

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget 266-1103** Drafter: **mjohns**
 By: **Hamer** Secondary Drafters:
 Date: **1/22/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
Melinda.Johns@legis.wisconsin.gov
Elizabeth.Wheeler@legis.wisconsin.gov

Pre Topic:

DOA:.....Hamer, BB0212 -

Topic:

Private Bar Rate

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 1/22/2019	kfollett 1/22/2019			
/P1	mjohns 2/15/2019	kfollett 2/16/2019	mbarman 1/22/2019		
/P2			chanaman 2/17/2019		State

FE Sent For:

<END>

Johns, Melinda

From: Hanaman, Cathlene
Sent: Tuesday, January 22, 2019 8:20 AM
To: Johns, Melinda; Wheeler, Elizabeth
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Hamer, Margaret - DOA <Margaret.Hamer@wisconsin.gov>
Sent: Monday, January 21, 2019 12:03 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Potts, Andrew - DOA <Andrew.Potts@wisconsin.gov>; Hamer, Margaret - DOA <Margaret.Hamer@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Private Bar Rate

Tracking Code: BB0212

SBO Team: AEJ

SBO Analyst: Hamer, Margaret
Phone: 608-266-1103
E-mail: Margaret.Hamer@wisconsin.gov

Agency Acronym: 550

Agency Number: 550

Priority: Medium

Intent:

Please provide language to change s. 977.08(4m) to increase the private bar rate from \$40 per hour to \$70 per hour for in court and out of court work. This change would be effective January 1, 2020.

Attachments: False

Please send completed drafts to SBOSTatlanguage@spsmail.enterprise.wisstate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1485?

MLJ:

API
SF

DOA:.....Hamer, BB0212 - Private Bar Rate

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

This bill changes the rate at which the public defender must pay a private local attorney to whom a case is assigned from \$40 per hour for time spent related to a case, excluding travel, to \$70 per hour for time spent related to a case, excluding travel, with certain exceptions.

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

2 **SECTION 1.** 977.08 (4m) (c) of the statutes is amended to read:

3 977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s.
4 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
5 July 29, 1995, and before January 1, 2020, private local attorneys shall be paid \$40
6 per hour for time spent related to a case, excluding travel, and \$25 per hour for time

1 spent in travel related to a case if any portion of the trip is outside the county in which
2 the attorney's principal office is located or if the trip requires traveling a distance of
3 more than 30 miles, one way, from the attorney's principal office.

4 **SECTION 2.** 977.08 (4m) (d) of the statutes is created to read:

5 977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.
6 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
7 January 1, 2020, private local attorneys shall be paid \$70 per hour for time spent
8 related to a case, excluding travel, and \$25 per hour for time spent in travel related
9 to a case if any portion of the trip is outside the county in which the attorney's
10 principal office is located or if the trip requires traveling a distance of more than 30
11 miles, one way, from the attorney's principal office.

****NOTE: Current law limits in several places the amount that a guardian ad litem may be paid to the amount in s. 977.08 (4m) (b), which is \$50 per hour for time spent in court; \$40 per hour for time spent out of court, excluding travel; and \$25 per hour for time spent in travel. Do you want those limits to be changed to correspond with the higher hourly rate in the newly created s. 977.08 (4m) (d)?

12

(END)

Johns, Melinda

From: Hamer, Margaret - DOA
Sent: Friday, February 15, 2019 2:25 PM
To: Johns, Melinda
Subject: State Public Defender Private Bar Rate

Hi Melinda,

Can you adjust the draft for raising the private bar rate from \$40 per hour to \$70 per hour to include a provision that adjust the reimbursement rate and ties it to CPI. I've included sample language from a different draft: "The rates established under par. (d) shall be adjusted biennially by the percentage equal to the average of the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the US department of labor, except that the percentage under this paragraph shall not be less than zero".

Thanks,
Maggie



Maggie Hamer

Executive Policy and Budget Analyst
Department of Administration
Division of Executive Budget and Finance
Margaret.Hamer@wisconsin.gov
Direct: (608) 266-1103



State of Wisconsin
2019 - 2020 LEGISLATURE

M: 2/18/19

LRB-1485/P1
MLJ:kjf

DOA:.....Hamer, BB0212 - Private Bar Rate

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

This bill changes the rate at which the public defender must pay a private local attorney to whom a case is assigned from \$40 per hour for time spent related to a case, excluding travel, to \$70 per hour for time spent related to a case, excluding travel, with certain exceptions. *Under the bill, the rate must be adjusted biennially by a percentage*

that correlates with the US Department of Labor's consumer price index.

