

Committee Name: **Senate Committee – Judiciary, Corrections and Privacy (SC–JCP)**

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0522

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189

MEMORANDUM

TO: Honorable Members of the Senate Committee on Judiciary, Corrections and Privacy

FROM: Mark D. O'Connell, Executive Director *MDOC*

DATE: March 5, 2004

SUBJECT: Support for Senate Bill 522

The Wisconsin Counties Association (WCA) supports Senate Bill 522, which requires the state to pay all of the costs of providing court interpreter services to persons with limited English proficiency and of providing guardians ad litem in the circuit courts. The bill increases the court support service surcharge to generate the money necessary to make those increased payments.

In the 1993-95 state biennial budget bill, a court support services fee of \$20 was created to provide reimbursement to county governments for the cost of providing court-related services. Two appropriations were created to provide this funding to counties: court support services grant and guardian ad litem reimbursement. In the 1995-97 state biennial budget bill, the \$20 fee was increased to \$40 dollars. The increased fee provided additional funding to counties to provide partial reimbursement for costs associated with circuit court operations. While the circuit court support fee has increased since the 1995-97 state biennial budget, the increased funding has not been directed to court operations.

Since the creation of the guardian ad litem reimbursement program, counties have received funding in the amount of \$4.7 million annually. The cost to provide the service has increased exponentially for counties. In 2002, the latest year figures are available, counties spent \$9.6 million on guardians ad litem. Increasing costs for circuit court operations places increased pressure on the property taxpayers of this state – costs over which counties have no control.

Senate Bill 522 funds the increased reimbursements through a minimal increase in the court support filing fee. Therefore, this bill has no impact on the state's general fund. In addition, there is a direct connection between the fee increase and the use of the fee revenues.


Page 2
WCA Memorandum
March 5, 2004

Case filings in the court system increase every year. If counties continue to fail to receive increased funding from the state to carry out the mandates placed in statute relating to the operation of the state court system, services will be impacted at the local level. Counties will need to cut staff in clerks of court offices, the time between case filing and case closure will increase and justice may not be served in a timely manner if state funding remains at its current level.

Therefore, WCA respectfully requests your support for Senate Bill 522.

Thank you for considering our comments.

Daniel M. Finley
County Executive



Waukesha
COUNTY
DEPARTMENT OF COUNTY EXECUTIVE

Memo

TO: Senate Committee on Judiciary, Corrections and Privacy
FROM: Allison Bussler, Chief of Staff
DATE: March 5, 2004
SUBJECT: Support for Senate Bill 522

Waukesha County Executive Daniel Finley strongly supports Senate Bill 522 (SB 522), which increases the court support services surcharge to generate money necessary to make increased payments to counties for the costs of providing guardians ad litem and court interpreter services.

Under current law, the state provides funds to counties for some of the costs they are mandated to incur in providing court interpreters to persons with limited English proficiency and providing a guardian ad litem in appropriate circuit court cases. The money for this funding is generated from a court support service surcharge paid by most persons when they file civil action.

We see a growing demand for language assistance in our increasingly multicultural society and interpreters provide critical due process protections in the court system. A guardian ad litem is a lawyer appointed by the court to represent the best interest of a child or a ward. These services are provided by statute and, as such, we applaud Senator Kanavas and Representative Gundrum for introducing legislation that will provide local government with additional funding to meet the rising expenditures for these state mandated services.

County Executive Daniel Finley respectfully requests your support of SB 522. If you have any questions please do not hesitate to contact me at (262) 548-7902.



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

16 East State Capitol
Telephone 608-266-6828
Fax 608-267-0980

A. John Voelker
Director of State Courts

March 5, 2004

Senator David Zien, Chair
Senate Judiciary Committee
15 South, State Capitol
Madison, Wisconsin

RE: Senate Bill 522, Funding of Guardians ad Litem and Interpreters

Dear Senator Zien:

I write to communicate about Senate Bill 522. This bill increases funding by \$4.9 million to the guardian ad litem payment program and increases the reimbursement to counties for interpreter services by \$446,300. The services provided by guardians ad litem and interpreters are critical to the operation of the court system. As a result, we are supportive of efforts to ensure counties can properly provide these services to those individuals who require them. However, SB 522 raises statutory and institutional concerns.

There are concerns about the statutory language that would expand the right to a qualified interpreter at public expense to all persons regardless of indigency and for all types of court proceedings. However, s. 885.38(8)(a), Wis. Stats., limits the state reimbursement to those county expenses of providing interpreters to indigent persons. Senate Amendment 1 is intended to address this statutory concern.

