

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 09/11/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Lynn Ansfield

This file may be shown to any legislator: YES

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: Constitutional Amendments  
Courts - courts/judges

Extra Copies: RPN

**Pre Topic:**

No specific pre topic given

**Topic:**

Senate confirmation of justices and judges

**Instructions:**

See Attached 1999 AJR 93 plus 99a1496/1

**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 09/21/2000	gilfokm 09/21/2000		_____			
/P1			martykr 09/22/2000	_____	gretskl 09/22/2000		
/1	dykmapj 01/24/2001	jdye 01/25/2001	kfollet 01/25/2001	_____	lrb_docadmin 01/25/2001	lrb_docadmin 01/29/2001	

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 09/11/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Lynn Ansfield

This file may be shown to any legislator: YES

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: **Constitutional Amendments  
Courts - courts/judges**

Extra Copies: **RPN**

**Pre Topic:**

No specific pre topic given

**Topic:**

Senate confirmation of justices and judges

**Instructions:**

See Attached 1999 AJR 93 plus 99a1496/1

**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 09/21/2000	gilfokm 09/21/2000		_____			
/P1			martykr 09/22/2000	_____	gretskl 09/22/2000		
/1	dykmapj 01/24/2001	jdyer 01/25/2001	kfollet 01/25/2001	_____	lrb_docadmin 01/25/2001		

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 09/11/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Lynn Ansfield

This file may be shown to any legislator: YES

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: Constitutional Amendments  
Courts - courts/judges

Extra Copies: RPN

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Senate confirmation of justices and judges

---

**Instructions:**

See Attached 1999 AJR 93 plus 99a1496/1

---

**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 09/21/2000	gilfokm 09/21/2000					
/P1		1/25 jld	martykr 09/22/2000		gretskl 09/22/2000		
FE Sent For:			gj 1/25	gj/self 1/25			

<END>

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 09/11/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Lynn Ansfield

This file may be shown to any legislator: YES

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: **Constitutional Amendments  
Courts - courts/judges**

Extra Copies: **RPN**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Senate confirmation of justices and judges

---

**Instructions:**

See Attached 1999 AJR 93 plus 99a1496/1

---

**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>
1?	dykmapj	/P1-9/21 kmg	Vm 9/22	ds km/22			

FE Sent For:

<END>



**Mary Hubler**

---

**State Representative**

**2000 BILL REQUEST FORM**

**Drafter: Peter Dykman 6-7098**

**Date: September 5, 2000**

**Legislator: Representative Mary Hubler**

**Person submitting request: Lynn Ansfield 6-2519**

**Drafting Request:** Please redraft Assembly Joint Resolution 93 (I.R.B 3866/1), as amended by LRBA1496/1. I have enclosed copies of both the joint resolution and the amendment.

**This request is not confidential.**

-0206/P1

2001

# 1999 ASSEMBLY JOINT RESOLUTION 93

NOTE

December 1, 1999 - Introduced by Representatives HUBLER, HUEBSCH, STASKUNAS, SINICKI, LA FAVE, URBAN, JESKEWITZ, MEYERHOFER, RYBA, BOCK, J. LEHMAN, GOETSCH, M. LEHMAN, HASENOHRL and WILLIAMS, cosponsored by Senators PLACHE, RUDE, BAUMGART and DARLING. Referred to Committee on Judiciary and Personal Privacy.

Seen

1 **To amend** sections 9 and 10 (1) of article VII of the constitution; relating to: senate  
2 confirmation of justices (and judges) appointed by the governor (first  
3 consideration).

IS

### Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1999 legislature on first consideration, provides that a vacancy in the office of justice of the supreme court or judge of a court of record shall be filled by nomination and, with the advice and consent of the senate, appointment by the governor, which shall continue until a successor is elected and qualified. Presently, appointments to vacancies in the office of justice and judges are not subject to senate confirmation.

Presently, justices and judges may not hold any other office of public trust, except a judicial office, during the term for which elected. This joint resolution applies that prohibition also to a term for which appointed.

