

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB470)

Received: 09/13/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - courts/judges

Extra Copies: Don Dyke, Leg. Co.

Submit via email: YES

Requester's email: Rep.Gundrum@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Municipal judge eligibility

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 09/17/2001	chanaman 09/25/2001		_____			
/1			rschluet 09/25/2001	_____	lrb_docadmin 09/25/2001	lrb_docadmin 09/25/2001	

FE Sent For:

<END>

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1/?	nelsorp1	cmh 1 9/25		 9-24-01			

FE Sent For:

<END>

Soon (9/17)

2001 - 2002 LEGISLATURE

LRBs01727

TODAY

RPW.....
cm H
JLD

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2001 ASSEMBLY BILL 470

1. Gen cat

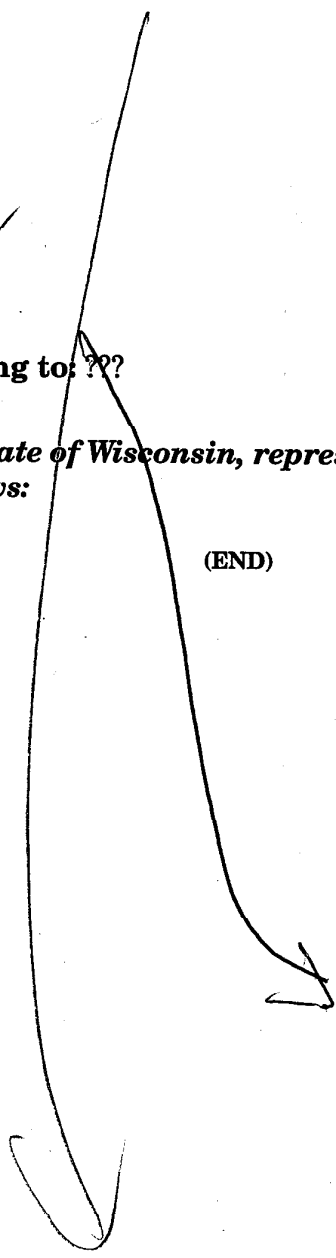
1

AN ACT ...; relating to: ??

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

2

(END)



2001 ASSEMBLY BILL 470

August 15, 2001 - Introduced by Representatives JESKEWITZ, SHERMAN, LIPPERT, D. MEYER, WADE, TOWNSEND, OWENS, LADWIG, KEDZIE, SYKORA, M. LEHMAN, OTT, RYBA and OLSEN, cosponsored by Senators GEORGE, HUELSMAN, DARLING and ROSSLER. Referred to Committee on Judiciary.

(regen)

1 AN ACT ~~to amend 800.065 (1); and to create 800.065 (2m)~~ of the statutes;
2 relating to: the appointment of municipal temporary reserve judges.

Analysis by the Legislative Reference Bureau

~~Under current law, the chief judge of a judicial administrative district may appoint a person as a temporary reserve judge to act as a municipal court judge in a municipality in that district to perform duties on a day-to-day basis as directed by the chief judge. To be eligible to be appointed as a temporary reserve judge, a person must have served eight or more years as a municipal court judge or served four or more years as a municipal court judge and not been defeated in his or her last judicial office race. This bill allows the chief judge of a judicial administrative district to appoint any eligible person to act as a temporary reserve judge within that judicial district, regardless of where the person resides at the time of the appointment.~~

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

Insert A →

3 SECTION ~~1.~~^A 800.065 (1) of the statutes is amended to read:

4 800.065 (1) DEFINITIONS. In this section, "temporary reserve judge" means a
5 person appointed to act as a judge for a municipal court for any municipality within
6 the judicial administrative district appointed by the chief judge of that the judicial

ASSEMBLY BILL 470

1 administrative district in which the municipality is located to perform such specified
2 duties on a day-by-day basis as the chief judge may direct.

3 SECTION 2. 800.065 (2m) of the statutes is created to read:

4 800.065 (2m) ^{LIMIT DN} APPOINTING AUTHORITY. The chief judge of a judicial
5 administrative district may appoint any person who is eligible under sub. (2) to serve
6 as a temporary reserve judge regardless of where that person resides at the time of
7 the appointment. ^{insert 2-7}

8 (END)

insert
2-2

Insert A

**ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 470**

LPS -
please
show
frozen
section
#s

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

2 1. Page 1, line 3: before that line insert:

3 ~~SECTION 800.06~~ SECTION ~~800.06~~ (1) of the statutes is repealed and recreated to read:

4 800.06 (1) If any municipal judge is to be temporarily absent or is sick or
5 disabled, the municipal judge may do one of the following:

6 (a) Deliver the court record and all papers relating to any pending action to the
7 circuit court of the county, and the circuit court may try the action and enter
8 judgment as though the action had begun before that court.

9 (b) By written order, filed in the court and with the approval of the chief judge
10 of the judicial administrative district, designate another municipal judge from any
11 municipality in the state or a temporary reserve judge under s. 800.065 to perform his or her duties
12 for a period not to exceed 30 days.

13 SECTION ~~800.06~~ (3) of the statutes is amended to read:

Insert
A-1-12



Insert A
cont.

1 800.06 (3) Notwithstanding s. 751.03 (2), if there is a permanent vacancy in the
2 office of municipal judge, the chief judge of the judicial administrative district may,
3 upon request by the municipal governing body, designate a temporary reserve judge
4 under s. 800.065
or another municipal judge to perform the duties of the office until the municipal
5 governing body fills the vacancy by temporary appointment under s. 8.50 (4) (fm).

6 The chief judge of the 1st judicial administrative district may designate a municipal
7 judge under this subsection from any municipality within the state. The chief judge

plain
8 text

~~of a judicial administrative district other than the 1st judicial administrative district~~

9 may designate a municipal judge under this subsection from any municipality within
10 the same judicial administrative district as the chief judge. The municipal judge

insert A-2-10:

keep
"a"
stricken

11 designated under this subsection may exercise all of the authority of the municipal
12 court to which he or she is assigned.

13 ~~2. Page 1, line 3 delete "SECTION 1" and substitute "SECTION 1a".~~

14 (END) of insert A

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0172/?ins
RPN:.....

1 insert A-1-12:

2 ~~(a) Notwithstanding any other law,~~ the municipal judge may designate another
3 municipal judge or temporary reserve judge under s. 800.065 to perform his or her
4 duties only if that judge meets the qualifications for a municipal judge established
5 by the municipality or municipalities that established the municipal court under s.
6 755.01.

7 Insert A-2-10:

8 may designate a temporary reserve judge under s. 800.065 or another
9 municipal judge to perform the duties of the office of municipal judge only if that
10 judge meets the qualifications for a municipal judge established by the municipality
11 or municipalities that established the municipal court under s. 755.01. The

12
13 insert 2-2:

14 SECTION 1. 800.065 (2) (intro.) of the statutes is amended to read:

15 800.065 (2) ELIGIBILITY. (intro.) Any of the following persons, regardless of
16 where the person resides at the time of the appointment, may serve as a temporary
17 reserve judge:

18 History: 1987 a. 389.

19 Insert 2-7:

20 only if that person meets the qualifications for a municipal judge established
21 by the municipality or municipalities that established the municipal court under s.
22 755.01.

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, September 25, 2001 4:07 PM
To: Rep.Gundrum
Subject: LRB s0172/1 (attached)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

9/25/2001