



2007 DRAFTING REQUEST

Bill

Received: **09/01/2006**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0135 -

Topic:

Justice information system surcharge

Instructions:

See attached and 05-0121

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>
/?	rnelson2 09/05/2006			_____			State
/P1	bbalinsk 09/28/2006 bbalinsk 10/03/2006	kfollett 09/29/2006 kfollett 10/03/2006	rschluet 09/29/2006	_____	sbasford 09/29/2006		State
/1			rschluet 10/03/2006	_____	lparisi 10/03/2006		State
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/4			nmatzke 01/19/2007	_____	sbasford 01/19/2007		State
/5	bbalinsk 01/24/2007	kfollett 01/24/2007	jfrantze 01/24/2007	_____	cduerst 01/24/2007		State
/6	bbalinsk 01/26/2007	kfollett 01/26/2007	pgreensl 01/26/2007	_____	cduerst 01/26/2007		State
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Handwritten notes:
1/7/06
2/1/06
2/1/06
2/1/06

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By/Representing: Wavrunek

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May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

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Handwritten notes and signatures:

1615f
1/26

Handwritten initials: rschluet, lparisi, bbalinsk, kfollett

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15/15/24
1/24
Self
1/24

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nwn
1/18

nwn/rs
1/19

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Topic:

~~Deposit justice information system surcharge in 20.680 (2) (j) to increase revenues for CCAP and expand application of the JSS.~~

Instructions:

See attached and 05-0121

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13/kf
 10/19
 nwn
 10/19
 nwn/jf
 10/20

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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Subject: **Courts - miscellaneous**

Extra Copies:

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/1	bbalinsk	12 kif 10/17	rschluet 10/03/2006	_____	lparisi 10/03/2006		State

FE Sent For:

10/17/06

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Court Information Systems (CCAP) Revenue Changes
- Tracking Code: BR0135
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: SC
- Agency number: 680
- Priority (Low, Medium, High): Medium

BAB

The request intends to change the division of revenues collected by the justice information system surcharge to increase revenues for CCAP and expand application of the JISS.

The agency submitted a draft of LRB-0110/1 along with their budget request.

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Identical to LRB:

For: **Director of State Courts 7-0702**

By/Representing: **Deb Brescoll**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **deb.brescoll@wicourts.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Deposit justice info. system surcharge in 20.680 (2) (j)

Instructions:

See attached and 05-0121

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Wanted: As time permits

Identical to LRB:

For: Director of State Courts 7-0702

By/Representing: Deb Brescoll

This file may be shown to any legislator: NO

Drafter: bbalinsk

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: deb.brescoll@wicourts.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

See attached and 05-0121

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11/16/06
10/3

1036
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For: **Director of State Courts 7-0702**

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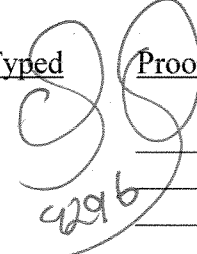
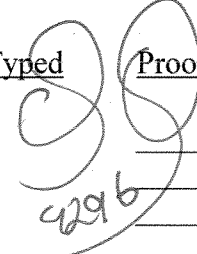
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1/?	rnelson2 09/05/2006 bbalinsk	1P11/jf 9/29					

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<END>

9-29-06

LC f Deb Bruscolt @ Div. of St. Cts.

7-0702

↓
kiss mail
MS

Prefer that it be under 758.19(2)

(2)(a) 2 - delete "computer generated special reports"

If we have to keep (4m) Delete last sentence under

59.25 (3)(f) 2.

(4m) → DoA don't get the funds, they get them directly

10/2/06 2:50

LC to Deb Bruscolt 7-0702

Money comes to them directly or they deposit it to DoA directly

- ① No change to 758.19(2)(a) 2.
- ② Delete 758.19(4m)
- ③ Change language - created 20.680(2)(j) to refer to 758.19(2)(a) 2.



Nelson, Robert P.

From: Deb Brescoll [Deb.Brescoll@wicourts.gov]
Sent: Tuesday, August 22, 2006 3:14 PM
To: Nelson, Robert P.
Subject: Courts' Statutory Change Drafts for Biennial Budget Submission
Attachments: Statutory Language Request Memo 08-17.doc

Hi Bob,

Attached is a memo detailing the drafts we are requesting for the Courts' 2007-09 biennial budget request. Please call if you have further questions and thanks for your help.

