



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## RESEARCH APPENDIX -

**PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/02/2012 (Per: TKK)

☞ **Compile Draft – Appendix ©**  
**... Part 01 of 01**

A ☞ The 2011 drafting file for  
LRB-3795

C ☞ The 2011 drafting file for  
LRB-3797

B ☞ The 2011 drafting file for  
LRB-3796

D ☞ The 2011 drafting file for  
LRB-3799

**2011 LRB-3797** has been copied/added to the drafting file for

**2011 LRB-4010/1**

**2011 DRAFTING REQUEST**

**Bill**

Received: **12/30/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

May Contact: **Laura Rose 266-9791**

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Laura.Rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**  
**Rep.Ottj@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Modify requirements for form of citation or complaint

---

**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>
/?							
/P1	tkuczens 01/19/2012	jdyer 01/25/2012	rschluet 01/25/2012	_____	lparisi 01/25/2012		
	tkuczens 02/01/2012	kfollett 02/01/2012		_____			
/1			jfrantze 02/01/2012	_____	lparisi 02/01/2012		

***LRB-3797***

02/01/2012 04:32:30 PM

Page 2

FE Sent For:

<END>

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/?							
/P1	tkuczens 01/19/2012	jdyer 01/25/2012	rschluet 01/25/2012	_____	lparisi 01/25/2012		

FE Sent For:

11/19/11  
2/11  
2/11  
2/11  
<END>

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Pre Topic:

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See attached

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1/?	tkuczens	PI-35/ld	RSFA	_____	_____	_____	_____

FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Rose, Laura  
**Sent:** Friday, December 30, 2011 10:57 AM  
**To:** Kuczenski, Tracy; Hurley, Peggy  
**Subject:** Law revision bill request

**Attachments:** 1394\_001.pdf

Hi Tracy and Peggy



1394\_001.pdf  
(140 KB)

Representative Jim Ott, who is the Assembly Co-chair of the Law Revision Committee, asked me to get these items drafted as remedial legislation. This request will be by the Law Revision Committee, as opposed to a state agency. The statute seems to allow for that (see s. 13.83(1)(c)4., Stats.).

I hope it's okay that I sent it to both of you since you are both listed under "Courts".

I'll have another Ott request soon from the same group, but it won't be remedial. I'll send that in a separate email.

Thank you, and happy new year!

Laura

*Laura D. Rose, Deputy Director*  
Wisconsin Legislative Council  
One East Main Street, Suite 401  
PO Box 2536  
Madison, WI 53701-2536  
tel: 608.266.9791  
fax: 608.266.3830  
laura.rose@legis.wisconsin.gov

**MEMORANDUM TO MEMBERS OF THE SENATE AND ASSEMBLY  
FROM THE WISCONSIN MUNICIPAL JUDGES ASSOCIATION  
December, 2011**

The Wisconsin Municipal Judges Association has reviewed the implementation of 2009 Wis. Act 402 since its effective date of January 1, 2011. As might be expected with a bill which ran 49 pages, there are several areas that need to be addressed in a trailer bill. It is our understanding that a number of issues might be addressed by a bill put forward by the Law Revision Committee. They are as follows:

*[Handwritten scribble]*

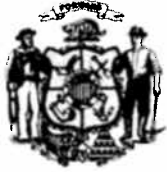
3) Many citations are now generated electronically, which makes the signature requirement of sec. 800.02(2)(a) difficult to enforce. We therefore need to add that the printed name of the issuing officer, etc., is sufficient on an electronically-generated citation or complaint. Suggested language follows:

**800.02(2) FORM OF CITATION OR COMPLAINT.** (a) The citation or complaint shall contain the name of a law enforcement officer, attorney representing the municipality, or if applicable, a conservation warden, official, or employee. In addition, the governing body of a municipality authorized to adopt the use of citations and complaints may designate by ordinance or resolution other municipal officials who are authorized to issue and be named in citations or complaints with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue and be named in citations or complaints may delegate, with the approval of the governing body, the authority to employees. Authority delegated to an official or employee may be revoked only in the same manner by which it is conferred.

*[Handwritten mark]*

For information, please contact Judge Dan Koval, City of Madison Municipal Court, (608) 264-9282, [dkoval@cityofmadison.com](mailto:dkoval@cityofmadison.com) or James Gramling, (414) 412-7962, [velagram2@aol.com](mailto:velagram2@aol.com).

*Written signature or electronic signature, as defined in s 137.11(8)  
see s 801.17(6)(g) re signatures being electronically generated 801.17(1)(e)*



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3797P-PI

TKK: \_\_\_\_\_

RME

JLD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1/19/12

2008

wanted 1/26 or 27 am

X

Gen

1 AN ACT ...; relating to: signatures on citations or complaints alleging a violation  
2 of a municipal ordinance.

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

Under current law, a citation or complaint alleging a violation of a municipal ordinance must be signed by a law enforcement officer, an attorney representing the municipality, or, under certain circumstances, a conservation warden, municipal official, or municipal employee (signatory). This bill permits the signature of the signatory to be made in writing or electronically.

