

2011 DRAFTING REQUEST

Bill

Received: 02/10/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Joan Ballweg (608) 266-8077

By/Representing: Vince Williams

May Contact:

Drafter: tkuczens

Subject: Courts - limitations

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ballweg@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Small claims jurisdictional limit

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 03/16/2011	jdyer 03/29/2011		_____			S&L
/P1			rschluet 03/29/2011	_____	ggodwin 03/29/2011		S&L
/1	tkuczens 03/31/2011	nmatzke 03/31/2011	rschluet 03/31/2011	_____	ggodwin 03/31/2011	lparisi 04/01/2011	

FE Sent For:

→ At Intro.

06-09-2011
Supplemental
FE requested
(see attached)

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/?	tkuczens	PI 3/29 jld		_____	_____		

FE Sent For:

<END>

Kuczenski, Tracy

From: Hurley, Peggy
Sent: Thursday, February 10, 2011 10:00 AM
To: Kuczenski, Tracy
Subject: FW: Small Claims Jurisdictional Limit
Attachments: AB-680-ASA 1-- Fiscal Impact.xls

From: Rep.Ballweg
Sent: Thursday, February 10, 2011 9:41 AM
To: Hurley, Peggy
Subject: Small Claims Jurisdictional Limit

The attached spreadsheet is a little outdated because the small claims fee is now \$94.50.

I believe the addition \$9.50 was an increase to JISS last session.

Currently the filing fee is \$22.00 and Rep. Ballweg would like to increase that to \$44.00.

Let me back up one moment, she also wants to increase the jurisdictional limit from \$5,000 to \$10,000. (no restrictions on what type of cases or how many cases you file, a plain a simple increase for anyone who uses small claims.)

For the distribution of the additional \$22.00, \$21.00 would be retained by the counties' respective general fund. (If you look at the distribution on the spreadsheet, that would increase it from \$10.20 to \$31.20). The remaining \$1 of the \$22 would go to the state general fund.

Let me know if you have additional questions.

Vince Williams
Rep. Ballweg's Office
608-266-8077

ASA 1 to AB 680: Analysis of Fiscal Effects

Increase of Small Claims Limit from \$5,000 to \$10,000

For purposes of this estimate, it is assumed that 10,992 cases will claim an amount between \$5,000 and \$10,000 and will be subject to the fee provisions of ASA 1 to AB 680.

	Current Law		ASA 1 to AB 680		Net Impact
	Small Claims	Large Claim	Claims Between \$5,000 and \$10,000 (currently large claims)	Claims between \$5,000-\$10,000	
	Single Case	Single Case	10,992 Cases	Single Case	10,992 Cases
Revenue					
Filing Fee	\$22.00	\$75.00	\$824,400.00	\$75.00	\$824,400.00
CSSS	\$51.00	\$169.00	\$1,857,648.00	\$169.00	\$1,857,648.00
JISS	\$12.00	\$12.00	\$131,904.00	\$12.00	\$131,904.00
Total Collected	\$85.00	\$256.00	\$2,813,952.00	\$256.00	\$2,813,952.00
Distribution					
County General Fund	\$10.20	\$30.00	\$329,760.00	\$114.50	\$1,258,584.00
State General Fund	\$52.00	\$200.00	\$2,198,400.00	\$115.50	\$1,269,576.00
CCAP	\$17.80	\$21.00	\$230,832.00	\$21.00	\$230,832.00
JIS	\$5.00	\$5.00	\$54,960.00	\$5.00	\$54,960.00
Total Distributed	\$85.00	\$256.00	\$2,813,952.00	\$256.00	\$2,813,952.00

Abbreviations:

- CSSS = Court Support Services Surcharge
- JISS = Justiste Information System Surcharge
- CCAP = Consolidated Court Automation Programs
- JIS = Justice Information Systems

ASA 1 would increase the jurisdictional limits of small claims cases from \$5,000 to \$10,000. Rather than the small claims filing fee (currently \$85.00), it would charge those persons who file claims in which they are seeking between \$5,000 and \$10,000 the same fee that is currently charged for a large civil claim. The distribution of the funds would be changed by allowing the counties to retain 50% (\$84.50) of the Court Support Services Surcharge (CSSS) for those claims. The net effect, assuming there are 10,992 cases impacted by the change in the law, is to decrease state GPR revenues by \$928,824 and increase revenues to the counties by the same amount.