Deb Brescoll
Director of State Courts Office

Memorandum

STATE OF WISCONSIN
MANAGEMENT SERVICES



DATE: August 22, 2006

TO: Robert Nelson, Senior Attorney
Legislative Reference Bureau

FROM: Deb Brescoll, Budget and Policy Officer
Director of State Courts Office 7-0702

SUBJECT: Statutory Change Requests for the Courts' 2007-2009 Biennial Budget Submissions

Attached are five statutory changes requested by the Supreme Court as part of the court system's 2007-2009 biennial budget request, namely:

Supreme Court and Circuit Courts

- Require counties to submit to the Director of State Courts an annual report by May 15 that complies with a uniform chart of accounts developed by the Director of State Courts Office for the recording of all financial transactions relating to core court services. Authorize the Director of State Courts Office to conduct audits of counties' annual reports of court costs and revenues. This was drafted two years ago as LRB 0147/P2.

Supreme Court

- Provide that the \$1 of the justice information system surcharge (JISS) revenues currently deposited to the General Fund instead be deposited to s. 20.680(2)(j), Court information systems (CCAP). Currently this appropriation receives six-twelfths of the \$12 surcharge; under this proposal, CCAP would receive seven-twelfths of the surcharge. Further, delete the exemption from the CCAP fee and the JISS for the following violations: first violation of operating an ATV, motorboat, motor vehicle or snowmobile with a blood alcohol concentration of 0.08 or more but less than 0.1. Finally, broaden the Chapter 20 appropriation language for s. 20.680(2)(j) to allow the Supreme Court to establish additional CCAP fees by rule.
- Change the Director of State Courts Office appropriation from annual to biennial. Two years ago you drafted this same request as LRB 0121/1.

Circuit Courts

- Require court interpreters for all cases regardless of indigency. Authorize state reimbursement for county interpreter costs related to non-indigents.

STATUTORY LANGUAGE CHANGE: 2007 - 2009

Department/Program: Supreme Court

Statutory Language Change: Court Information Systems (CCAP) Revenue Changes

NARRATIVE

The Director of State Courts requests a statutory language changes to increase revenues to Circuit Court Automation Program (CCAP) as follows:

- Provide that seven-twelfths of the \$12 justice information system surcharge (JISS) revenues collected under s. 814.86 be deposited to s. 20.680(2)(j), Court information systems (CCAP).
- Under s. 814.63(1)(c), delete the exemption from the CCAP fee for a first violation of s. 23.33 (4c) (a) 2. [operating an ATV], s. 30.681 (1) (b) 1. [operating a motorboat], s. 346.63 (1) (b) [operating a motor vehicle] or s. 350.101 (1) (b) [operating a snowmobile], if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation.
- Under s. 814.86(1), delete the exemption from the justice information services surcharge for a first violation of s. 23.33 (4c) (a) 2. [operating an ATV], s. 30.681 (1) (b) 1. [operating a motorboat], s. 346.63 (1) (b) [operating a motor vehicle] or s. 350.101 (1) (b) [operating a snowmobile], if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation.
- Modify the Chapter 20 appropriation language for s. 20.680(2)(j) to read as follows: "All moneys received under ss. 814.61, 814.62, and 814.63 that are required to be credited to this appropriation account under those sections, seven-twelfths of the moneys received under s. 814.86 (1) for the operation of circuit court automated information systems under s. 758.19 (4), and all moneys received by the director of state courts for services provided related to the circuit court automation program."

Balinsky, Brett

From: Balinsky, Brett
Sent: Wednesday, September 27, 2006 10:37 AM
To: 'Deb.Brescoll@wicourts.gov'
Cc: Nelson, Robert P.
Subject: CCAP revenue change draft

Hi Deb,

I am in the process of drafting the bill your office requested to increase revenues for the CCAP program and had several questions. You would like to "broaden the Chapter 20 appropriation language for s. 20.680 (2) (j) to allow the supreme court to establish additional CCAP fees by rule" and you provided the following amendment to s. 20.680 (2) (j):

20.680 (2) (j) Court information systems. All moneys received under ss. 814.61, 814.62, and 814.63 that are required to be credited to this appropriation account under those sections, and one-half seven-twelfths of the moneys received under s. 814.86 (1) for the operation of circuit court automated information systems under s. 758.19 (4), and all moneys received by the director of state courts for services provided related to the circuit court automation program.