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

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

**SECTION 1.** Section 9 of article VII of the constitution is amended to read:

[Article VII] Section 9. When a vacancy occurs in the office of justice of the supreme court or judge of any court of record, the vacancy shall be filled by

Proposed constitution



INS.  
2-2

Prop. of Constitution

1 nomination and, with the advice and consent of the senate, appointment by the  
2 governor, which shall continue until a successor is elected and qualified. There shall  
3 be no election for a justice or judge at the partisan general election for state or county  
4 officers, nor within 30 days either before or after such election.

5 SECTION 2. Section 10 (1) of article VII of the constitution is amended to read:

6 [Article VII] Section 10 (1) No justice of the supreme court or judge of any court  
7 of record shall hold any other office of public trust, except a judicial office, during the  
8 term for which elected or appointed. No person shall be eligible to the office of judge  
9 who shall not, at the time of election or appointment, be a qualified elector within the  
10 jurisdiction for which chosen.

11 **Be it further resolved, That** this proposed amendment be referred to the  
12 legislature to be chosen at the next general election and that it be published for 3  
13 months previous to the time of holding such election.

14 (END)

NOTE: This is 1999 AJR 93  
plus 99-1496 AAI hereto.  
RD

**ASSEMBLY AMENDMENT 1,  
TO 1999 ASSEMBLY JOINT RESOLUTION 93**

March 1, 2000 - Offered by COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY.

1 At the locations indicated, amend the joint resolution as follows:

2 1. Page 1, line 2: delete "and judges".

3 2. Page 1, line 7: delete "or judge of any court of record" and substitute "or  
4 judge of any court of record".

5 3. Page 2, line 2: after "qualified." insert When a vacancy occurs in the office  
6 of judge of any court of record, the vacancy shall be filled by appointment by the  
7 governor, which shall continue until a successor is elected and qualified.

8

(END)

INS  
2-2



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

LRB-0206/P1dn  
PJD:kmg:km

September 22, 2000

This is 1999 AJR 93 plus AA1 thereto.

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

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

# 2001 ASSEMBLY JOINT RESOLUTION

1 **To amend** sections 9 and 10 (1) of article VII of the constitution; **relating to:** senate  
2 confirmation of justices appointed by the governor (first consideration).

***Analysis by the Legislative Reference Bureau***

This proposed constitutional amendment, proposed to the 2001 legislature on first consideration, provides that a vacancy in the office of justice of the supreme court shall be filled by nomination and, with the advice and consent of the senate, appointment by the governor, which shall continue until a successor is elected and qualified. Presently, an appointment to a vacancy in the office of justice is not subject to senate confirmation.

Presently, justices and judges may not hold any other office of public trust, except a judicial office, during the term for which elected. This joint resolution applies that prohibition also to a term for which appointed.

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

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

4 **SECTION 1.** Section 9 of article VII of the constitution is amended to read:

5 [Article VII] Section 9. When a vacancy occurs in the office of justice of the  
6 supreme court ~~or judge of any court of record~~, the vacancy shall be filled by

1 nomination and, with the advice and consent of the senate, appointment by the  
2 governor, which shall continue until a successor is elected and qualified. When a  
3 vacancy occurs in the office of judge of any court of record, the vacancy shall be filled  
4 by appointment by the governor, which shall continue until a successor is elected and  
5 qualified. There shall be no election for a justice or judge at the partisan general  
6 election for state or county officers, nor within 30 days either before or after such  
7 election.

8 **SECTION 2.** Section 10 (1) of article VII of the constitution is amended to read:

9 [Article VII] Section 10 (1) No justice of the supreme court or judge of any court  
10 of record shall hold any other office of public trust, except a judicial office, during the  
11 term for which elected or appointed. No person shall be eligible to the office of judge  
12 who shall not, at the time of election or appointment, be a qualified elector within the  
13 jurisdiction for which chosen.

14 ***Be it further resolved, That*** this proposed amendment be referred to the  
15 legislature to be chosen at the next general election and that it be published for 3  
16 months previous to the time of holding such election.

17 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

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

January 25, 2001

### MEMORANDUM

To: Representative Huhler

From: Attorney Peter J. Dykman, General Counsel

Re: LRB-0206 Senate confirmation of justices and judges

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.