As to institutional concerns, the court system has repeatedly noted its concern about the increases in court fees, in this case, the court support services surcharge. These increases impact the ability of the public to have access to the courts, which we believe is a fundamental governmental service that must remain available to all citizens. These efforts include the following:


- The Legislature recently approved AB 421 that consolidated the many fines, assessments and fees into one statutory section and under one title of surcharge. The court support services surcharge, which is raised by the bill before you, is one of those surcharges. AB 421 was developed by the Wisconsin Supreme Court's Planning and Policy Advisory Committee (PPAC), which studied the current system used to assess and collect court-related surcharges. The PPAC subcommittee report, issued in 2001, documents that since 1987, the number of surcharges has nearly tripled and the amount of revenue they produce has increased more than 500%. Since that report was issued, the Legislature increased the court support services surcharges two more times (by 30% each time) in order to raise substantial revenue.

- Another PPAC subcommittee, which included county government representatives, has recently concluded a year-long study of the system of court financing. On February 26, 2004 PPAC adopted that report, which noted the following: "Because of the existing plethora of fees, surcharges and assessments attached to court fees, fine and forfeitures that may reduce access to the courts and may place an unreasonable burden on certain defendants, increased court fees should not be used as a stable source of court funding."
- The Legislature recently adopted SB 375, now Act 134, which required the following: "Any fee that is imposed by a political subdivision shall bear a reasonable relationship to the service for which the fee is imposed." While the various surcharges go to many worthwhile programs, they sometimes have little, if any, connection to the persons against whom they are assessed. SB 522 is an example of that. Substantial revenues will be raised by increasing the court support services surcharge that is assessed in various fines and forfeitures actions. These actions have nothing to do with guardians ad litem and only rarely require a court interpreter. The cost of a \$30 speeding ticket, for instance, now totals \$154.20, (\$3.50 more in Milwaukee County) most of which goes to programs that have nothing to do with traffic enforcement. If SB 522 passes, that ticket will cost \$161.20. As we have pointed out in the fiscal estimate accompanying this bill, there are long range implications to this approach.
- The Committee of Chief Judges, comprised of the judges who head the ten court administrative districts in Wisconsin, recently discussed the impact that increased fees have on access to the courts. While they recognize the need for guardian ad litem and interpreter services, they did not support using fees to provide the funding source for those services.

In light of these concerns and considering the Supreme Court has consistently taken a position opposing increases to court fees, my Office has grave concerns about the funding mechanism contained in this legislation. It is of utmost importance that any revenue source used to support this program does not diminish the public's access to the courts.

I hope these comments will assist the Senate Judiciary Committee in its consideration of SB 522. Please feel free to contact me if you have any questions.

Respectfully submitted,



John Voelker
Director of State Courts

JV:NMR

cc: Senate Judiciary Committee Members

Original URL: <http://www.jsonline.com/news/editorials/mar04/212232.asp>

Editorial: The state's court obligation

From the Journal Sentinel

Posted: March 4, 2004

SB 522
+
AB 922

Here's proof that it's still possible for elected officials to put aside partisan and city-county-rural differences for the greater public good. A bill that would help Wisconsin counties pay for the operation of their court systems is scheduled for a hearing today by a state Senate committee.

The bill would raise court filing fees to provide an additional \$4.8 million for the courts. Failure to act on the bill, co-sponsored by Rep. Mark Gundrum (R-New Berlin) and Sen. Ted Kanavas (R-Brookfield), will hurt courts throughout the state.

Without the additional \$1.8 million that Milwaukee County would receive under this measure, officials here will have no choice but to slash vital court operations later this year. The required cuts "would be unimaginable," said Supervisor Richard Nyklewicz Jr., chairman of the Milwaukee County Board's Finance Committee.

Such cutbacks must be averted. An analysis prepared by the Legislative Reference Bureau shows the measure would help not just Milwaukee County, but other jurisdictions as well. It would mean \$328,197 in additional revenue for Waukesha County, \$280,721 for Dane County and \$213,770 for Brown County. Obviously, counties need this money to finance a vital public service - a service that the state requires counties to provide.

The measure would entail raising filing fees by 10.8%, effective July 1. That increase would be added to the 30% boost in the state portion of the filing fees over the past two years. The problem is that while the state has raised its fees, its appropriation to pay for court-appointed attorneys has stayed the same since 1995. The additional dollars would be used to pay for court-appointed attorneys and for English interpreters when needed.

