

Wisconsin Department of Administration  
Division of Executive Budget and Finance

### Fiscal Estimate - 2007 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> 07-2330/1		<b>Introduction Number</b> SB-170	
<b>Description</b> A notice to parties in civil actions of the Supreme Court rule regarding judicial recusal and regarding access to a statement of economic interests			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<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"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input checked="" type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<input type="checkbox"/> Cities			
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
CTS/ Nancy Rottier (608) 267-9733		Nancy Rottier (608) 267-9733	
		<b>Date</b>	
		5/7/2007	

**Fiscal Estimate Narratives**  
**CTS 5/7/2007**

LRB Number <b>07-2330/1</b>	Introduction Number <b>SB-170</b>	Estimate Type <b>Original</b>
<b>Description</b> A notice to parties in civil actions of the Supreme Court rule regarding judicial recusal and regarding access to a statement of economic interests		

**Assumptions Used in Arriving at Fiscal Estimate**

This bill requires the following:

- (1) The Director of State Court (DSC) is to prepare a document summarizing the procedure a person must follow in order to review and copy the statement of economic interests filed by a circuit court judge under s. 19.43. In addition the DSC must supply sufficient copies of that document to the clerks of circuit court at no charge.
- (2) The Clerks of Circuit Court are to mail to all of the parties named in a civil action or proceeding a copy of the document supplied by the DSC.

The DSC's costs of preparing and supplying copies of the document required by this bill will have only a minor fiscal impact.

The Clerks of Circuit Court will incur costs for envelopes, mailing and staff time to insure that the required notice is disseminated to all the parties in civil actions. According to proposed s. 753.30(5)(c) in the bill, the clerks may not charge a party for the costs of mailing the required notice. Therefore, any costs under this bill are the responsibility of the counties.

The attached sheet estimates the range of costs that may be incurred by the Clerks of Circuit Court under the bill and uses the following assumptions or information:

- The number of civil filings is based on 2006 calendar year data reported to the DSC.
- Filing data for criminal matters, forfeiture actions, probate and juvenile actions are not included.
- Filing data for small claims actions are included but shown separately. Small claims cases comprise about 61% of the civil actions filed.
- Some counties report they contract with mailing businesses and are able to mail at less than full first-class postage rates. Several report they are able to contract for postage of \$.31 per piece; an estimated mailing cost based on that rate is included on the attached sheet.
- For some counties and for some types of actions, the required notice could be included in mailings that are already being sent by the Clerks of Circuit Court. For instance, in some counties, the Summons and Complaint in a small claims action is mailed to defendants. That is not true, however, in Milwaukee County, Waukesha County and other counties. Therefore, no discount for these actions is included because a reliable estimate of the impact cannot be made with the data available.
- In many actions, there are more than two parties. For instance, foreclosure actions and personal injury actions often have five or more parties. There are also small claims actions that have more than two parties. This bill would require the Clerks of Circuit Court to mail to all parties. This estimate includes a multiplier effect of 2.25 parties per action to account for these actions.

It is estimated the cost of this bill could range from \$87,280, if all counties mailed to only one party per action and at a reduced postage rate, to \$259,729, if all counties mailed to 2.25 parties per action at the first class mail rate that will take effect May 14, 2007.

**Long-Range Fiscal Implications**

## SB 170 -- Fiscal Estimate Worksheet

### 2006 Files

	<u>Opened</u>
Civil	61,418
Divorce	21,726
Paternity	13,875
Other Family	12,200
Small Claims (Contested)	14,257
Small Claims (Uncontested)	150,088
Small Claims (Uncontested w/Appearance)	7,985
<b>TOTAL CIVIL</b>	<b>281,549</b>

Civil (w/o small claims)	109,219
Small Claims	172,330
Total Civil	281,549
(% of Civil Cases that are Small Claims)	61.21%

Using 2006 filing data, here are the estimated postage costs:  
 (Note: First class postage increases to \$.41 on May 14, 2007)

Cost per action if mailing done for one party only:

	<u>Files</u>			
	<u>Opened</u>	<u>Postage @ .31</u>	<u>Postage @ .39</u>	<u>Postage @ .41</u>
Civil	61,418	\$19,039.58	\$23,953.02	\$25,181.38
Divorce	21,726	\$6,735.06	\$8,473.14	\$8,907.66
Paternity	13,875	\$4,301.25	\$5,411.25	\$5,688.75
Other Family	12,200	\$3,782.00	\$4,758.00	\$5,002.00
Small Claims (Contested)	14,257	\$4,419.67	\$5,560.23	\$5,845.37
Small Claims (Uncontested)	150,088	\$46,527.28	\$58,534.32	\$61,536.08
Small Claims (Uncontested w/Appearance)	7,985	\$2,475.35	\$3,114.15	\$3,273.85
<b>TOTAL CIVIL</b>	<b>281,549</b>	<b>\$87,280.19</b>	<b>\$109,804.11</b>	<b>\$115,435.09</b>

Estimated multiplier of 2.25 to account for more than two parties per action:

	<u>Files</u>			
	<u>Opened</u>	<u>Postage @ .31</u>	<u>Postage @ .39</u>	<u>Postage @ .41</u>
Civil	61,418	\$42,839.06	\$53,894.30	\$56,658.11
Divorce	21,726	\$15,153.89	\$19,064.57	\$20,042.24
Paternity	13,875	\$9,677.81	\$12,175.31	\$12,799.69
Other Family	12,200	\$8,509.50	\$10,705.50	\$11,254.50
Small Claims (Contested)	14,257	\$9,944.26	\$12,510.52	\$13,152.08
Small Claims (Uncontested)	150,088	\$104,686.38	\$131,702.22	\$138,456.18
Small Claims (Uncontested w/Appearance)	7,985	\$5,569.54	\$7,006.84	\$7,366.16
<b>TOTAL CIVIL</b>	<b>281,549</b>	<b>\$196,380.43</b>	<b>\$247,059.25</b>	<b>\$259,728.95</b>