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

3 SECTION 1. 800.02 (2) (a) of the statutes is amended to read:  
4 800.02 (2) (a) The citation or complaint shall be signed by bear the written  
5 signature or electronic signature, as defined in s. 801.17 (1) (e), of a law enforcement  
6 officer, attorney representing the municipality, or, if applicable, a conservation  
7 warden. In addition, the governing body of a municipality authorized to adopt the  
8 use of citations may designate by ordinance or resolution other municipal officials



1 who may sign, by written signature or electronic signature, as defined in s. 801.17  
2 (1)(e), and issue citations with respect to ordinances which are directly related to the  
3 official responsibilities of the officials. Officials granted the authority to sign and  
4 issue citations as provided in this subsection may delegate, with the approval of the  
5 governing body, the authority to employees. Authority delegated to an official or  
6 employee may be revoked only in the same manner by which it is conferred.

\*\*\*\*NOTE: The drafting instructions directed me to add the words "official or employee" following conservation warden in the first sentence of this paragraph. It was not clear whether you intended "official or employee" to refer to some other official or employee of the Department of Natural Resources who would be authorized to sign a citation or complaint, or whether you intended to refer to an official or employee of the municipality. If you intended the latter, I don't believe the addition of these words is necessary, as officials and employees of the municipality are expressly authorized to sign citations or complaints in the next sentence. Please advise.

7

(END)

**Kuczenski, Tracy**

**From:** Sappenfield, Anne  
**Sent:** Wednesday, February 01, 2012 3:45 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Remedial elgisation proposed by the Wisconsin Municipal Judges Association

**From:** Rose, Laura  
**Sent:** Tuesday, January 31, 2012 11:42 AM  
**To:** Sappenfield, Anne  
**Subject:** FW: Remedial elgisation proposed by the Wisconsin Municipal Judges Association

Hi Anne

Looks like the Municipal Judges are okay with Tracy Kuczenski's drafts. Judge Koval will appear at the meeting on Thursday on behalf of the judges.

Laura

*Laura D. Rose, Deputy Director*

Wisconsin Legislative Council

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

[laura.rose@legis.wisconsin.gov](mailto:laura.rose@legis.wisconsin.gov)

**From:** Koval, Daniel [<mailto:DKoval@cityofmadison.com>]  
**Sent:** Tuesday, January 31, 2012 11:10 AM  
**To:** Rose, Laura  
**Subject:** RE: Remedial elgisation proposed by the Wisconsin Municipal Judges Association

Hi Laura,

I tried to call you but you were not available.

Everything looked great except for the provision relating to signatures. The municipalities would like to be able

2/1/2012

to have officers or employees issue citations/complaints where the officer or employee name is either typewritten or hand printed on the citation/complaint. The definition of electronic signature does not really accomplish that goal.

Below is the proposed language we would like if possible.

**800.02(2) FORM OF CITATION OR COMPLAINT.** (a) The citation or complaint shall contain the name of a law enforcement officer, attorney representing the municipality, or if applicable, a conservation warden, official, or employee. In addition, the governing body of a municipality authorized to adopt the use of citations and complaints may designate by ordinance or resolution other municipal officials who are authorized to issue and be named in citations or complaints with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue and be named in citations or complaints may delegate, with the approval of the governing body, the authority to employees. Authority delegated to an official or employee may be revoked only in the same manner by which it is conferred.

I will be at the meeting on Thursday at 9 am.

Thank you!

Judge Koval

**From:** Rose, Laura [mailto:Laura.Rose@legis.wisconsin.gov]  
**Sent:** Tuesday, January 31, 2012 9:25 AM  
**To:** Koval, Daniel; velagram2@aol.com  
**Subject:** Remedial elgisaltion proposed by the Wisconsin Municipal Judges Association

<<Draft review: LRB 11-3797/P1 Topic: Modify requirements for form of citation or complaint>> <<Draft review: LRB 11-3795/P1 Topic: Eliminate provision requiring circuit court clerk to file municipal judge's oath and bond>>  
<<Draft review: LRB 11-3796/P1 Topic: Eliminate obsolete reference to payment for appeal transcripts>> <<Draft review: LRB 11-3799/P1 Topic: Grant municipal judges authority to order default judgment at trial stage>>

<<feb02not\_lrc>>

Dear Judges Koval and Gramling,

Representative Jim Ott submitted your requests for remedial legislation proposed by the Wisconsin Municipal Judges Association. I'm attaching the drafts that were prepared in response to the four remedial items. The Law Revision Committee is meeting on Thursday, February 2 at 9:00 a.m. (notice attached) to review these drafts. Is it possible for one of you to attend the meeting and explain the need for the drafts?

Also, the drafted inserted questions on two of the drafts: LRB 3797/P1, and LRB: 3799/P1. Could you please review these questions as soon as possible and advise me as to your responses? If I hear from you today I may have time to get these redrafted, if necessary, before Thursday's meeting.

