

19.47 (2) The board and the judicial commission shall jointly appoint an administrator executive director outside the classified service to serve at the pleasure of the board and commission. ~~The administrator may be appointed or removed only by a majority of the members of the board and a majority of the members of the judicial commission present and voting at separate meetings. The administrator executive director shall appoint such other personnel as he or she requires to carry out the duties of the board and judicial commission. The administrator shall serve as executive director of the board.~~ The executive director shall perform such duties as the board assigns to him or her in the administration of this subchapter.

SECTION 3. 20.005 (3) (schedule) of the statutes, as affected by 1983 Wisconsin Act 27: at the appropriate place, insert the following amounts for the purposes indicated:

				1983-84	1984-85
20.665 Judicial commission					
(1)	JUDICIAL CONDUCT				
(cm)	Contractual agreements	GPR B		0	36,800
(mm)	Federal aid	PR-F C		0	0

SECTION 4. 20.665 (1) (cm) and (mm) of the statutes are created to read:

20.665 (1) (cm) *Contractual agreements.* Biennially, the amounts in the schedule for payments relating to contractual agreements for investigations or prosecutions or both.

(mm) *Federal aid.* All federal moneys received as authorized under s. 16.54 and approved by the joint committee on finance to carry out the purposes for which made and received.

SECTION 5. 20.923 (4) (b) 2m of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

20.923 (4) (b) 2m. Ethics board ~~and judicial commission; administrator; executive director.~~

SECTION 6. 230.08 (2) (o) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

230.08 (2) (o) The ~~administrator~~ executive director and other employees of the ~~ethics board and judicial commission.~~

SECTION 7. 230.08 (2) (om) of the statutes is created to read:

230.08 (2) (om) The executive director of the ethics board.

SECTION 7g. 757.81 (2) of the statutes is repealed.

SECTION 7r. 757.81 (7) of the statutes is repealed.

SECTION 8. 757.83 (1) (a) and (4) of the statutes, as affected by 1983 Wisconsin Act 27, are amended to read:

757.83 (1) (a) There is created a judicial commission of 9 members: 5 nonlawyers nominated by the governor and appointed with the advice and consent of the senate; one trial judge of a court of record and one court of appeals judge appointed by the supreme court; and 2 members of the state bar of Wisconsin, who are not judges, appointed by the supreme court. ~~The commission is attached to the ethics board under s. 15.03.~~ The commission shall elect one of its members as chairperson.

(4) STAFF. The ~~administrator appointed under s. 19.47 (2) shall serve as executive director of the judicial commission shall hire an executive director in the unclassified service. The executive director shall be a member of the state bar. The judicial commission may hire additional support staff, within budgetary limitations, in the unclassified service.~~

SECTION 8g. 757.87 (3) of the statutes is amended to read:

757.87 (3) A judicial conduct and permanent disability panel shall consist of either 3 court of appeals judges or 2 court of appeals judges and one reserve judge. Each judge ~~shall be from a different~~ may be selected from any court of appeals district including the potential selection of all judges from the same district. The chief judge of the court of appeals shall select the judges according to seniority based on length of service as a court of appeals judge and designate which shall be presiding judge. ~~If 2 or more court of appeals judges have identical seniority, the chief judge shall choose which judge or judges shall sit on the panel.~~

SECTION 8r. 757.93 (4) of the statutes is created to read:

757.93 (4) This section does not preclude the commission from:

(a) Referring to the director of state courts information relating to an alleged delay of a judge of a court of record in complying with s. 757.025 or of any alleged disability which may be of a temporary nature.

(b) Issuing an annual report under s. 757.97.

SECTION 9. 757.94 of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

757.94 Privilege; immunity. (1) A complaint or communication alleging judicial misconduct or permanent disability with the commission, executive director, commission staff ~~appointed under s. 19.47 (2)~~ or panel and testimony in an investigation under this section is privileged.

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(2) A presiding judge, executive director or a member of the commission, commission staff ~~appointed under s. 19.47 (2)~~ or panel is immune from civil liability for any conduct in the course of the person's official duties under ss. 757.81 to 757.99.

SECTION 9m. 757.97 of the statutes is repealed and recreated to read:

757.97 Annual report. The commission shall issue an annual report on or before February 1 of each year which provides information on the number and nature of complaints received and their disposition, and the nature of actions it has taken privately concerning the conduct of judges. Information contained in the annual report shall be presented in a manner consistent with the confidentiality requirements under s. 757.93. The report shall be filed with the chief justice of the supreme court, the governor and the presiding officers of the senate and the assembly.

SECTION 10. 1983 Wisconsin Act 27, section 2016 ~~NN~~, is repealed.

**Vetoed
in Part**

SECTION 10m. **Nonstatutory provisions.** (1) In this SECTION, supreme court rules shall be cited with reference to the applicable SCR number.

(2) On July 1, 1984, or as soon thereafter as practicable, the chief clerk of the senate and the chief clerk of the assembly shall submit a joint petition upon the behalf of the Wisconsin legislature to the Wisconsin supreme court, requesting the court to consider an amendment to the code of judicial ethics promulgated by the court. The amendment shall eliminate the difference between violations of standards contained under SCR 60.01 and violations of rules contained under SCR 60.03 to 60.16, as expressed in SCR 60.17. The effect of the amendment shall be to treat as a rule violation any standard violation under SCR 60.01, without any requirement that the failure to comply with the standard be aggravated and persistent.

SECTION 10w. **Nonstatutory provisions.** The judicial commission shall report to the December 1984 meeting under section 13.10 (1) of the statutes regarding implementation of recommendations for the commission by the legislative audit bureau report, dated February 22, 1984, regarding the commission.

SECTION 11. **Appropriation changes.** (1) **ETHICS BOARD.** The appropriation to the ethics board under section 20.521 (1) (a) of the statutes, as affected by the acts of 1983, is decreased by \$98,600 for fiscal year 1984-85 to reflect the retention of the judicial commission as an agency separate from the ethics board.

(2) **JUDICIAL COMMISSION.** The appropriation to the judicial commission under section 20.665 (1) (a) of the statutes, as affected by the acts of 1983, is increased by \$95,200 for fiscal year 1984-85 to reflect the retention of the judicial commission as an agency separate from the ethics board and a separate staff consisting of 1.0 FTE executive director position, 0.75 FTE administrative assistant position and 0.50 FTE clerical assistant position for the judicial commission.

SECTION 11m. **Terminology changes.** Wherever the term "disability" appears in the following sections of the statutes, the term "permanent disability" is substituted: 757.85 (1), (3), (4), (5) and (6), 757.87 (1), 757.89, 757.91, 757.93 (1) and (2) and 757.99.

SECTION 12. **Effective date.** This act takes effect on July 1, 1984.