

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **05/21/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Onsager (Paul)**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Justice - criminal**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

**Pre Topic:**

LFB:.....Onsager (Paul) -

---

**Topic:**

Criminal history search fees

---

**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	rryan 05/21/2003	csicilia 05/21/2003	rschluet 05/21/2003	_____	lemery 05/21/2003		

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **05/21/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Paul Onsager**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Justice - criminal**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

**Pre Topic:**

LFB:.....Paul Onsager -

---

**Topic:**

Criminal history search fees

---

**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>
/?	rryan	1 cjs 5/21/03					

5-21-03  
<END>

FE Sent For:

discouraging requests for paper copies. If these fee increases were approved and the additional amounts lapsed to the general fund, it is estimated that GPR-Earned amounts would increase by an additional \$287,000 in 2003-04 and \$232,700 in 2004-05.

7. Concerns could be raised regarding the possible reduction in balances in this appropriation during 2003-05, if the Committee were to adopt all of the above alternatives. Increasing the fee and surcharge amounts, however, will serve to increase the revenue stream available to support Department activities in future biennia.

8. Alternatively, the Committee could elect to forego one or more of the potential lapses identified above, in order to preserve positive balances in this appropriation into the 2005-07 biennium.

9. Under current law, the criminal history searches and fingerprint identification appropriation is a continuing appropriation. As a continuing appropriation, the Department has the authority to expend all available revenues, subject to the Department of Administration (DOA) allotment process.

10. If this appropriation were converted to an annual appropriation, the Department would no longer have the authority to expend all available revenues but would be limited to the amounts appropriated. Converting this appropriation to an annual appropriation would permit the Legislature to exercise greater control over the Department's expenditure of criminal history search fee revenues.

11. On the other hand, it should be noted that the agency has exercised discipline in the past regarding its expenditure of these revenues. As a result, the appropriation is projected to end the current biennium with a significant balance of \$1,166,900 PR. Accordingly, it could be argued that converting this appropriation to an annual appropriation is unnecessary.

**ALTERNATIVES**

1. Approve the Governor's recommendations to: (a) increase the \$10 fingerprint card record check fee assessed to governmental agencies or nonprofit organizations to \$15; and (b) create a \$5 paper copy surcharge applicable to criminal history record checks and fingerprint card record checks. Include a technical correction reducing GPR-Earned collections by \$287,000 in 2003-04 and \$232,700 in 2004-05 and providing corresponding PR-REV increases of \$287,000 in 2003-04 and \$232,700 in 2004-05.

*in bill*  
*we drafted*

<u>Alternative 1</u>	<u>GPR</u>	<u>PR</u>
2003-05 REVENUE (Change to Bill)	-\$519,700	\$519,700

Justice (Paper #471)

2. *Adopt Alternative 1*, and, in addition, lapse \$519,700 in 2003-04 to the general fund from the criminal history searches; fingerprint identification appropriation.

<u>Alternative 2</u>	<u>PR</u>
2003-05 REVENUE (Change to Bill)	\$519,700

3. *Adopt Alternative 1*, and, in addition, lapse \$968,800 in 2003-04 to the general fund from the criminal history searches; fingerprint identification appropriation.

<u>Alternative 3</u>	<u>GPR</u>	<u>PR</u>
2003-05 REVENUE (Change to Bill)	\$449,100	\$519,700

4. *Adopt Alternative 1*, and, in addition, lapse \$968,800 in 2003-04 to the general fund in available balances from the criminal history searches; fingerprint identification appropriation and lapse an additional \$287,000 in 2003-04 and \$232,700 in 2004-05 attributable to increased fee and surcharge revenue from this appropriation to the general fund.

<u>Alternative 4</u>	<u>GPR</u>	<u>PR</u>
2003-05 REVENUE (Change to Bill)	\$968,800	\$519,700

5. Delete provision.

<u>Alternative 5</u>	<u>GPR</u>
2003-05 REVENUE (Change to Bill)	-\$519,700

6. Provide that the criminal history searches; fingerprint identification appropriation be converted to an annual appropriation.

Prepared by: Paul Onsager



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0250/2

RLR:.....

gs (RMR)

LFB:.....Paul Onsager – Criminal history search fees

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 391, line 12: after that line insert:

3 "SECTION 556r. 20.455 (2) (gm) of the statutes is amended to read:

4 20.455 (2) (gm) *Criminal history searches; fingerprint identification.* ~~All~~  
5 ~~moneys received as fee payments under s. 165.82 (1)~~ The amounts in the schedule  
6 for the provision of services under s. 165.82 (1) and the provision of an automated  
7 fingerprint identification system. All moneys received as fee payments under s.  
8 165.82 (1) shall be credited to this appropriation."

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109.

9 2. Page 1111, line 1: after that line insert:

10 "(1r) CRIMINAL HISTORY SEARCH FEE LAPSE. Notwithstanding section 20.001 (3)  
11 (a) of the statutes, no later than June 30, 2004, the secretary of administration shall

1 lapse to the general fund \$968,800 from the appropriation account of the department  
2 of justice under section 20.455 (2) (gm) of the statutes, as affected by the acts of  
3 2003.”

4 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0250/1  
RLR:cjs:rs

LFB:.....Onsager (Paul) – Criminal history search fees

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION  
SENATE AMENDMENT ,  
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 391, line 12: after that line insert:

3 “SECTION 556r. 20.455 (2) (gm) of the statutes is amended to read:

4 20.455 (2) (gm) *Criminal history searches; fingerprint identification. All*  
5 ~~moneys received as fee payments under s. 165.82 (1)~~ The amounts in the schedule  
6 for the provision of services under s. 165.82 (1) and the provision of an automated  
7 fingerprint identification system. All moneys received as fee payments under s.  
8 165.82 (1) shall be credited to this appropriation.”

9 **2.** Page 1111, line 1: after that line insert:

10 “(1r) CRIMINAL HISTORY SEARCH FEE LAPSE. Notwithstanding section 20.001 (3)  
11 (a) of the statutes, no later than June 30, 2004, the secretary of administration shall

1 lapse to the general fund \$968,800 from the appropriation account of the department  
2 of justice under section 20.455 (2) (gm) of the statutes, as affected by the acts of  
3 2003.”.

4 (END)