

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 02/02/2012 (Per: TKK)

☞ Compile Draft – Appendix **(B)** ... Part 01 of 01

A ☞ The 2011 drafting file for
LRB-3795

C ☞ The 2011 drafting file for
LRB-3797

B ☞ The 2011 drafting file for
LRB-3796

D ☞ The 2011 drafting file for
LRB-3799

2011 LRB-3796 has been copied/added to the drafting file for

2011 LRB-4010/1

2011 DRAFTING REQUEST

Bill

Received: **12/30/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

May Contact: **Laura Rose 266-9791**

Drafter: **tkuczens**

Subject: **Courts - costs and fees**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Laura.Rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**
Rep.Ottj@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Eliminate obsolete reference to payment for appeal transcripts

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> |
|--------------|------------------------|---------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | | | | | | | |
| /P1 | tkuczens 01/12/2012 | jdyer 01/23/2012 | jmurphy 01/23/2012 | _____ | mbarman 01/23/2012 | | |

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 12/30/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact: Laura Rose 266-9791

Drafter: tkuczens

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|--------------|----------------|-----------------|---------------|-----------------|------------------|-----------------|-----------------|
| 1/2 | tkuczens | PL 1/23/12 | dm 1/23/12 | self 1/23/12 | | | |

FE Sent For:

<END>

Kuczenski, Tracy

From: Rose, Laura
Sent: Friday, December 30, 2011 10:57 AM
To: Kuczenski, Tracy; Hurley, Peggy
Subject: Law revision bill request

Attachments: 1394_001.pdf

Hi Tracy and Peggy



1394_001.pdf
(140 KB)

Representative Jim Ott, who is the Assembly Co-chair of the Law Revision Committee, asked me to get these items drafted as remedial legislation. This request will be by the Law Revision Committee, as opposed to a state agency. The statute seems to allow for that (see s. 13.83(1)(c)4., Stats.).

I hope it's okay that I sent it to both of you since you are both listed under "Courts".

I'll have another Ott request soon from the same group, but it won't be remedial. I'll send that in a separate email.

Thank you, and happy new year!

Laura

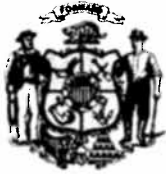
Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

**MEMORANDUM TO MEMBERS OF THE SENATE AND ASSEMBLY
FROM THE WISCONSIN MUNICIPAL JUDGES ASSOCIATION
December, 2011**

The Wisconsin Municipal Judges Association has reviewed the implementation of 2009 Wis. Act 402 since its effective date of January 1, 2011. As might be expected with a bill which ran 49 pages, there are several areas that need to be addressed in a trailer bill. It is our understanding that a number of issues might be addressed by a bill put forward by the Law Revision Committee. They are as follows:

- 2) All issues related to payment for appeal transcripts are now covered in sec. 800.14(5). We therefore need to eliminate the references related to payment in secs. 814.65(5) and 814.08(1)).

AK 11/4/11
For information, please contact Judge Dan Koval, City of Madison Municipal Court, (608) 264-9282, dkoval@cityofmadison.com or James Gramling, (414) 412-7962, velagram2@aol.com.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3796

TKK:.....

PI
JLD
KMP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/12/12
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Gen

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AN ACT ...; relating to: fee for transcript of electronic recording of municipal court proceedings.

Analysis by the Legislative Reference Bureau

Under current law, a person who appeals a municipal court judgment or decision (appellant) must pay for the cost of any transcript made of electronic recordings of the municipal court action. Current law also requires the appellant to pay a \$10 fee for the preparation of the transcript. Finally, under certain circumstances, current law requires a defendant appellant who does not prevail on appeal or whose appeal is dismissed to pay for the cost of the transcript. This bill eliminates the requirement that the appellant pay a \$10 transcript fee, and eliminates the duplicative requirement that a defendant appellant pay for the cost of the transcript if the appellant does not prevail on appeal.

