

1993 Assembly Bill 1152

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1993 WISCONSIN ACT 206

AN ACT to amend 20.625 (1) (d); and to repeal and recreate 758.19 (5) of the statutes, relating to: payments to counties for certain costs related to circuit courts.

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

SECTION 1. 20.625 (1) (d) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

20.625 (1) (d) (title) *Circuit court support payments.* Biennially, the amounts in the schedule to ~~provide grants to counties for the purpose of funding certain circuit court costs~~ make a payment to each county under s. 758.19 (5).

SECTION 2. 758.19 (5) of the statutes, as created by 1993 Wisconsin Act 16, is repealed and recreated to read:

758.19 (5) (a) In this subsection, "court costs" means one or more of the following costs:

1. Juror fees under s. 59.77 (8).
2. Fees for expert witnesses called by the guardian ad litem under s. 767.045 (6) if either or both parties are unable to pay those fees.
3. Witness fees set under s. 814.67 (1) (b) 1. and (c) for witnesses called by the court on its own motion or called by, or subpoenaed at the request of, a district attorney, the state public defender or a private attorney appointed under s. 977.08. Nothing in this subdivision affects the determination of who is obligated to pay for fees set under s. 814.67 (1) (b) 1. and (c) for witnesses called by, or subpoenaed at the request of the state public defender or a private attorney appointed under s. 977.08.

4m. Fees for expert witnesses appointed under s. 907.06 by the court on its own motion or by the court at the request of the district attorney, the state public defender or a private attorney appointed under s. 977.08 or by the court upon agreement of the district attorney, the state public defender or a private attorney appointed

under s. 977.08. Nothing in this subdivision affects the determination of who is obligated to pay fees for an expert witness appointed under s. 907.06.

5. Fees for witnesses or expert witnesses subpoenaed by the court at the request of the district attorney, coroner or medical examiner under s. 979.06 (1) and (2).

6. Salary and fringe benefits for judicial assistants for circuit court judges.

(b) From the appropriation under s. 20.625 (1) (d), the director of state courts shall make the following payments to counties:

1. On January 1, 1994, payments totaling \$9,931,700 for court costs incurred or to be incurred by counties beginning on August 13, 1993, and ending on December 31, 1994.

2. On January 1, 1995, payments totaling \$3,830,700 for court costs to be incurred by counties beginning on January 1, 1995, and ending on June 30, 1995.

3. On every July 1 thereafter, payments totaling \$3,830,700 for court costs to be incurred by counties beginning on July 1 and ending on December 31 of the year in which the payment is made.

4. On every January 1 thereafter, payments totaling \$3,830,700 for court costs to be incurred by counties beginning on January 1 and ending on June 30 of the year in which the payment is made.

(c) The amount paid to each county under par. (b) shall be determined by dividing the number of circuit court branches in the county by the total number of circuit court branches in the state and multiplying that result by the total payment to be made. For those counties that share the services of one or more circuit court branches,

1993 Assembly Bill 1152

the director of state courts shall annually determine the proportional share of that circuit court branch for each county based on the circuit court branch case load in each county.

(d) Except as provided in par. (e), no action is required of and no condition may be imposed on a county to receive a payment under par. (b), including applying for, submitting information in connection with, entering into a memorandum of understanding concerning or making any other agreement regarding the payment. Except as provided in pars. (f) and (g), the director of state courts may not withhold payment under par. (b) to a county.

(e) No later than July 1, 1994, and no later than July 1 of each year thereafter, each county shall submit to the director of state courts, in a format that is established by the director of state courts, information regarding the amount of actual costs that the county incurred in the previous calendar year for each of the following:

1. Juror fees as described in par. (a) 1.
2. Witness and expert witness fees as described in par. (a) 2. to 5.
3. Salary and fringe benefits for judicial assistants for circuit court judges.
4. Guardian ad litem fees as described in sub. (6).

(f) A county that fails to meet the requirements under par. (e) is not eligible for a payment under par. (b) for one year after the July 1 that the information was not provided, or until the information is provided, whichever is earlier. Except as provided in this paragraph and par. (g), the information regarding the amount of actual costs reported under par. (e) does not affect the amount paid to a county under par. (b).

(g) Beginning with the submittal of information under par. (e) on July 1, 1995, if the director of state

courts determines, based on the information submitted under par. (e), that the payment made to a county under par. (b) for any calendar year exceeds the court costs incurred by the county for that calendar year, the director of state courts shall deduct the difference from the next payment under par. (b) made to that county after the director's determination. The difference shall be apportioned as provided in par. (c) among the other counties for payment under par. (b) to the other counties on that payment date. For purposes of this paragraph, the director of state courts shall treat the period beginning on August 13, 1993, and ending on December 31, 1994, as a calendar year and determine from the information submitted under par. (e) on July 1, 1994, and July 1, 1995, whether the payment to a county under par. (b) on January 1, 1994, exceeds the court costs incurred by the county for the period beginning on August 13, 1993, and ending on December 31, 1994.

(h) The director of state courts shall establish a description of the qualifications and duties of an individual who is a judicial assistant for purposes of this subsection. Nothing in this subsection requires a county to employ, to incur costs for salary and fringe benefits for, or to expend payments received under par. (b) for salary and fringe benefits for, judicial assistants for circuit court judges.

SECTION 3. Nonstatutory provisions. (1) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING. This act does not affect a memorandum of understanding concerning section 758.19 (5) (a) of the statutes entered into between the office of the director of state courts and a county before the effective date of this subsection.

SECTION 4. Effective date. The treatment of sections 20.625 (1) (d) and 758.19 (5) of the statutes takes effect retroactively to August 12, 1993.