2/1/2012

Thanks, and please call or email with any questions. I'll be following up with phone calls to you today, as well.

**Laura Rose**

*Laura D. Rose, Deputy Director*  
Wisconsin Legislative Council  
One East Main Street, Suite 401  
PO Box 2536  
Madison, WI 53701-2536  
tel: 608.266.9791  
fax: 608.266.3830  
laura.rose@legis.wisconsin.gov

2/1/2012

**Kuczenski, Tracy**

**From:** Sappenfield, Anne  
**Sent:** Wednesday, February 01, 2012 4:05 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Law revision meeting  
FYI... Now you don't need an note!!

Thanks!!!  
Anne

**From:** Koval, Daniel [mailto:DKoval@cityofmadison.com]  
**Sent:** Wednesday, February 01, 2012 4:05 PM  
**To:** Sappenfield, Anne  
**Subject:** RE: Law revision meeting

Hi Ms. Sappenfield,

Thank you for the revision. It is okay to leave out "official or employee" in the first sentence.

See you tomorrow.

Judge Koval

**From:** Sappenfield, Anne [mailto:Anne.Sappenfield@legis.wisconsin.gov]  
**Sent:** Wednesday, February 01, 2012 4:03 PM  
**To:** Koval, Daniel  
**Subject:** Law revision meeting

Hi Judge Koval,

I staff the Law Revision Committee with Laura. I just wanted to let you know that I am having the language you requested on the electronic signatures drafted for tomorrow's meeting. Also, the drafter did not include "official or employee" after "conservation warden" in the first sentence. Is that OK?

Thank you. Please let me know if you need anything from me. I will see you tomorrow.

Anne

*Anne Sappenfield*

Senior Staff Attorney

WI Legislative Council

(608) 267-9485



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3797/P1

TKK:jld:rs

RANK

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

E K J F

today  
2/1/12 wanted for 9:00 am hearing  
on 2/2/12

Resen

1 AN ACT to amend 800.02 (2) (a) of the statutes; relating to: signatures on  
2 citations or complaints alleging a violation of a municipal ordinance.

**Analysis by the Legislative Reference Bureau**

Under current law, a citation or complaint alleging a violation of a municipal ordinance must be signed by a law enforcement officer, an attorney representing the municipality, or, under certain circumstances, a conservation warden, municipal official, or municipal employee (signatory). This bill permits the signature of the signatory to be made in writing or electronically.

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

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5 signature or electronic signature, as defined in s. 801.17 (1) (e), of a law enforcement  
6 officer, attorney representing the municipality, or, if applicable, a conservation  
7 warden. In addition, the governing body of a municipality authorized to adopt the  
8 use of citations of complaints may designate by ordinance or resolution other municipal officials

Eliminates the requirement that the citation be signed and instead requires only that the name of the signatory appear in the citation or complaint.

are authorized to

- 1 who ~~may sign~~ by written signature or electronic signature, as defined in s. 801.17
- 2
- 3 (1)(e) ~~and~~ issue citations with respect to ordinances which are directly related to the  
and be named in of complaints
- 4 official responsibilities of the officials. Officials granted the authority to sign and  
and be named in
- 5 issue citations as provided in this subsection may delegate, with the approval of the  
to and complaints
- 6 governing body, the authority to employees. Authority delegated to an official or  
employee may be revoked only in the same manner by which it is conferred.

\*\*\*\*NOTE: The drafting instructions directed me to add the words "official or employee" following conservation warden in the first sentence of this paragraph. It was not clear whether you intended "official or employee" to refer to some other official or employee of the Department of Natural Resources who would be authorized to sign a citation or complaint, or whether you intended to refer to an official or employee of the municipality. If you intended the latter, I don't believe the addition of these words is necessary, as officials and employees of the municipality are expressly authorized to sign citations or complaints in the next sentence. Please advise.

be named in  
issue and be named in

7

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3797/1  
TKKjld&kjfjf

## 2011 BILL

1 AN ACT to amend 800.02 (2) (a) of the statutes; relating to: signatures on  
2 citations or complaints alleging a violation of a municipal ordinance.

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*Analysis by the Legislative Reference Bureau*

Under current law, a citation or complaint alleging a violation of a municipal ordinance must be signed by a law enforcement officer, an attorney representing the municipality, or, under certain circumstances, a conservation warden, municipal official, or municipal employee (signatory). This bill eliminates the requirement that the citation be signed and, instead, requires only that the name of the signatory appear in the citation or complaint.

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7 to adopt the use of citations or complaints may designate by ordinance or resolution



**BILL**

1 other municipal officials who ~~may sign and are authorized to issue and be named in~~  
2 citations or complaints with respect to ordinances which are directly related to the  
3 official responsibilities of the officials. Officials granted the authority to ~~sign and~~  
4 issue and be named in citations and complaints may delegate, with the approval of  
5 the governing body, the authority to employees. Authority delegated to an official or  
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(END)