A bill setting forth appropriations cannot grant rule-making authority to increase fees - that must be created in a separate statutory section. The language your office would like added at the end of s. 20.680 (2) (j) does not create rule-making authority and it is unclear as to the source of the moneys received that it references. Additionally, it is not clear what your office proposes as the specific scope of this new rule-making authority. Could you please clarify these issues for me?

Thank you.

Brett A. Balinsky
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7380
brett.balinsky@legis.wisconsin.gov

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9-27-06

Tc to Deb Brescoll @ Dir of CIS 7-0702

11:50

authority is by S.Ct. rule

20.680. (3)(h)

mumps received under supreme court
Paul

modeled after.

9-27-06
2:10

Conf. call w/ RPN + PRG

- User fees for the CCAP system
for e-filing

- User fees -> different than
surcharges or forfeiture
(similar to extra fee for
online D.L. registration)
DMV's

- S.Ct. has the authority to
enact rules w/ effect of statutes
Not just admin. rules.

Nothing yet under development

Problem w/ comparison of w/ 20.680(3)(h)
is that S.Ct. has no authority over
non-lawyers ->

9-27-06

4:20 - Voice Mail Msg

- Authority is - 5.758.19(2)

- add a (5) for CCAP fees.





State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0110/P1
BAB...*lgf*

state Agency Request IN *9/28/06*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Need by 10/3/06

D-Note

Do Not Gen

- 1 AN ACT ...; **relating to:** the budget, state court appropriations for the justice
- 2 information system surcharge and making an appropriation.

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE

? § *the* **CIRCUIT COURTS**

X

Under current law, half of the moneys received under the justice information system surcharge are credited to the court information systems account. The court information systems account is also funded by moneys received under various court fees and surcharges. This bill authorizes the supreme court to credit seven-twelfths of the moneys received under justice information system surcharge to the court information systems account. This bill additionally authorizes the supreme court to establish and collect fees for use of the circuit court automated information systems, to be credited to the court information systems account. The bill eliminates exemptions from court information system surcharges to first-time violators of several operating while intoxicated statutes.

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:

1 SECTION 1. 20.680 (2) (j) of the statutes is amended to read:

2 20.680 (2) (j) *Court information systems*. All moneys received under s. 758.19
3 (4m), all moneys received under ss. 814.61, 814.62, and 814.63 that are required to
4 be credited to this appropriation account under those sections, and one-half
5 seven-twelfths of the moneys received under s. 814.86 (1) for the operation of circuit
6 court automated information systems under s. 758.19 (4).

History: 1971 c. 125, 215; 1971 c. 254 s. 19; 1973 c. 90; 1975 c. 37; 1977 c. 26, 29; 1977 c. 187 s. 135; 1977 c. 418; Sup. Ct. Order. 88 Wis. 2d xiii (1979); 1979 c. 34; 1981 c. 20; 1983 a. 27, 158; 1985 a. 29, 340; 1987 a. 27, 399; 1989 a. 31; 1991 a. 32, 39, 269; 1993 a. 16, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 103, 105; 2003 a. 33, 139; 2005 a. 25, 157.

7 SECTION 2. 758.19 (4m) of the statutes is created to read:

8 758.19 (4m) The supreme court may establish and charge fees for use of the
9 circuit court automated information systems created under this section. The
10 secretary of administration shall credit all moneys collected under this subsection
11 to the appropriation under s. 20.680 (2) (j).

12 SECTION 3. 814.63 (1) (c) of the statutes is amended to read:

13 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
14 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), ~~for a first violation of s. 23.33~~
15 ~~(4e) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who~~
16 ~~committed the violation had a blood alcohol concentration of 0.08 or more but less~~
17 ~~than 0.1 at the time of the violation,~~ or for a violation under s. 343.51 (1m) (b) or a
18 safety belt use violation under s. 347.48 (2m).

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16; 2003 a. 30, 33, 139, 268, 327; 2005 a. 455.

19
20 SECTION 4. 814.86 (1) of the statutes is amended to read:

21 814.86 (1) Except for an action for a first violation of s. 23.33 (4e) (a) 2., 30.681
22 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
23 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the

1 ~~violation, or~~ for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
2 s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 justice
3 information system surcharge from any person, including any governmental unit, as
4 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
5 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
6 addition to the surcharge listed in sub. (1m).

History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9; 2003 a. 30, 33; 2003 a. 139 s. 201; Stats. 2003 s. 814.86; 2003 a. 326;
2005 a. 25, 455.

