

1999 DRAFTING REQUEST

Bill

Received: **04/28/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**

By/Representing: **Boots**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Requirement that county clerk must inform district attorney of certain actions

Instructions:

See Attached. Repeal s. 59.23 (2) (i)

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>
/?	shoveme 04/28/99	gilfokm 04/28/99		_____			
/1			martykr 04/29/99	_____	lrb_docadmin 04/29/99	lrb_docadmin 04/29/99	

FE Sent For:

Not Needed

<END>

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1?	shoveme	1-4-28-99 KMG	Jm 4/29	J 4/29 Jm 4/29			
11 MES 4/28/99							

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continue their relationship with lobbyists from the state bar to continue to work toward meeting district attorney resource needs.

Alison Poe updated the board on action from the Bureau of Justice Information Services. Ms. Poe noted that there is currently in place a help desk for district attorney support in lieu of C-CAP which is no longer providing such service. There are currently eight people assigned to the help desk and related functions to provide assistance. The number is toll free, 877-815-4357. Ms. Poe noted that the Governor's proposed budget provides a significant increase in the budget for district attorney information technology. The budget doubles state funds for this purpose. These funds will be used for completion of the Local Area Network (LAN) rollout and the implementation of the district attorney case management system.

The board discussed the procedure for hiring the eventual replacement for Mr. Hanewicz as executive director. Mr. Hanewicz is sending out a campus-wide notice at the University of Wisconsin Law School and a notice to Marquette University. The board discussed the need to have a replacement trained and prepared by the time the 1999 Summer Conference.

Mr. Wambach informed the board of potential problems resulting from the recent Renz decision out of Jefferson county. The appeals court found that the probable cause necessary for using a preliminary breath test on a traffic stop is the same as that necessary for making an arrest. The case is currently being set for argument before the Supreme Court. The board discussed the need to have the legislature adopt statutory language to assure that the standard is reasonable suspicion, not probable cause for arrest. Mr. Wambach volunteered to draft potential legislative language and to submit it to Pat Kenney for review by the Legislative Committee.

The board directed Mr. Hanewicz to research potential investment options for WDAA funds by the March board meeting.

Mr. Bucher discussed correspondence from former lobbyist D.J. Klauser. Mr. Klauser was seeking payment for work done on the four-year term. The

board unanimously voted to reconsider payment options after the four-year-term bill has been passed.

The board discussed the recent injunction against district attorneys across the state, ordering them to refrain from enforcing the statute banning partial-birth abortions.

Mr. Morse informed the board of an inquiry regarding Wis. Stat. sec. 59.23(2)(i). The statute calls for the county clerk of any county to inform the district attorney of every action or proceeding commenced against the county and of every appeal from the action of the board. The board determined that this statute had not been enforced and indeed should have been eliminated in 1989 when the district attorney program was transferred from the counties to the state. Mr. Morse asked for a letter from the WDAA Executive Board to him formally requesting him to seek to have the statute repealed.

Mr. Morse informed the board of the need for district attorney and assistant district attorney volunteers to be involved in the management review of the current assistant district attorney collective bargaining agreement and the preparation of the state's position in the upcoming negotiations.

Mr. Morse informed the board of the status of discussions between the Department of Administration and the Department of Employment Relations (DER) regarding hiring above the minimum (HAM). The DER temporarily approved the current HAM standard in late November and requested further discussions in a few months. Those discussions recently took place and resulted in some possible modifications to the 11/98 HAM standards. The board discussed the amendments and found that they did not significantly modify the goals it originally sought. Ms. Bachman moved to support the modifications. Ms. Williams seconded the motion. The board unanimously agreed to support the modifications.

Mr. Morse discussed the availability of information on the Governor's budget proposal on the internet. The board discussed the proposed budget for the next biennium with a focus on prosecutor resources. The budget bills were introduced as SB 45 and AB 133.



State of Wisconsin
1999 - 2000 LEGISLATURE

-2997/1
LRB-293271
MES:kmg:44
RMR

1999 BILL

Today, by 1 p.m.

repeal

1 AN ACT *to repeal* 59.23 (2) (i) of the statutes; **relating to:** the requirement that
2 a county clerk notify the district attorney of actions taken against the county
3 or by the county board.

Analysis by the Legislative Reference Bureau

Under current law, a county clerk is required to notify the district attorney of every action or proceeding commenced against the county and of every appeal from the action of the county board. This bill repeals this requirement.

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

4 SECTION 1. 59.23 (2) (i) of the statutes is repealed.

5 (END)

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**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/29/99

To: Representative Sherman

Relating to LRB drafting number: LRB-2997

Topic

Requirement that county clerk must inform district attorney of certain actions

Subject(s)

Counties

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129

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