2001 ASSEMBLY BILL 536

- October 8, 2001 Introduced by Representatives Albers, Gundrum, Lassa, Walker, Gunderson, Meyerhofer, McCormick, Steinbrink, Suder, Reynolds, Underheim, Williams, Schneider, Turner, Schooff, J. Lehman, Musser, Huber, Shilling, Pocan, Johnsrud, Young, Wasserman, Bock, Ryba, Plale, Krawczyk, Pettis, La Fave, Plouff, Cullen, Ott, Hundertmark, Staskunas, Miller, Sherman, Berceau, Krug, Sinicki, Hubler, Carpenter, Hebl, Boyle, Riley, Sykora, Jeskewitz, Kreuser, Coggs, Richards, Balow, Seratti and Starzyk, cosponsored by Senators Moore, Roessler, Burke, Harsdorf, Plache, George, Decker, Risser, Wirch, Erpenbach, Grobschmidt, Shibilski, Kanavas, Breske, M. Meyer, Moen, Robson, Baumgart, Schultz, Huelsman and Darling. Referred to Joint committee on Finance.
- 1 AN ACT relating to: positions for the office of the state public defender, requiring

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quarterly reports, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the office of the state public defender (SPD) is responsible for providing legal representation to various indigent persons. If a person qualifies for legal representation by the SPD, the SPD either assigns an attorney employed by the office to represent the person or contracts with a private attorney to represent the person. If two potential SPD clients have conflicting or potentially conflicting interests, the SPD cannot represent both clients and, instead, must contract with private attorneys to represent at least one of the potential clients.

In budget determinations under 2001 Wisconsin Act 16 (the biennial budget bill), the joint committee on finance (JCF) authorized and funded 43.3 new positions for the SPD for trial representation (30.0 attorneys, 7.5 legal secretaries, 4.3 investigators, and 1.5 client services specialists). JCF also authorized and funded 16.0 new positions for the creation of a conflicts office within the SPD to represent persons whose interests are in conflict or potentially in conflict with those of persons represented by the SPD's general trial representation unit. The 16.0 positions approved by JCF for a conflicts office consisted of: 1.0 supervising attorney, 10.0 attorneys, 3.0 legal secretaries, 1.5 investigators, and 0.5 client services specialists. The biennial budget bill also included a provision directing the public defender board to submit quarterly reports on budget savings to JCF, and to seek additional funding from JCF, if the appropriations for the public defender board are not sufficient. The governor vetoed the funding for the 59.3 positions and the requirement that the public defender board submit quarterly savings reports.

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This bill increases the public defender board appropriation for trial representation by \$2,894,800 general purpose revenue in fiscal year 2001–02 and \$373,100 general purpose revenue in fiscal year 2002–03 for the purpose of funding the 43.3 trial representation positions and the 16.0 conflicts office positions. The bill also requires the public defender board to submit quarterly reports on budget savings to JCF, and to seek additional funding from JCF if the appropriations for the public defender board are not sufficient.

For further information see the *state* 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:

SECTION 1. Nonstatutory provisions.

(1) At the end of each quarter in fiscal years 2001–02 and 2002–03, the public
defender board shall submit to the cochairpersons of the joint committee on finance
a report of the amount of savings recognized by the public defender board during the
previous 3 months. The public defender board shall request additional funding from
the joint committee on finance in accordance with the method provided under section
13.10 of the statutes, if a shortfall occurs in any appropriation to the public defender

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SECTION 2. Appropriation changes.

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation
to the public defender board under section 20.550 (1) (c) of the statutes, as affected
by the acts of 2001, the dollar amount is increased by \$2,894,800 for fiscal year
2001–02 and the dollar amount is increased by \$373,100 for fiscal year 2002–03 to
increase the authorized FTE positions for the public defender board by 43.3 GPR
positions for trial representation and 16.0 GPR positions for a conflicts office.

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