

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/03/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees

Extra Copies:

**Pre Topic:**

DOA:.....Statz -

**Topic:**

Eliminate the \$2 special prosecution fee and related appropriations

**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> |
|--------------|------------------------------------------------|------------------------------------------------|-----------------------|-------------------------|----------------------------|-----------------|-----------------|
| /1           | nelsorp1<br>10/10/2000                         | gilfokm<br>10/10/2000                          | martykr<br>10/11/2000 | _____                   | lrb_docadmin<br>10/11/2000 |                 | S&L             |
| /2           | nelsorp1<br>10/31/2000<br>mdsida<br>02/06/2001 | gilfokm<br>11/01/2000<br>gilfokm<br>02/06/2001 | martykr<br>11/02/2000 | _____<br>_____<br>_____ | lrb_docadmin<br>11/02/2000 |                 | S&L             |
| /3           |                                                |                                                | kfollet<br>02/06/2001 | _____<br>_____          | lrb_docadmin<br>02/07/2001 |                 | S&L             |

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Eliminate the \$2 special prosecution fee and related appropriations

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FE Sent For:

*13-2/mg  
1/6-01*

*10/11  
2/6*

*10/11/01  
2/6*  
<END>

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12-10/31  
Kmg  
Kmg 11/1  
Kmg 11/2  
<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 17           | nelsorp1       | 1-10/00 King    | 10/11        | 10/11          |                  |                 |                 |

FE Sent For:

<END>

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY



Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1736  
Fax (608) 267-0372  
TTY (608) 267-9629

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**Date:** October 2, 2000

**To:** Steve Miller, LRB

**From:** Andrew J. Statz, DOA *AS*  
267-0370

**Subject:** Budget draft request relating to Milwaukee's \$2 special prosecution fee

I am requesting statutory language be drafted for inclusion with the 2001-03 biennial budget bill.

The draft will eliminate the state's responsibility for the \$2 special prosecution fees under s. 814.635 (1m) and references to it. The deletion of ss. 978.13 (1)(b) and (c) and the appropriation account under s. 20.475 (1)(i) *Other employees* is also required.

Please call if you have any questions. Thank you.



5004 10/10  
State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0638/1

RPN...: King

DOA:.....Statz - Eliminate the \$2 special prosecution fee and related appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

I-NOTE

DON'T  
GEN. CAT

1 AN ACT...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

Currently, a special prosecution fee of \$2 is collected by the Milwaukee County clerk of circuit court whenever a circuit court fee is imposed in civil actions, including garnishment actions, small and large claim actions, and forfeiture actions. This fee is used to pay the costs of clerks in Milwaukee County necessary for the prosecution of violent crime cases and cases involving felony drug violations. This bill deletes the \$2 special prosecution fee and the state's responsibility to provide funding for the clerk positions in Milwaukee County necessary for the prosecution of violent crime cases and cases involving felony drug violations.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

→ I NS. 1-1

2 SECTION 1. 20.475 (1) (i) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 2. 814.635 (1m) of the statutes is repealed.

2 SECTION 3. 814.635 (2) of the statutes is amended to read:

3 814.635 (2) The clerk shall pay the moneys collected under subs. sub. (1) and  
4 (~~1m~~) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay  
5 those moneys to the state treasurer under s. 59.25 (3) (p).

6 History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9.

7 SECTION 4. 978.13 (1) (intro.) and (d) of the statutes ~~is~~ <sup>are</sup> consolidated,  
8 renumbered 978.13 (1) and amended to read:

9 978.13 (1) The In counties having a population of 500,000 or more, the state  
10 shall assume financial responsibility for all of the following: ~~In counties having a~~  
11 ~~population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions~~  
12 ~~providing clerical services to the prosecutors in the district attorney's office handling~~  
13 ~~cases involving the unlawful possession or use of firearms. The state treasurer shall~~  
14 ~~pay the amount authorized under this paragraph~~ <sup>subsection</sup> ~~to the county treasurer from the~~  
15 ~~appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district~~  
16 ~~attorney to the department of administration. The amount paid under this~~  
17 ~~paragraph~~ <sup>subsection</sup> ~~may not exceed \$51,300 in the 1999-2000 fiscal year and \$64,400 in the~~  
18 ~~2000-01 fiscal year.~~

18 History: 1989 a. 31, 117, 122, 336; 1991 a. 39; 1993 a. 16, 92; 1995 a. 27, 448; 1997 a. 27; 1999 a. 9.

19 SECTION 5. 978.13 (1) (b) and (c) of the statutes are repealed.

20 SECTION 9309. Initial applicability; circuit courts.

21 (1) SPECIAL PROSECUTION FEE. The treatment of sections 20.475 (1) <sup>(i)</sup>, 814.635  
22 (1m) and (2), <sup>and</sup> 978.13 (1) (intro.) <sup>and</sup> (d) ~~and 978.13 (1) (b) and (c)~~ <sup>(f) and</sup> of the statutes first  
23 applies to cases filed on the effective date of this subsection.