Kuczenski, Tracy

From: Hurley, Peggy
Sent: Thursday, February 10, 2011 10:01 AM
To: Kuczenski, Tracy
Subject: FW: Ballweg Co-sponsor LRB 3094/2, Small Claims Jurisdictional Limit, Deadline: Friday, Sept. 28, 2007

Attachments: 07-30942.pdf

From: Rep.Ballweg
Sent: Thursday, February 10, 2011 9:33 AM
To: Hurley, Peggy
Subject: FW: Ballweg Co-sponsor LRB 3094/2, Small Claims Jurisdictional Limit, Deadline: Friday, Sept. 28, 2007

From: Rep.Ballweg
Sent: Tuesday, September 11, 2007 4:25 PM
To: 'deanna.esser@nfib.org'; 'Bill.Smith@NFIB.org'
Subject: FW: Ballweg Co-sponsor LRB 3094/2, Small Claims Jurisdictional Limit, Deadline: Friday, Sept. 28, 2007

To: All Legislators

From: Representative Joan Ballweg

Date: September 11, 2007

Re: LRB 3094/2—Jurisdictional Limit for Small Claims filings

Under current law, the jurisdictional limit for small claims actions is \$5,000. LRB 3094/2 would increase the limit to \$10,000.

This draft is similar to the original draft of 2005 AB 680, which I introduced last session. An amended version of the bill passed the Assembly, but ran out of time in the Senate.

In 1993, the limit increased from \$2,000 to \$4,000, and then the following session, a provision included in the budget increased the limit to \$5,000. The statutory provision has remained unchanged for the past twelve years, so inflation alone should warrant an increase in the jurisdictional limit. This change would be a benefit to small business owners and private individuals alike.

Our neighbors to the west and south have increased their small claims limits. Minnesota is currently at \$7,500 and Illinois just increased their limit to \$10,000.

The current limit essentially reduces the amount an individual can recover when they have a grievance. It is more expensive to file a large civil claim in circuit court, and most individuals require the assistance of an attorney in order to file.

For example, a small business owner is owed \$7,000 by a client that has not satisfied his debt. The expense of filing a large civil case and hiring an attorney makes it cost prohibitive to pursue the matter in circuit court. Recovering \$5,000 for a small business owner is better than having to write off the full \$7,000 in accounts

receivable. The individual then files in small claims, so they can limit their loss. Justice is not being served because the aggrieved party is not made whole by the remedy.

Statistics show 50% of small claims cases are either closed before the initial court date or, are settled after an initial appearance. Small Claims Court is a reasonable, cost effective, and fair way for small businesses to deal with past due accounts.

Many settlements in civil cases are confidential, so it is impossible to predict how many large civil claims would be reclassified as small claims, if the limit were to increase. Without a doubt, the number of small claims filings would increase, but I would argue that there would not be a corresponding decrease in large civil claims because those cases are not being pursued now.

Please contact my office at 266-8077, if you are interested in co-sponsoring this bill. The deadline to sign-on is Friday, September 28, 2007.

Analysis by the Legislative Reference Bureau

This bill increases the jurisdictional limit in small claims actions from \$5,000 to \$10,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.



07-30942.pdf (15
KB)

2011-2012
2007 - 2008 LEGISLATURE
2011
2007
TODAY
BILL
please

1461/PI
LRB-3094/2
TKK RPN WJF jld
RMMR
d-note
insert

LPS-
PWF
please

2/16/11

regen

1 AN ACT *to amend* 799.01 (1) (c), 799.01 (1) (d) (intro.) and 799.01 (2) of the
2 statutes; **relating to:** increasing the jurisdictional amount in ~~small~~ ^{and the filing fee for} claims
3 actions.

Analysis by the Legislative Reference Bureau

Insert analysis ✓

This bill increases the jurisdictional limit in small claims actions from ✓ \$5,000 to ✓ \$10,000.

For further information see the ✓ *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 799.01 (1) (c) ✓ of the statutes is amended to read:
5 799.01 (1) (c) *Replevins*. Actions for replevin under ss. 810.01 to 810.13 where
6 the value of the property claimed does not exceed ~~\$5,000~~ \$10,000. ✓

7 SECTION 2. 799.01 (1) (d) (intro.) ✓ of the statutes is amended to read:
8 799.01 (1) (d) *Other civil actions*. (intro.) Other civil actions where the amount
9 claimed is ~~\$5,000~~ \$10,000 ✓ or less, if the actions or proceedings are:

BILL

1 SECTION 3. 799.01 (2)^X of the statutes is amended to read:

2 799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may
3 use the procedure in this chapter in an action to recover a tax from a person liable
4 for that tax where the amount claimed, including interest and penalties, is \$5,000
5 \$10,000[✓] or less. This chapter is not the exclusive procedure for those actions.

