

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: **01/18/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Miller (608) 266-9170**

By/Representing: **John Anderson**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure
Courts - costs and fees
Courts - courts/judges/commsrs
Courts - evidence**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Miller@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Provide appropriation to permit county court to request additional appropriation to cover costs for complying with changes to rules of evidence governing witnesses

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	tkuczens 01/18/2011	csicilia 01/18/2011	mduchek 01/18/2011	_____	mbarman 01/18/2011	mbarman 01/18/2011	

FE Sent For:

<END>

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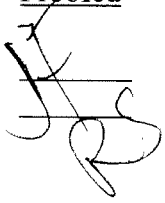
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/?	tkuczens	1/18 11 gs					
FE Sent For:		/1					

<END>

Kuczenski, Tracy

From: Hurley, Peggy
Sent: Tuesday, January 18, 2011 9:35 AM
To: Kuczenski, Tracy
Subject: FW: SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller

Importance: High

More info!

Do you want to do either or both of these?

From: Anderson, John
Sent: Tuesday, January 18, 2011 9:29 AM
To: Hurley, Peggy
Subject: FW: SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller
Importance: High

Peggy,

1) Provide \$1 million to the Joint Committee on Finance appropriation from which the DA of any county may request additional position authority to deal the increase in contested hearings under the provisions modifying Wisconsin Statutes sections 907.01 and 907.02; 2) provide \$1 million to the joint committee on finance appropriation from which any County court may request \$ for new evidence rules hearings.

I combined #1 and #2 below into one amendment. At least I believe I did.

Thanks, Peggy. 6-9170.

From: Anderson, John
Sent: Tuesday, January 18, 2011 8:41 AM
To: Hurley, Peggy
Subject: SSSB 1, Tort Reform Bill amendments draft requests from Sen. Miller
Importance: High

Good morning, Peggy. Here are the draft requests I just called about. Thank you. John Anderson

amendment request:

- Give DA's additional position authority to deal with new evidence standards language (see DA fiscal estimate letter to Zipperrer 1/11/11)
- Authorize additional \$ for expert witness accounts in DA offices (see DA fiscal estimate letter to Zipperrer 1/11/11)
- Give county courts + state courts additional resources for new evidence rules hearings (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Require audit bureau study of additional burden on local prosecutors and courts caused by new mandates
- Exempt law enforcement officers from expert witness testimony requirements
- Exempt social workers, and sexual assault nurses from expert witness standards (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Exemptions for prosecutions of sexually violent persons, family court and restraining order hearings from expert witness testimony provisions (see DA letter to Zipperrer re: sections 33-38 1/11/11)
- Maintain current law related to criminal penalties for abuse or neglect of patients in health care facilities (See Leg council memo 1/10/11 on SS SB 1 p 14)
- Cap the punitive damages to 3 times the compensatory damages rather than the 2X in the Zipperer

amendment.

John Anderson
Office of Sen. Mark Miller
Senate Democratic Leader
608-266-9170



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa01162
TKK:./....

Now

Rmen

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 1

js

bill wish

1/18/11

Insert schedule

④ #. Page 2, line 3: ^{How} delete "and punitive" and substitute "punitive"
④ #. Page 2, line 4: after "awards" insert
"and making an appropriation" ^{and semicolon}

At the locations indicated, amend the bill as follows:

1. Page 9, line 1: before that line insert:

Biennially

SECTION 1g. 20.625 (1) (cm) of the statutes is created to read:

20.625 (1) (cm) Lay and expert witness hearing expenses. The amounts in the schedule to cover actual additional and necessary expenses incurred by a circuit court branch to comply with ss. 907.01 and 907.02."

2. Page 9, line 1: delete "SECTION 1g" and substitute "SECTION 1g".

3. Page 30, line 6: after that line insert:

"SECTION 44g. Nonstatutory provisions.

(1) CIRCUIT COURT BRANCH REQUESTS FOR APPROPRIATION INCREASES.

(a) A circuit court branch may submit a written request to the director of state courts specifying the additional costs incurred by the branch to comply with sections

actual, and necessary expenses

Paragraph

1 907.01 and 907.02 of the statutes, as affected by this act, including, if applicable,
2 additional workload generated by expert witness hearings held pursuant to section
3 907.02 of the statutes, as affected by this act. Upon receipt of a request from a circuit
4 court branch under this subsection, the director of state courts shall submit to the
5 joint committee on finance a request to supplement the appropriation account under
6 section 20.625 (1) (cm) of the statutes, as affected by this act, for the purposes of
7 covering the actual, additional and necessary expenses incurred by the branch to
8 comply with sections 907.01 and 907.02 of the statutes, as affected by this act.

(b) MEETINGS TO REVIEW REQUESTS

If the cochairpersons of the joint committee on finance do not notify the director of state courts within 14 working days after receiving the request under paragraph (a) that the cochairpersons have scheduled a meeting for the purpose of reviewing the request, the appropriation account under section 20.625 (1) (cm) of the statutes shall be supplemented from the appropriation account under section 20.865 (4) (a) of the statutes, as provided in the request. If, within 14 working days after receiving the request, the cochairpersons notify the director of state courts that the cochairpersons have scheduled a meeting for the purpose of reviewing the request, the appropriation account under section 20.625 (1) (cm) of the statutes may be supplemented from the appropriation account under section 20.865 (4) (a) of the statutes only as approved by the committee. Notwithstanding section 13.101 (3) of the statutes, the committee is not required to find that an emergency exists prior to supplementing the appropriation account under section 20.475 (1) (6) of the statutes.

SECTION 44r. Fiscal changes.

(1) LAY AND EXPERT WITNESS HEARING EXPENSES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance

2009 2011

File With Statute **20.005 (3)** Schedule

LRB a0116 / 1 / 1

TKK : _____ : _____

\$\$\$ SCHEDULE

In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

✓ SECTION ^{1e} #. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2011-12 2012-13
2009-10 2010-11

20. 625 .. Circuit Courts

(1) .. Court operations

(cm) Lay and expert witness ..
hearing expenses ..

..... GPR B -0- -0-

20. _____

()

()

1 under section 20.865 (4) (a) of the statutes, as affected by the acts of 2011, the dollar
2 amount is increased by \$1,000,000 for the first fiscal year of the fiscal biennium in
3 which this subsection takes ^{effect} for the purpose of covering the actual, additional and
4 necessary expenses incurred by circuit court branches to comply with sections 907.01
5 and 907.02 of the statutes, as affected by this act, in response to requests received
6 under SECTION 44g of this act.”.

7 **4.** Page 31, line 3: delete lines 3 to 5 and substitute:

8 “SECTION 46m. Effective dates. This act takes effect on the 2nd month
9 beginning after publication, except as follows: ^{and a}

10 (1) The ^{treatment} ~~creation~~ of section 20.625 (1) (cm) of the statutes takes effect on the 2nd
11 month beginning after publication, or on the 2nd day after ^{the first day} ~~the day~~ of publication of
12 the 2011-13 biennial budget act, whichever is later.

13 ~~(2) The treatment~~ of SECTIONS 44g and 44r of this act take effect on the 2nd
14 month beginning after publication, or on the 2nd day after ^{the first day} ~~the day~~ of publication of
15 the 2011-13 biennial budget act, whichever is later.”.

16 (END)