

2001 DRAFTING REQUEST

Assembly Joint Resolution

Received: 12/11/2000

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **John Ryba (608) 266-0616**

By/Representing: **Maragaret Hyatt**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

Subject: **Constitutional Amendments
Courts - miscellaneous
Elections - miscellaneous**

Extra Copies: **RJM
JTK**

Pre Topic:

No specific pre topic given

Topic:

Four-year terms for clerks of circuit court

Instructions:

Per SSA 1 to 1999 SJR-20.

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>
/?	dykmapj 12/12/2000	gilfokm 12/12/2000		_____			
/1			rschluet 12/13/2000	_____	gretskl 12/13/2000	lrb docadmin 01/11/2001	

FE Sent For:

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*Replaces
01-1417*

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Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: John Ryba (608) 266-0616

By/Representing: Margaret Hyatt

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Drafter: dykmapj

May Contact:

Alt. Drafters: kuesejt

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Courts - miscellaneous

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/?	dykmapj			_____			

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1430/1
1417/1

LRBs0215/1
PJD@JTB.wlj:mrc

NOTE

2001 AJR —
SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE JOINT RESOLUTION 20

~~TRUST~~

SOON

December 1, 1999 - Offered by Senator BRESKE.

1 To renumber and amend section 12 of article VII; and to create section 12 (2) of
2 article VII of the constitution; relating to: 4-year terms of office for clerks of
3 circuit court (first consideration).

4 Resolved by the senate, the assembly concurring, That:

the senate concurs

5 SECTION 1. Section 12 of article VII of the constitution is renumbered section
6 12 (1) of article VII and amended to read:

7 [Article VII] Section 12 (1) There shall be a clerk of the circuit court chosen in
8 each county organized for judicial purposes by the qualified electors thereof, who,
9 except as provided in sub. (2), shall hold his office for two years, subject to removal
10 as shall be provided by law; in.

11 (3) In case of a vacancy, the judge of the circuit court shall have power to may
12 appoint a clerk until the vacancy shall be is filled by an election; the

P.W.F.
ccc (2)

↑

P.W.F. }
1
2
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4

(4) ~~The clerk thus elected or appointed of circuit court~~ shall give such security as the legislature ~~may require~~ requires by law.

(5) The supreme court shall appoint its own clerk, and may appoint a clerk of the circuit court ~~may be appointed a~~ to be the clerk of the supreme court.

SECTION 2. Section 12 (2) of article VII of the constitution is created to read:

[Article VII] Section 12 (2) Beginning with the first general election at which the governor is elected which occurs after the ratification of this subsection, a clerk of circuit court shall be chosen by the electors of all of the respective counties comprising each circuit for the term of 4 years, subject to removal as provided by law.

SECTION 3. Numbering of new provision. The new subsection (2) of section 12 of article VII of the constitution created in this joint resolution shall be designated by the next higher open whole subsection number in that section in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a subsection (2) of section 12 of article VII of the constitution of this state. If one or more joint resolutions create a subsection (2) of section 12 of article VII simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the subsections created shall be numbered and placed in a sequence so that the subsections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the subsections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the subsections.

1999 SENATE JOINT RESOLUTION 20

July 13, 1999 – Introduced by Senators BRESKE, GROBSCHMIDT, HUELSMAN, RISSER, FARROW, ROESSLER, WIRCH and DRZEWIECKI, cosponsored by Representatives RYBA, HANDRICK, TURNER, GROTHMAN, MONTGOMERY, BOCK, GOETSCH, F. LASEE, MUSSER, OLSEN, PLALE, PORTER, SPILLNER and SYKORA. Referred to Committee on Economic Development, Housing and Government Operations.

1 **To renumber and amend** section 12 of article VII; and **to create** section 12 (2) of
 2 article VII of the constitution; **relating to:** 4-year terms of office for clerks of
 3 the circuit courts (first consideration).

Analysis by the Legislative Reference Bureau 2001

This proposed constitutional amendment, proposed to the 1999 legislature on first consideration, extends the terms of office of clerks of the circuit courts from two years to four years. The change first applies to the clerks of circuit court who are elected at the first general election at which the governor is elected which occurs after the ratification of this amendment.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

4 **Resolved by the senate, the assembly concurring, That:**

5 **SECTION 1.** Section 12 of article VII of the constitution is renumbered section
 6 12 (1) of article VII and amended to read:

7 [Article VII] Section 12 (1) ~~There~~ Except as provided in sub. (2), there shall be
 8 a clerk of the circuit court chosen in each county organized for judicial purposes by
 9 the qualified electors thereof, who shall hold his office for two years, subject to

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1430/1dn
PJD:kmg:rs

December 12, 2000

This is SSA 1 to 1999 SJR-20.

Atty. Peter J. Dykman
General Counsel
Phone: (608) 266-7098
E-mail: peter.dykman@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 13, 2000

MEMORANDUM

To: Representative Ryba

From: Attorney Peter J. Dykman, General Counsel

Re: LRB-1430 Four-year terms for clerks of circuit court

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7098 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.