



## Legislative Fiscal Bureau

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TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 393: Creating a New Circuit Court Branch in Barron, Chippewa, Dodge, Green, Juneau, Monroe, and St. Croix Counties

Assembly Bill 393, introduced on June 7, 2007, would provide a new circuit court branch in each of the following counties: Barron, Chippewa, Dodge, Green, Juneau, Monroe, and St. Croix. The bill was referred to the Assembly Committee on Corrections and Courts, and a public hearing was held on October 23, 2007. By a vote of 11 to 0, the Assembly Committee on Corrections and Courts recommended passage of Assembly Bill 393 (AB 393) on October 25, 2007, and the bill was referred to the Joint Committee on Finance.

A Senate companion bill, Senate Bill 199, would also provide a new circuit court branch for the seven counties. The bill was introduced on June 1, 2007, and referred to the Senate Committee on Judiciary and Corrections. Public hearings for the bill were held on August 13, 14, 28, and September 11.

### **CURRENT LAW**

The circuit court is the trial court of general jurisdiction in Wisconsin, and includes 241 branches. The number of court branches (judges) is statutorily determined. Judges are elected on a nonpartisan basis to six-year terms at the spring election and take office the following August 1<sup>st</sup>. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. Section 751.02 of the Wisconsin statutes authorizes each judge to appoint a court reporter to record and transcribe testimony in court proceedings.

## **SUMMARY OF BILL**

Under AB 393, seven circuit court branches would be created, one new branch for each of the following counties: Barron, Chippewa, Dodge, Green, Juneau, Monroe, and St. Croix. For six of the seven new branches, the initial election for the circuit court judge would be at the spring 2008 election for terms commencing August 1, 2008, and ending July 31, 2014. For Monroe County, the initial election for the circuit court judge would be at the spring 2010 election for a term commencing on August 1, 2010, and ending July 31, 2016. For each new circuit court judge position authorized under AB 393, a new court reporter position is also authorized.

It should be noted that s. 10.06(1)(a) provides that the Government Accountability Board must provide a "Notice of Election" form to each county clerk on or before the November 15<sup>th</sup> preceding the spring election. The "Notice of Election" form must list: (a) each office to be filled and the incumbent, if any, for each; (b) the office's term length and expiration date; (c) the beginning date and deadline for circulating and filing declarations of candidacy and nomination papers, where required, for each office listed and the date of primary election. As a result, in order to include the new circuit court branches in the spring 2008 election, AB 393 would need to be enacted prior to the November 15<sup>th</sup> date.

A technical modification should also be noted. The bill creates a new circuit court branch for Juneau County. However, on October 26, 2007, the Governor signed the 2007-09 biennial budget bill, 2007 Act 20, which includes a provision to create a new circuit court branch for Juneau County. Assembly Bill 393 should be modified to delete the duplicative provision. As a result, the bill would create new circuit court branches for six counties: Barron, Chippewa, Dodge, Green, Monroe, and St. Croix.

## **FISCAL EFFECT**

On September 11, 2007, the Director of State Courts Office submitted a fiscal estimate for AB 393. According to the fiscal estimate, the annual cost for one circuit court branch is \$230,500 GPR and \$3,900 PR. In addition, one-time costs of \$1,900 GPR for judicial materials and \$28,300 PR for computer equipment were identified.

In the fiscal estimate, the annual funding identified for one circuit court branch includes: (a) \$230,200 GPR for salaries and fringe benefits for the judge and court reporter positions [from the circuit court operations sum sufficient appropriation]; (b) \$3,900 PR for computer costs associated with the circuit court automation program [from the Supreme Court's court information systems continuing appropriation]; and (c) approximately \$300 GPR for judicial materials [from the Supreme Court operations sum sufficient appropriation]. It should be noted that the salary and fringe benefit amounts identified (\$230,200 GPR) are based on fringe benefit rates for the 2005-07 biennium. Utilizing the fringe benefit rates for the 2007-09 biennium, the salary and fringe benefit amounts would be \$239,300 GPR.

The following table details the costs under AB 393 for the five new branches created under the bill for 2008-09 (excluding Juneau County), and on an annualized basis when Monroe County is included in 2010. Since the new circuit court branches will begin on August 1<sup>st</sup>, rather than at the beginning of the fiscal year on July 1<sup>st</sup>, the salary and fringe benefit amounts identified for 2008-09 are prorated.

	<u>2008-09*</u>		<u>Annualized</u>	
Judicial Salaries and Fringe Benefits**	\$841,000	GPR	\$1,101,000	GPR
Court Reporter Salaries and Fringe Benefits**	256,000	GPR	334,800	GPR
Judicial Materials	1,700	GPR	1,800	GPR
CCAP Expenses	19,500	PR	23,400	PR
One-Time - Judicial Materials	9,500	GPR		
One-Time - CCAP Equipment	<u>141,500</u>	PR		
TOTAL --	\$1,108,200	GPR	\$1,437,600	GPR
	161,000	PR	23,400	PR

\* Identifies funding for 11 months for salaries and fringe benefits.

\*\* Includes \$1,900 per branch for judicial travel expenses.

It should be noted that the bill does not appropriate funding for the new circuit court branches. Since the circuit court operations GPR appropriation [s. 20.625(1)(a)] is a sum-sufficient appropriation, the courts may expend the amounts necessary to cover the additional salary and fringe benefit costs associated with the new circuit court branches. Further, since the Supreme Court's court information systems PR appropriation [s. 20.680(2)(j)] is a continuing appropriation, the courts may expend the amounts necessary for computer costs from the appropriation, limited only by available revenues from which the appropriation is made. As such, the courts may fund the amounts from these appropriations under current law.

However, in regards to the costs for judicial materials, while the fiscal estimate indicates that these costs would be funded through the Supreme Court operations sum sufficient appropriation [s. 20.680(1)(a)], these costs should be funded through the Supreme Court's law library annual appropriation [s. 20.680(4)(a)]. As a result, the bill should be modified to specifically provide funding to the law library appropriation for the costs for judicial materials, a total of \$11,200 GPR in 2008-09 (including \$1,700 GPR for ongoing costs and \$9,500 GPR for one-time costs).

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