We have written often about the need for communities and officials to work together. That's exactly what occurred here. Milwaukee County officials - including County Exec Scott Walker, Chief Judge Michael Sullivan, Board Chairman Lee Holloway and Nyklewicz - worked hand in hand with Waukesha County Executive Dan Finley, Waukesha County Board Chairman Jim Dwyer, the Wisconsin Counties Association and Gundrum and Kanavas to get this far.

It's up to the Legislature now to see this through.

From the March 5, 2004 editions of the Milwaukee Journal Sentinel

District	County	CY 2002 GAL Expenditures	FY 2003-2004 GAL Payment (for CY 2002 Costs)	CY 2002 GAL Recoupment	Net CY 2002 GAL Expenditures	Formula Distribution of \$9.6M Total	Increase from Current Payment
6	Adams	\$20,340	\$20,340	\$5,447	(\$5,447)	\$20,340	\$0
10	Ashland	\$49,625	\$18,730	\$19,608	\$11,287	\$49,625	\$30,895
10	Barron	\$129,418	\$42,471	\$51,259	\$35,688	\$129,418	\$86,947
10	Bayfield	\$19,148	\$18,377	\$16,888	(\$16,117)	\$19,148	\$771
8	Brown	\$376,807	\$163,037	\$214,066	(\$296)	\$376,807	\$213,770
7	Buffalo	\$18,639	\$12,220	\$3,751	\$2,668	\$18,639	\$6,419
10	Burnett	\$49,004	\$18,545	\$33,198	(\$2,739)	\$49,004	\$30,459
4	Calumet	\$28,080	\$24,350	\$515	\$3,215	\$28,080	\$3,730
10	Chippewa	\$53,616	\$47,735	\$25,414	(\$19,533)	\$53,616	\$5,881
6	Clark	\$34,920	\$27,667	\$9,710	(\$2,457)	\$34,920	\$7,253
6	Columbia	\$143,189	\$60,063	\$97,854	(\$14,728)	\$143,189	\$83,126
7	Crawford	\$62,192	\$20,869	\$12,384	\$28,939	\$62,192	\$41,323
5	Dane	\$602,991	\$322,270	\$8,456	\$272,265	\$602,991	\$280,721
6	Dodge	\$109,888	\$68,629	\$22,002	\$19,257	\$109,888	\$41,259
8	Door	\$58,476	\$33,041	\$18,569	\$6,866	\$58,476	\$25,435
10	Douglas	\$41,118	\$40,595	\$16,936	(\$16,413)	\$41,118	\$523
10	Dunn	\$86,202	\$44,560	\$39,889	\$1,753	\$86,202	\$41,842
10	Eau Claire	\$103,635	\$100,718	\$38,128	(\$35,211)	\$103,635	\$2,917
9	Florence	\$6,201	\$4,957	\$0	\$1,244	\$6,201	\$1,244
4	Fond Du Lac	\$179,500	\$98,514	\$126,788	(\$45,802)	\$179,500	\$80,986
9	Forest	\$16,070	\$12,367	\$0	\$3,703	\$16,070	\$3,703
7	Grant	\$85,486	\$40,421	\$70,219	(\$25,154)	\$85,486	\$45,065
5	Green	\$53,468	\$27,280	\$15,231	\$10,957	\$53,468	\$26,188
6	Green Lake	\$48,234	\$20,547	\$15,260	\$12,427	\$48,234	\$27,687
7	Iowa	\$36,398	\$24,862	\$22,588	(\$11,052)	\$36,398	\$11,536
9	Iron	\$13,210	\$11,259	\$3,275	(\$1,324)	\$13,210	\$1,951
7	Jackson	\$14,850	\$14,850	\$6,037	(\$6,037)	\$14,850	\$0
3	Jefferson	\$203,522	\$79,033	\$73,878	\$50,611	\$203,522	\$124,489
6	Juneau	\$99,919	\$33,928	\$23,894	\$42,097	\$99,919	\$65,991
2	Kenosha	\$247,712	\$136,902	\$100,321	\$10,489	\$247,712	\$110,810
8	Kewaunee	\$52,034	\$15,239	\$4,048	\$32,747	\$52,034	\$36,795
7	La Crosse	\$191,026	\$93,657	\$9,550	\$87,819	\$191,026	\$97,369
5	Lafayette	\$103,338	\$18,545	\$20,097	\$64,696	\$72,141	\$53,596
