



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

January 20, 1998

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Senate Bill 321: Creation of Additional Court Branches

On November 18, 1997, Senate Bill 321, as amended by SA 2, was recommended for passage by the Senate Committee on Judiciary, Campaign Finance Reform and Consumer Affairs by a vote of 5 to 0.

BACKGROUND

Currently, there are 233 circuit court branches authorized. An additional branch is authorized for Oconto County under 1997 Act 27 (the biennial budget act), effective August 1, 1998. By statute, each circuit court judge is authorized the appointment of a court reporter to record and transcribe testimony in court proceedings.

Under current law, judicial and court reporter salaries and fringe benefits, judicial travel, circuit court automation and certain legal publication costs are funded by the state, through appropriations under the Circuit Courts and the Supreme Court. All other circuit court costs, including support staff salaries and fringe benefits, court room facilities, and supplies and services, are county responsibilities.

SUMMARY OF THE BILL

Senate Bill 321 would create six new circuit court branches (judges) on August 1, 1999. Each of the counties identified below would receive one new court branch.

<u>County</u>	<u>Number of Branches Under SB 321</u>
Fond du Lac	5
Jefferson	4
La Crosse	5
Lincoln	2
Milwaukee	47
Rock	8

The six new courts in the bill were recommended by the Office of the Director of State Courts based on: (a) the Court's weighted caseload study; (b) judicial district need (the ability for neighboring courts to cover additional workloads); (c) the availability of court facilities; (d) discussions with chief judges regarding problems handling current caseloads; and (e) county board support for the creation of a new court branch.

The bill would also create 13.0 positions on August 1, 1999, for six judges and seven court reporters. Under the bill, one court reporter would be authorized for each additional judgeship, except the new judgeship in Milwaukee County would be authorized two additional court reporters. This is because the new Milwaukee County court branch would be a criminal court, which involves a high level of transcription activity and typically requires two court reporters.

SUMMARY OF AMENDMENTS

Senate Amendment 1 to SB 321 would add a circuit court branch to Marathon County and would add 2.0 positions (one judge and one court reporter), effective August 1, 1999. Under the amendment, Marathon County would have five circuit court branches. SA 1 was not voted on by the Judiciary, Campaign Finance Reform and Consumer Affairs Committee.

Senate Amendment 2 to SB 321 would delete the additional circuit court branch for Rock County, and would delete 2.0 positions. According to the Director of State Courts' Office, the Rock County Board voted to not support the addition of a new circuit court branch. SA 2 was adopted by the Judiciary, Campaign Finance Reform and Consumer Affairs Committee.

ANALYSIS

The attachment to this paper shows the current number of judges authorized in each county, and the workload per court branch based on 1996 circuit court workloads using the Court's weighted caseload study. The study measures the judicial time needed to process various case types and compares that to the amount of judicial time available.

The attachment ranks counties from those with the highest workload per court to the lowest. As shown in the attachment, the six counties that would receive an additional court branch under SB 321 rank between #2 and #16 in terms of workload. As noted above, in

addition to the workload measurement, factors involving overall district need and county support also impact the potential placement of additional circuit court branches.

FISCAL EFFECT

No costs would be incurred in the 1997-99 biennium since the new judges would not take office until August 1, 1999. Costs in the 1999-01 biennium would be approximately \$2.3 million GPR and \$266,800 PR. Total annualized costs would be \$1,173,700 GPR and \$21,000 PR. In addition, based on estimates compiled by the Director of State Courts Office, county operating costs for the six courts would be \$538,500 annually for additional staff, supplies and services associated with the new courts. Of the county costs, \$296,200 is associated with the criminal court that would be added in Milwaukee County, which would require higher staffing levels than other courts which are not dedicated solely to criminal cases.

The bill would also create 13 new positions on August 1, 1999. While position authority would not be required until the 1999-01 biennium, the budget act is typically not published until mid-August, or later. Therefore, if the positions are not provided in the bill, some delay in court staffing could occur.

It should also be noted that there are two state programs that provide funding to counties to offset the county costs of operating the courts, the amount of which are based partly on the number of circuit court branches per county. Under the Circuit Court Support Grant program, \$16,489,600 GPR annually is available in 1997-99 for grants. Based on the 234 circuit court branches authorized in 1998-99, the average per branch grant is \$70,500. Under the bill, the average grant per branch would be reduced to \$68,700 annually, assuming the appropriation remains the same for 1999-01. In addition, under the Guardian ad Litem reimbursement program, \$4,738,500 GPR annually is available in 1997-99, for an average per branch grant of \$20,300. Under the bill, the average per branch grant would be reduced to \$19,700, assuming constant appropriation levels for 1999-01. The overall effect on individual county court grants would depend on other factors used in determining grant amounts including each county's proportion of the total number of court branches, population, generated court revenue and the number of certain court cases.

SA 1 to SB 321 would increase the cost of the bill by \$188,500 GPR and \$3,500 PR annually and increase the 1999-01 cost by \$364,800 GPR and \$37,800 PR. The county costs associated with an additional Marathon County judgeship have not been identified.

SA 2 to SB 321 would decrease the cost of the bill by \$188,500 GPR and \$3,500 PR annually and bring the 1999-01 cost down to \$1,905,000 GPR and \$189,000 PR. In addition, county-identified costs would be reduced by \$35,000 annually.