(END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0638/lins  
RPN...:kmg:kg

INSERT 1-1 ✓

SECTION 1. 20.475 (1) (f) of the statutes is amended to read:

20.475 (1) (f) *Firearm prosecution costs; firearm law media campaign.* The amounts in the schedule to reimburse Milwaukee County for the cost of clerks under s. 978.13 (1) (d) and the cost of computers under 1999 Wisconsin Act 9, section 9101 (3c) and to reimburse the Milwaukee board of fire and police commissioners for the costs of the media campaign under s. 62.50 (23m).

History: 1989 a. 31, 117, 122; 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 448; 1999 a. 9.

D-NOTE

In s. 978.13 (1) (d) [~~now~~ part of s. 978.13 (1)], the last sentence should be treated regarding the fiscal years, dates of 1999-2000 which will be outdated at the time of budget passage. Should the years be advanced for the sentence struck?  
RPN.

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

LRB-0638/1dn  
RPN:kmg:km

October 11, 2000

In s. 978.13 (1) (d) [renumbered to be part of s. 978.13 (1)], the last sentence should be treated regarding the fiscal years, which will be outdated at the time of budget passage. Should the years be advanced or the sentence stricken?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**Nelson, Robert P.**

---

**From:** Statz, Andrew  
**Sent:** Tuesday, October 31, 2000 9:02 AM  
**To:** Nelson, Robert P.  
**Cc:** Dsida, Michael  
**Subject:** \$2 fee for MKE clerks -- 0638/1

As you requested...

The amounts cited in lines 22 and 23 on page 2 of draft #0638/1 relating to the appn under s. 20.475 (1)(f) may be updated to reflect the 01-03 biennium. The amounts should be \$76,000 for FY02 and \$78,300 for FY03.

However, during reconciliation, this paragraph should receive the treatment outlined in draft #0618/1 relating to Project Ceasefire.

*Andrew J. Statz  
State Budget Office  
608-267-0370*



DOA:.....Statz - Eliminate the \$2 special prosecution fee and related appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>DON'T GEN. CAT.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

Currently, a special prosecution fee of \$2 is collected by the Milwaukee County clerk of circuit court whenever a circuit court fee is imposed in civil actions, including garnishment actions, small and large claim actions, and forfeiture actions. This fee is used to pay the costs of clerks in Milwaukee County necessary for the prosecution of violent crime cases and cases involving felony drug violations. This bill deletes the \$2 special prosecution fee and the state's responsibility to provide funding for the clerk positions in Milwaukee County necessary for the prosecution of violent crime cases and cases involving felony drug violations.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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2 SECTION 1. 20.475 (1) (f) of the statutes is amended to read:







State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0638/2  
RPN:kmg:km

3

D-Note

DOA:.....Statz - Eliminate the \$2 special prosecution fee and related appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Soon

DON'T  
GEN. CAT.

1 AN ACT ...; relating to: the budget.

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 4 ~~(3c) and to reimburse the Milwaukee board of fire and police commissioners for the~~  
 5 ~~costs of the media campaign under s. 62.50 (23m).~~

6 **SECTION 2.** 20.475 (1) (i) of the statutes is repealed.

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 19 ~~pay the amount authorized under this paragraph subsection to the county treasurer~~  
 20 ~~from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the~~  
 21 ~~district attorney to the department of administration. The amount paid under this~~  
 22 ~~paragraph subsection may not exceed \$51,300 in the 1999-2000~~ ~~\$76,000 in the~~  
 23 ~~2001-02~~ <sup>may</sup> fiscal year and ~~\$64,400 in the 2000-01~~ ~~\$75,300 in the 2002-03~~ fiscal year.

the amount appropriated under s. 20.475(1) (f)



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0638/3ins  
MGD.....

1

INSERT 3/0

*(intro.) and (d) [consolidated  
as s. 978.13 (1)]*

\*\*\*NOTE: This is reconciled s. 978.13 (1). This SECTION has been affected by drafts with the following LRB numbers: -0618 and -0638.

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

LRB-0638/3dn

MGD: *mg*

Andrew:

This draft reconciles LRB-0618 and LRB-0638. Both of these drafts should continue to appear in the compiled bill.

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867

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

LRB-0638/3dn  
MCD:kmg:kjf

February 6, 2001

Andrew:

This draft reconciles LRB-0618 and LRB-0638. Both of these drafts should continue to appear in the compiled bill.

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0638/3  
RPN:kmg:kjf

DOA:.....Statz - Eliminate the \$2 special prosecution fee and related appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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**SECTION 4.** 978.13 (1) (intro.) and (d) of the statutes are consolidated, renumbered 978.13 (1) and amended to read:

978.13 (1) The In counties having a population of 500,000 or more, the state shall assume financial responsibility for all of the following: (d) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving the unlawful possession or use of firearms. The state treasurer shall pay the amount authorized under this paragraph subsection to the county treasurer from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the department of administration. The amount paid under this paragraph subsection may not exceed \$51,300 in the 1999-2000 fiscal year and \$64,400 in the 2000-01 fiscal year the amount appropriated under s. 20.475 (1) (f).

\*\*\*\*NOTE: This is reconciled s. 978.13 (1) (intro.) and (d) [consolidated as s. 978.13 (1)]. This SECTION has been affected by drafts with the following LRB numbers: -0618 and -0638.

**SECTION 5.** 978.13 (1) (b) and (c) of the statutes are repealed.

**SECTION 9309. Initial applicability; circuit courts.**