9	Langlade	\$32,988	\$22,670	\$3,409	\$6,909	\$32,988	\$10,318
9	Lincoln	\$55,468	\$32,491	\$33,300	(\$10,323)	\$55,468	\$22,977
4	Manitowoc	\$155,047	\$60,662	\$65,287	\$29,098	\$155,047	\$94,385
9	Marathon	\$152,458	\$95,100	\$59,179	(\$1,821)	\$152,458	\$57,358
8	Marinette	\$88,799	\$37,573	\$41,541	\$9,685	\$88,799	\$51,226
6	Marquette	\$90,692	\$19,795	\$29,584	\$41,313	\$76,728	\$56,933
9	Menominee	\$0	\$0	\$0	\$0	\$0	\$0
1	Milwaukee	\$2,816,557	\$1,013,862	\$157,517	\$1,645,378	\$2,816,558	\$1,802,896
7	Monroe	\$16,235	\$16,235	\$3,053	(\$3,053)	\$16,235	\$0
8	Oconto	\$70,335	\$35,686	\$44,257	(\$9,608)	\$70,335	\$34,649
9	Oneida	\$55,538	\$39,019	\$1,174	\$15,345	\$55,538	\$16,519
8	Outagamie	\$121,919	\$121,919	\$45,188	(\$45,188)	\$121,919	\$0
3	Ozaukee	\$54,287	\$54,287	\$21,157	(\$21,157)	\$54,287	\$0
7	Pepin	\$26,473	\$6,353	\$3,634	\$16,486	\$24,821	\$18,468
7	Pierce	\$17,437	\$17,437	\$7,817	(\$7,817)	\$17,437	\$0
10	Polk	\$50,882	\$38,503	\$10,769	\$1,611	\$50,882	\$12,379
6	Portage	\$73,366	\$55,075	\$24,542	(\$6,251)	\$73,366	\$18,291
9	Price	\$31,778	\$16,319	\$12,711	\$2,748	\$31,778	\$15,459
2	Racine	\$297,800	\$175,905	\$67,302	\$54,593	\$297,800	\$121,895
7	Richland	\$47,181	\$18,082	\$14,697	\$14,402	\$47,181	\$29,099
5	Rock	\$157,862	\$144,836	\$97,662	(\$84,636)	\$157,862	\$13,026
10	Rusk	\$40,890	\$17,644	\$6,887	\$16,359	\$40,890	\$23,246
6	Sauk	\$157,969	\$64,824	\$50,774	\$42,371	\$157,969	\$93,145
10	Sawyer	\$14,669	\$14,669	\$16,654	(\$16,654)	\$14,669	\$0
9	Shawano	\$27,980	\$27,980	\$27,126	(\$27,046)	\$27,980	\$80
4	Sheboygan	\$83,753	\$78,830	\$5,620	\$1,303	\$83,753	\$6,923
10	St. Croix	\$85,151	\$79,026	\$10,464	(\$4,339)	\$85,151	\$6,125
9	Taylor	\$43,989	\$16,337	\$26,245	\$1,407	\$43,989	\$27,652
7	Trempealeau	\$70,157	\$24,149	\$19,225	\$26,783	\$70,157	\$46,008
7	Vernon	\$26,169	\$20,275	\$1,544	\$4,350	\$26,169	\$5,894
9	Vilas	\$18,981	\$18,981	\$1,449	(\$1,449)	\$18,981	\$0
2	Walworth	\$131,685	\$76,389	\$41,350	\$13,946	\$131,685	\$55,296
10	Washburn	\$34,469	\$20,505	\$10,097	\$3,867	\$34,468	\$13,963
3	Washington	\$188,686	\$70,868	\$170,323	(\$52,505)	\$188,686	\$117,818
3	Waukesha	\$533,462	\$205,265	\$218,979	\$109,218	\$533,462	\$328,197
8	Waupaca	\$72,033	\$53,375	\$5,582	\$13,076	\$72,033	\$18,658
6	Waushara	\$27,751	\$26,060	\$17,277	(\$15,586)	\$27,751	\$1,691
4	Winnebago	\$281,326	\$130,900	\$18,745	\$131,681	\$281,326	\$150,426
6	Wood	\$56,336	\$56,316	\$0	\$20	\$56,336	\$20
Totals		\$9,646,813.76	\$4,738,500.00	\$2,517,379.86	\$2,390,933.90	\$9,600,001	\$4,861,501

03-05-2004

Senate Bill 522

Relating to: funding of guardian ad litem costs and court interpreter fees and making appropriations.

By Senator Kanavas; cosponsored by Representative Gundrum.

Aye

No

Signature

Tim Carpenter
Senator Tim Carpenter

I guess you forgot
this one!
Tim

\$ 522
FEE INCR.

\$68 → \$75

~~\$7~~ INCR.

2nd row ↑ \$20

\$4.9 M

Non GPR