Prepared by: Carri Jakel

Senate Amendment
2 (LRB 0920)

MO#

1	BURKE	(Y)	N	A
	DECKER	(Y)	N	A
	JAUCH	(Y)	N	A
	SHIBILSKI	(Y)	N	A
	COWLES	(Y)	N	A
	PANZER	(Y)	N	A
	SCHULTZ	(Y)	N	A
	ROSENZWEIG	(Y)	N	A
2	GARD	(Y)	N	A
	OURADA	(Y)	N	A
	HARSDORF	(Y)	N	A
	ALBERS	(Y)	N	A
	PORTER	(Y)	N	A
	KAUFERT	(Y)	N	A
	LINTON	(Y)	N	A
	COGGS	(Y)	N	A

AYE 16 NO 0 ABS 0

Senate Amendment 1
(LRB 1048)

MO#

	BURKE	(Y)	N	A
	DECKER	(Y)	N	A
	JAUCH	(Y)	N	A
	SHIBILSKI	(Y)	N	A
	COWLES	(Y)	N	A
	PANZER	(Y)	N	A
	SCHULTZ	(Y)	N	A
	ROSENZWEIG	(Y)	N	A
	GARD	(Y)	N	A
	OURADA	(Y)	N	A
	HARSDORF	(Y)	N	A
	ALBERS	(Y)	N	A
	PORTER	(Y)	N	A
	KAUFERT	(Y)	N	A
	LINTON	(Y)	N	A
	COGGS	(Y)	N	A

AYE 16 NO 0 ABS 0

MO# passage as amended

2	BURKE	(Y)	N	A
	DECKER	(Y)	N	A
	JAUCH	(Y)	N	A
	SHIBILSKI	(Y)	N	A
	COWLES	(Y)	(N)	A
	PANZER	(Y)	(N)	A
	SCHULTZ	(Y)	N	A
	ROSENZWEIG	(Y)	N	A
	GARD	(Y)	N	A
	OURADA	(Y)	N	A
	HARSDORF	(Y)	N	A
	ALBERS	(Y)	N	A
	PORTER	(Y)	N	A
	KAUFERT	(Y)	(N)	A
	LINTON	(Y)	N	A
	COGGS	(Y)	N	A

AYE 14 NO 2 ABS 0

ATTACHMENT

Circuit Court Weighted Workload Study - By Rank (Based on 1996 Case Filings)

	<u>Current Branches</u>	<u>Branches Needed</u>	<u>Workload Per Branch</u>		<u>Current Branches</u>	<u>Branches Needed</u>	<u>Workload Per Branch</u>
Marathon	4	6.4	1.6	Columbia	3	3.1	1.0
Lincoln	1	1.5	1.5	Pierce	1	1.0	1.0
Green	1	1.5	1.5	Waukesha	12	12.2	1.0
Juneau	1	1.4	1.4	Waushara	1	1.0	1.0
Rock	7	9.9	1.4	Polk	2	2.0	1.0
Jefferson	3	4.1	1.4	Wood	3	3.0	1.0
Sawyer	1	1.4	1.4	Oneida	2	2.0	1.0
Milwaukee	46	61.7	1.3	Ozaukee	3	3.0	1.0
Oconto*	1	1.3	1.3	Barron	2	2.0	1.0
Winnebago	6	7.8	1.3	Florence/Forest	1	1.0	1.0
Sheboygan	5	6.5	1.3	Marinette	2	1.9	0.9
LaCrosse	4	5.2	1.3	Vilas	1	0.9	0.9
Douglas	2	2.5	1.3	Outagamie	7	6.5	0.9
Eau Claire	5	6.2	1.2	Washburn	1	0.9	0.9
Manitowoc	3	3.7	1.2	Green Lake	1	0.9	0.9
Fond du Lac	4	4.8	1.2	Walworth	4	3.5	0.9
Waupaca	2	2.4	1.2	St. Croix	3	2.6	0.9
Clark	1	1.2	1.2	Iowa	1	0.9	0.9
Monroe	2	2.4	1.2	Adams	1	0.9	0.9
Chippewa	2	2.4	1.2	Taylor	1	0.9	0.9
Dane	17	19.6	1.2	Buffalo/Pepin	1	0.8	0.8
Calumet	1	1.1	1.1	Marquette	1	0.8	0.8
Sauk	3	3.4	1.1	Vernon	1	0.8	0.8
Trempealeau	1	1.1	1.1	Grant	2	1.6	0.8
Dunn	2	2.3	1.1	Portage	3	2.3	0.8
Shawano/Menominee	2	2.2	1.1	Bayfield	1	0.7	0.7
Ashland	1	1.1	1.1	Door	2	1.4	0.7
Burnett	1	1.1	1.1	Kewaunee	1	0.7	0.7
Racine	10	11.0	1.1	Richland	1	0.7	0.7
Langlade	1	1.1	1.1	Rusk	1	0.6	0.6
Dodge	3	3.2	1.1	Price	1	0.6	0.6
Brown	8	8.4	1.1	Crawford	1	0.6	0.6
Jackson	1	1.0	1.0	Lafayette	1	0.5	0.5
Washington	4	4.2	1.0	Iron	<u>1</u>	<u>0.3</u>	0.3
Kenosha	7	7.2	1.0	TOTAL	233*	264.6	

*Oconto County is authorized an additional judgeship effective August 1, 1998, for a total of two Oconto County court branches, and 234 circuit court branches statewide.