INSERT
A (from
next
page)

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

3
4
5

SECTION 1. 814.65 (5) of the statutes is amended to read:

814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the appellant shall pay the fee prescribed in s. 814.61 (8). The appellant shall also pay

1 a fee of \$10 for the transcript prepared under s. 800.14 (5). Costs shall be as provided
2 in s. 814.08.

INSERT A
(move to previous page)

History: 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 407; 1989 a. 22; 1991 a. 26; 1997 a. 27; 2003 a. 30, 33, 320; 2005 a. 54, 455; 2007 a. 96; 2009 a. 28, 100, 121; 2011 a. 32

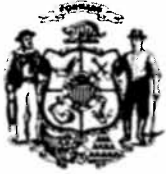
3 SECTION 2. 814.08 (1) of the statutes is amended to read:

4 814.08 (1) In actions appealed from municipal court, where there is no new
5 trial, if the judgment is affirmed or the appeal dismissed the respondent shall have
6 costs; if reversed, the appellant; if affirmed in part and reversed in part, the court
7 may award the costs or such part thereof as is just to either party. In actions appealed
8 by the defendant from municipal court, where there is no new trial, if the judgment
9 finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal
10 is dismissed, the defendant shall pay the full costs of the transcript prepared under
11 s. 800.14 (5), minus the \$10 transcript payment under s. 814.65. Where there is a
12 new trial, costs shall be awarded to the successful party; but if the appeal is from a
13 judgment in favor of the appellant he or she shall have costs only if he or she obtains
14 a more favorable judgment, and otherwise the respondent shall have costs. In all
15 those cases full costs shall be the applicable fee under s. 814.61 (8) and all
16 disbursements made for return of the judge and officers' and witnesses' fees, together
17 with all costs taxable in the municipal court in the action.

History: Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 814.08; 1977 c. 305; 1981 c. 317; 1987 a. 389.

(END)

18



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3796/P1
TKKjldjm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 814.08 (1) and 814.65 (5) of the statutes; **relating to:** fee for
2 transcript of electronic recording of municipal court proceedings.

Analysis by the Legislative Reference Bureau

Under current law, a person who appeals a municipal court judgment or decision (appellant) must pay for the cost of any transcript made of electronic recordings of the municipal court action. Current law also requires the appellant to pay a \$10 fee for the preparation of the transcript. Finally, under certain circumstances, current law requires a defendant appellant who does not prevail on appeal or whose appeal is dismissed to pay for the cost of the transcript. This bill eliminates the requirement that the appellant pay a \$10 transcript fee, and eliminates the duplicative requirement that a defendant appellant pay for the cost of the transcript if the appellant does not prevail on appeal.

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

3 **SECTION 1.** 814.08 (1) of the statutes is amended to read:
4 814.08 (1) In actions appealed from municipal court, where there is no new
5 trial, if the judgment is affirmed or the appeal dismissed the respondent shall have
6 costs; if reversed, the appellant; if affirmed in part and reversed in part, the court

1 may award the costs or such part thereof as is just to either party. In actions appealed
2 by the defendant from municipal court, where there is no new trial, if the judgment
3 finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal
4 is dismissed, the defendant shall pay the full costs of the transcript prepared under
5 s. 800.14 (5), minus the \$10 transcript payment under s. 814.65. Where there is a
6 new trial, costs shall be awarded to the successful party; but if the appeal is from a
7 judgment in favor of the appellant he or she shall have costs only if he or she obtains
8 a more favorable judgment, and otherwise the respondent shall have costs. In all
9 those cases full costs shall be the applicable fee under s. 814.61 (8) and all
10 disbursements made for return of the judge and officers' and witnesses' fees, together
11 with all costs taxable in the municipal court in the action.

12 **SECTION 2.** 814.65 (5) of the statutes is amended to read:

13 814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the
14 appellant shall pay the fee prescribed in s. 814.61 (8). The appellant shall also pay
15 a fee of \$10 for the transcript prepared under s. 800.14 (5). Costs shall be as provided
16 in s. 814.08.

17 (END)