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

2 SECTION 1. 977.08 (4m) (c) of the statutes is amended to read:

3 977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s.
4 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
5 July 29, 1995, and before January 1, 2020, private local attorneys shall be paid \$40
6 per hour for time spent related to a case, excluding travel, and \$25 per hour for time

*Sub-sub:
-Public defender private attorney
rate increase*

Fe: state

1 spent in travel related to a case if any portion of the trip is outside the county in which
2 the attorney's principal office is located or if the trip requires traveling a distance of
3 more than 30 miles, one way, from the attorney's principal office.

4 SECTION 2. 977.08 (4m) (d) of the statutes is created to read:

5 977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.
6 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
7 January 1, 2020, private local attorneys shall be paid \$70 per hour for time spent
8 related to a case, excluding travel, and \$25 per hour for time spent in travel related
9 to a case if any portion of the trip is outside the county in which the attorney's
10 principal office is located or if the trip requires traveling a distance of more than 30
11 miles, one way, from the attorney's principal office.

****NOTE: Current law limits in several places the amount that a guardian ad litem may be paid to the amount in s. 977.08 (4m) (b), which is \$50 per hour for time spent in court; \$40 per hour for time spent out of court, excluding travel; and \$25 per hour for time spent in travel. Do you want those limits to be changed to correspond with the higher hourly rate in the newly created s. 977.08 (4m) (d)?

(END)

Section 3

(977.08 (4s)) of the statutes is created to read:

977.08 (4s) The rates established under sub. (4m)(d) shall be adjusted biennially by a percentage equal to the average of the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the (US) ^{federal} department of labor, except that the percentage under this subsection may not be less than zero.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1485/P2
MLJ:kjf

DOA:.....Hamer, BB0212 - Private Bar Rate

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

1. Public defender private attorney rate increase

This bill changes the rate at which the public defender must pay a private local attorney to whom a case is assigned from \$40 per hour for time spent related to a case, excluding travel, to \$70 per hour for time spent related to a case, excluding travel, with certain exceptions. Under the bill, the rate must be adjusted biennially by a percentage that correlates with the federal Department of Labor's consumer price index.

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:

2 **SECTION 1.** 977.08 (4m) (c) of the statutes is amended to read:

3 977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s.

4 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after

1 July 29, 1995, and before January 1, 2020, private local attorneys shall be paid \$40
2 per hour for time spent related to a case, excluding travel, and \$25 per hour for time
3 spent in travel related to a case if any portion of the trip is outside the county in which
4 the attorney's principal office is located or if the trip requires traveling a distance of
5 more than 30 miles, one way, from the attorney's principal office.

6 **SECTION 2.** 977.08 (4m) (d) of the statutes is created to read:

7 977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.
8 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
9 January 1, 2020, private local attorneys shall be paid \$70 per hour for time spent
10 related to a case, excluding travel, and \$25 per hour for time spent in travel related
11 to a case if any portion of the trip is outside the county in which the attorney's
12 principal office is located or if the trip requires traveling a distance of more than 30
13 miles, one way, from the attorney's principal office.

14 **SECTION 3.** 977.08 (4s) of the statutes is created to read:

15 977.08 (4s) The rates established under sub. (4m) (d) shall be adjusted
16 biennially by a percentage equal to the average of the consumer price index over the
17 preceding 12-month period, all items, U.S. city average, as determined by the
18 bureau of labor statistics of the federal department of labor, except that the
19 percentage under this subsection may not be less than zero.

****NOTE: Current law limits in several places the amount that a guardian ad litem
may be paid to the amount in s. 977.08 (4m) (b), which is \$50 per hour for time spent in
court; \$40 per hour for time spent out of court, excluding travel; and \$25 per hour for time
spent in travel. Do you want those limits to be changed to correspond with the higher
hourly rate in the newly created s. 977.08 (4m) (d)?