7

(END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0110/P1dn

BAB...*kgf*

Date

ATTN: Deb Brescoll

X The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Pursuant to our telephone conference on September 27, 2006, I have not used some of the language you proposed for s. 20.680 (2) (j) with regard to allowing the supreme court to establish and collect user fees for the CCAP system as there does not appear to be sufficient authorization under the court's rule-making authority to create rules that would apply to all users of the CCAP system. You suggested that s. 20.680 (3) (h) serves as an example of the court's rule-making authority with regard to setting various fees. As Robert Nelson and I explained, s. 20.680 (3) (h) is an appropriation account for the Office of Lawyer Regulation, which regulates lawyers, over whom the supreme court has clear authority. In contrast, the CCAP system is used by lawyers and non-lawyers alike, can be used by all persons who have access to the internet and there does not appear to be statutory authority for the supreme court to impose rules over that diverse of a group of persons.

The state law library is a much more closely analogous institution to the CCAP system and is governed by s. 758.01. That section grants the supreme court authority to establish and charge user fees that are very similar to what you are contemplating in this present bill. Accordingly, I have modeled created s. 758.19 (4m) after that section and included sums collected as fees under that section as part of the amounts to be credited to s. 20.680 (2) (j), which I believe achieves your intended goal. I considered your suggestion to add this authority to s. 758.19 (2), but decided that it would be more clear to add them in a separate subsection that immediately followed the one that authorizes the CCAP system.

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0110/P1dn
BAB:kjf:rs

September 29, 2006

ATTN: Deb Brescoll

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Pursuant to our telephone conference on September 27, 2006, I have not used some of the language you proposed for s. 20.680 (2) (j) with regard to allowing the supreme court to establish and collect user fees for the CCAP system as there does not appear to be sufficient authorization under the court's rule-making authority to create rules that would apply to all users of the CCAP system. You suggested that s. 20.680 (3) (h) serves as an example of the court's rule-making authority with regard to setting various fees. As Robert Nelson and I explained, s. 20.680 (3) (h) is an appropriation account for the Office of Lawyer Regulation, which regulates lawyers, over whom the supreme court has clear authority. In contrast, the CCAP system is used by lawyers and nonlawyers alike, can be used by all persons who have access to the Internet and there does not appear to be statutory authority for the supreme court to impose rules over that diverse of a group of persons.

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Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

starts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 10/2/06

Need by 10/4/06

Do Not Gen

1 AN ACT ...; relating to: the budget, state court appropriations for the justice
2 information system surcharge and making an appropriation.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, half of the moneys received under the justice information system surcharge are credited to the court information systems account. The court information systems account is also funded by moneys received under various court fees and surcharges. This bill authorizes the supreme court to credit seven-twelfths of the moneys received under the justice information system surcharge to the court information systems account. This bill additionally authorizes the supreme court to establish and collect fees for use of the circuit court automated information systems, to be credited to the court information systems account. The bill eliminates exemptions from court information system surcharges to first-time violators of several operating while intoxicated statutes.

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 2 (4m) all moneys received under ss. 814.61, 814.62, and 814.63 that are required to
 3 be credited to this appropriation account under those sections, and one-half
 4 seven-twelfths of the moneys received under s. 814.86 (1) for the operation of circuit
 5 court automated information systems under s. 758.19 (4).

6 SECTION 2. 758.19 (4m) of the statutes is created to read:

7 ~~758.19 (4m) The supreme court may establish and charge fees for use of the~~
 8 ~~circuit court automated information systems created under this section. The~~
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 15 ~~committed the violation had a blood alcohol concentration of 0.08 or more but less~~
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 21 ~~had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the~~
 22 ~~violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under~~
 23 ~~s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 justice~~
 24 ~~information system surcharge from any person, including any governmental unit, as~~
 25 ~~defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62~~

758.19 (2)(a) 2. of the statutes is amended to read:
 758.19 (2)(a) 2. Computer generated special reports of court Count
 information data.

1 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
2 addition to the surcharge listed in sub. (1m).

3 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0110/1²

BAB:kjf:js

DOA

2007 BILL

Do Not Gen

- 1 AN ACT ...; relating to: the budget, state court appropriations for the justice
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COURTS AND PROCEDURE

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5 seven-twelfths of the moneys received under s. 814.86 (1) for the operation of circuit
6 court automated information systems under s. 758.19 (4).

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BILL

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3 (END)