

## Fiscal Estimate - 2003 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>03-4273/1</b>	<b>Introduction Number</b> <b>AB-922</b>
------------------------------------	--

**Subject**

Funding for GAL and court interpreter fees

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input checked="" type="checkbox"/> Increase Existing Appropriations	<input checked="" type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Create New Appropriations			

**Local:**

<input type="checkbox"/> No Local Government Costs			<b>5. Types of Local Government Units Affected</b>
<input type="checkbox"/> Indeterminate	1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	3. <input checked="" type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
	2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
			<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s. 20.625 (1)(c) & (e)	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
CTS/ Deborah Brescoll (608) 267-0702	Nancy Rottier (608) 267-9733	3/4/2004

## Fiscal Estimate Narratives

CTS 3/5/2004

LRB Number	03-4273/1	Introduction Number	AB-922	Estimate Type	Original
<b>Subject</b>					
Funding for GAL and court interpreter fees					

### Assumptions Used in Arriving at Fiscal Estimate

2003 Assembly Bill 922 would: (1) expand the statutory requirement for a person's right for a court interpreter to be provided at the public's expense to apply to all persons with limited English proficiency regardless of indigency and for all types of court proceedings; (2) increase the Supreme Court's appropriations in 2004-05 for guardian ad litem payments to counties by \$4,908,300 GPR and interpreter reimbursement to counties by \$446,300 GPR; and (3) increase the court support services surcharge on large claim court filings by \$20, on small claims filings by \$6, and on other court filings and most forfeitures by \$7. The bill would first apply to actions commenced on July 1, 2004.

#### Court Interpreters

Under s. 885.38, Wis. Stats., a person has a right to a qualified interpreter provided at public expense if: (1) an interpreter is needed by a party, witness, parent, crime victim, or other person; and (2) the person needing the interpreter is indigent; and (3) the case is criminal, juvenile (chapters 48 & 938), or mental health (chapters 51 & 55). In other types of cases, an interpreter may be appointed at the discretion of the court.

The State provides reimbursement to counties for these interpreter services. Counties are free to appoint interpreters outside these situations at their own expense. Counties also incur unreimbursed interpreter costs under the Americans with Disabilities Act, which requires interpreters to be provided at public expense in all types of cases and regardless of indigency. In addition, counties pay any difference between the state hourly reimbursement rate and the actual hourly rate paid to secure interpreter services.

This bill would expand the right to a qualified interpreter at public expense to all persons regardless of indigency and for all types of court proceedings and would provide an additional \$446,400 GPR in 2004-05 to reimburse counties for their interpreter expenses (which would bring the total appropriation to \$1,134,500). However, s. 885.38(8)(a), Wis. Stats., limits the state reimbursement to those county expenses of providing interpreters to indigent persons. Because the bill does not modify this statutory subsection, under the bill counties would have the additional statutory responsibility to pay for interpreters appointed for non-indigent persons, but these costs would not be eligible for state reimbursement.

#### Guardian ad Litem Payments

When the court appoints a guardian ad litem (GAL) to represent the best interests of a child or indigent incompetent in court proceedings, unless the court otherwise orders, the county is required to pay the compensation of the GAL. The court may order parents to reimburse the county for the payment, and also may order a parent to place payments in an escrow account to pay the GAL compensation.

To offset some of the GAL costs incurred by counties, the State annually appropriates \$4,738,500 GPR that is paid to counties based on a three-factor statutory formula (number of circuit court branches, judicial need as measured by the judicial weighted caseload formula, and caseload as measured by court support services surcharge collections). By statute, no county may receive a GAL payment that would result in the county receiving more than the total cost of GAL compensation that the county incurred and reported to the Director of State Courts for the previous calendar year.

State payments are made in the year following the county expenditure. In total, counties reported calendar year 2002 GAL expenditures of \$9,646,815. This bill would appropriate an additional \$4,908,300 GPR, which would provide a total of \$9,646,800 in 2004-05 for payments to counties for calendar year 2003 GAL costs, equal to county 2002 GAL costs. Counties are required to report their 2003 costs to this office by May 15, so the increase if any in county GAL costs is not known at this time.

## Court Support Services Surcharge

The court support services surcharge (note the name is changed from fee to surcharge in Enrolled AB 421) is assessed on most court filings and most forfeitures, with revenues deposited to the general fund as GPR-Earned. Currently, the surcharge on large claim court filings is \$169, is \$51 on small claims filings, and is \$68 on other court filings and most forfeitures. AB 922 would increase the court support services surcharge on large claim court filings by \$20, on small claims filings by \$6, and on other court filings and most forfeitures by \$7.

The court support services surcharge is currently projected to generate \$46.7 million GPR-Earned in 2004-05. Using that projection as a base, it is estimated that AB 922 would generate an additional \$4,915,000 in GPR-Earned annually. This estimated increase in annual revenues under the bill presumes that collection practices will not be affected by the increase in the surcharge.

## Long-Range Fiscal Implications

The court support services surcharge is assessed on most court filings and most forfeitures, with the bulk of the collections coming from forfeitures (generally traffic). The court support services surcharge, \$20 when created in 1993, was recently raised 30% in 2001 Act 109 and 30% in 2003 Act 33. As surcharges imposed on forfeitures continue to increase, the collection rate will likely decrease, as will the number of forfeiture violations that would have otherwise been charged. There is anecdotal evidence that law enforcement officials are becoming more reluctant to issue tickets when the penalty seems disproportionate to the offense. For example, under current law, while the forfeiture for speeding 1 to 10 miles above the speed limit is \$30, the total cost of the speeding ticket is \$154.20 (\$3.50 more in Milwaukee County). AB 922 would raise the total cost to \$161.20.

There is also concern that as the court filing fees increase, citizens' access to the courts may be limited. For example, prior to July 30, 2002, the cost to file a small claims action was \$61 and is now \$82. AB 922 would raise that to \$88.

## Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>03-4273/1</b>		Introduction Number <b>AB-922</b>	
<b>Subject</b>			
Funding for GAL and court interpreter fees			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance	5,354,600		
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$5,354,600</b>		<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR	5,354,600		
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned	4,915,000		
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$4,915,000</b>	<b>\$</b>	
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	State	Local	
NET CHANGE IN COSTS	\$5,354,600	\$	
NET CHANGE IN REVENUE	\$4,915,000	\$5354600	
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
CTS/ Deborah Brescoll (608) 267-0702		Nancy Rottier (608) 267-9733	
		<b>Date</b>	
		3/4/2004	