



## Fiscal Estimate Narratives

CTS 2/19/2008

LRB Number <b>07-3273/3</b>	Introduction Number <b>AB-0804</b>	Estimate Type <b>Original</b>
<b>Description</b> The authority of the Department of Justice and public nuisance actions		

### Assumptions Used in Arriving at Fiscal Estimate

This bill has two main provisions relating to nuisance actions brought under ch. 823, Wis. Stats. First, the bill allows a defendant to recover litigation expenses if he or she prevails in a nuisance action. Second, the bill prohibits the Department of Justice from bringing an action to enjoin a public nuisance unless the alleged activity is in violation of a statute, rule, permit or ordinance.

There are no statistics on how many nuisance actions are brought before Wisconsin courts each year. Therefore, it is impossible to predict how many actions may be impacted by the first change in this bill. If additional proceedings are required because defendants are seeking to recover litigation expenses, then additional judge, court reporter and court staff time will be needed. These costs are borne by both the state and the county. An accurate estimate of additional costs is impossible with the data available.

It is unclear how many actions will be impacted by the provision of what nuisance actions may be brought by the Department of Justice.

### Long-Range Fiscal Implications