

ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. Fiscal Estimate Version

Original Updated Corrected

2. Administrative Rule Chapter Title and Number

Administrative Code Chapters PD 2 (Assignment Procedure), 3 (Indigency Criteria), and 6 (Reimbursement of Legal Fees).
Clearinghouse Rule No. 09-068.

3. Subject

State Public Defender Representation in Proceedings under Chapters 51 and 55, Stats.

4. State Fiscal Effect:

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

5. Fund Sources Affected:

GPR FED PRO PRS SEG SEG-S

6. Affected Ch. 20, Stats. Appropriations:

7. Local Government Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

8. Local Government Units Affected:

Towns Villages Cities Counties School Districts WTCS Districts Others:

9. Private Sector Fiscal Effect (small businesses only):

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

10. Types of Small Businesses Affected:

11. Fiscal Analysis Summary

These administrative rules conform to statutory changes that took effect on July 1, 2008, having been implemented as part of the State's 2007-09 biennial budget act. The rules will not have any fiscal effect independent of these statutory changes. The statutory changes eliminated the requirement that a respondent in a chapter 51 proceeding or a chapter 55 proceeding complete a financial application before qualifying for representation through the State Public Defender (SPD).

The estimated fiscal effect of the legislation was summarized in the Legislative Fiscal Bureau's Paper Number 621 (May 8, 2007). This paper (at p. 5) reviewed the average cost for chapter 51 and chapter 55 cases and the estimated number of

additional cases under these chapters in which the SPD would appoint an attorney. The estimated annual cost to the SPD was \$320,500, the amount by which the SPD's budget was increased beginning in fiscal year 2008-2009.

12. Long-Range Fiscal Implications

As noted above, the fiscal effect stems from the statutory changes, not from the administrative rules. The two major factors that may affect the SPD's costs from the statutory changes are 1) the number of chapter 51 and chapter 55 cases and 2) the average costs of providing representation in these cases.

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