Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2048 (R07/2000)

Fiscal Estimate - 2001 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number **01-3893/1**	Introduction Number **SB-278**

Subject

Provide the public defender office with funding and positions for a conflicts office

Fiscal Effect

State:

☐ No State Fiscal Effect
☐ Indeterminate
- ☒ Increase Existing Appropriations
- ☐ Decrease Existing Appropriations
- ☐ Create New Appropriations
- ☐ Increase Existing Revenues
- ☐ Decrease Existing Revenues
- ☐ Increase Costs - May be possible to absorb within agency's budget ☐ Yes ☐ No
- ☐ Decrease Costs

Local:

☐ No Local Government Costs
☐ Indeterminate

1. ☐ Increase Costs ☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs ☐ Permissive ☐ Mandatory
3. ☐ Increase Revenue ☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenue ☐ Permissive ☐ Mandatory

5. Types of Local Government Units Affected
☐ Towns ☐ Village ☐ Cities ☐ Counties ☐ Others ☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☒ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEGS

Affected Ch. 20 Appropriations

s.20.550(1)(c)

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

SPD 1/28/02

LRB Number **01-3893/1**	Introduction Number **SB-278**	Estimate Type **Original**
Subject		
Provide the public defender office with funding and positions for a conflicts office		

Assumptions Used in Arriving at Fiscal Estimate

Assumptions:

This bill would increase the State Public Defender's (SPD) appropriation for Trial Representation under s.20.550(1)(c) by $2,894,800 in FY 2001-2002 and by $373,100 in FY 2002-2003, to fund 43.3 trial positions and 16 conflict-office positions. The bill is intended to restore funds and positions provided by the legislature in 2001 Wisconsin Act 16 that were subsequently vetoed by the Governor.

The SPD provides legal representation to eligible indigent persons. Overflow cases, as well as cases in which SPD staff attorneys might have a conflict of interest, are assigned to private bar attorneys at rates set by statute; funding for payments to private bar attorneys is appropriated under s.20.550(1)(d). This bill would provide resources, as did the original budget provision, for the SPD to represent more cases in-house, which is the more cost-effective means of providing representation.

The additional funding and positions proposed in Act 16 were offset by reductions to the private bar appropriation, in recognition that the cases brought in-house would result in fewer payments to private bar attorneys. The governor's veto eliminated the funding and position authority for new staff, but did not restore the private bar appropriation to its base level necessary if the associated cases continue to be appointed out. Thus, the veto left a funding hole in the SPD's private bar appropriation of $2,060,400 in fiscal year 2001-2002, and of $4,744,100 in fiscal year 2002-2003. The effect is that without additional funding (either to restore the cuts to the private bar appropriation or to restore the vetoed staff and funding), we project that the biennial private bar appropriation will be depleted before September 2002, which would mean that private attorneys accepting SPD appointments in late spring of 2002 could not expect to be paid until July 2003.

This bill would effectively reverse the veto, maintaining the cut to the private bar appropriation, while providing and funding the mechanism to sustain that cut. This alternative is less costly than simply filling the hole in the private bar appropriation.

The original budget proposals assumed that the 40 new staff attorneys would be hired by October 1, 2001, and that they would be handling cases by November 1, 2001, which would result in lower payments to the private bar before the end of FY01. It should be noted that each month delay erodes the 2001-2003 savings by approximately $125,000.

It should also be noted that since Act 16 was signed into law, the Department of Administration has allocated additional funding cuts totalling $3,188,100 to the SPD in FY02

The long range fiscal implications of this bill are continued net savings every year.

Long-Range Fiscal Implications

Long-Range Fiscal Implications

The long range fiscal implications of this bill are continued net savings every year.