6 **SECTION 4. Initial applicability.**

7 (1) This act first applies to actions commenced or claims made on the effective
8 date of this subsection.[✓]

9 **SECTION 5. Effective date.**

10 (1) This act takes effect on January 1, ~~2009~~²⁰¹².[✓]

11

(END)

D-note
↓

Insert 2-6

✓

10

1 **Insert Analysis**

Currently, a plaintiff must pay a \$22 filing fee to begin a small claims action. Of that amount, the county retains \$10.20 and the balance goes to the general fund. This bill raises the filing fee to \$44, increases the amount retained by the county to \$31.20, and increases the amount paid to the general fund to \$12.80.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2 **Insert 2-6**

3 **SECTION 1.** 814.62 (3) (a) of the statutes is amended to read:

4 814.62 (3) (a) In a small claims action under ch. 799, at the time of issuance of
5 a summons or other process in a proceeding not commenced by a summons, the
6 plaintiff shall pay to the clerk of court a fee of \$22 \$44.

History: 1981 c. 317; 1983 a. 27; 1985 a. 29; 1987 a. 208, 399; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27; Sup. Ct. Order No. 95-10, 195 Wis. 2d xv (1996); 2003 a. 33.

7 **SECTION 2.** 814.62 (3) (d) 2. of the statutes is amended to read:

8 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
9 treasurer shall pay \$11.80 \$12.80 to the secretary of administration for deposit in the
10 general fund and shall retain the balance for the use of the county. The secretary of
11 administration shall credit the \$11.80 \$12.80 to the appropriation under s. 20.680
12 (2) (j).

History: 1981 c. 317; 1983 a. 27; 1985 a. 29; 1987 a. 208, 399; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27; Sup. Ct. Order No. 95-10, 195 Wis. 2d xv (1996); 2003 a. 33.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

PI
LRB-1461/dn

TKK: ↑ ...

JLW

Representative Ballweg:

This bill redrafts 2007 LRB-3094/2[✓] and also increases the filing fee for small claims actions. 2007 LRB-3094/2 established an effective date of January 1, 2009. ✓ I changed the effective date to January 1, 2012. Okay?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1461/P1dn
TKK:jld:rs

March 29, 2011

Representative Ballweg:

This bill redrafts 2007 LRB-3094/2 and also increases the filing fee for small claims actions. 2007 LRB-3094/2 established an effective date of January 1, 2009. I changed the effective date to January 1, 2012. Okay?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov



stays
RMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3/31/11

Today
No changes

Regen.

1 AN ACT *to amend* 799.01 (1) (c), 799.01 (1) (d) (intro.), 799.01 (2), 814.62 (3) (a)
2 and 814.62 (3) (d) 2. of the statutes; **relating to:** increasing the jurisdictional
3 amount in and the filing fee for small claims actions.

Analysis by the Legislative Reference Bureau

This bill increases the jurisdictional limit in small claims actions from \$5,000 to \$10,000.

Currently, a plaintiff must pay a \$22 filing fee to begin a small claims action. Of that amount, the county retains \$10.20 and the balance goes to the general fund. This bill raises the filing fee to \$44, increases the amount retained by the county to \$31.20, and increases the amount paid to the general fund to \$12.80.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 799.01 (1) (c) of the statutes is amended to read:
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6 the value of the property claimed does not exceed ~~\$5,000~~ \$10,000.

1 **SECTION 2.** 799.01 (1) (d) (intro.) of the statutes is amended to read:

2 799.01 (1) (d) *Other civil actions.* (intro.) Other civil actions where the amount
3 claimed is ~~\$5,000~~ \$10,000 or less, if the actions or proceedings are:

4 **SECTION 3.** 799.01 (2) of the statutes is amended to read:

5 799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may
6 use the procedure in this chapter in an action to recover a tax from a person liable
7 for that tax where the amount claimed, including interest and penalties, is ~~\$5,000~~
8 \$10,000 or less. This chapter is not the exclusive procedure for those actions.

9 **SECTION 4.** 814.62 (3) (a) of the statutes is amended to read:

10 814.62 (3) (a) In a small claims action under ch. 799, at the time of issuance of
11 a summons or other process in a proceeding not commenced by a summons, the
12 plaintiff shall pay to the clerk of court a fee of ~~\$22~~ \$44.

13 **SECTION 5.** 814.62 (3) (d) 2. of the statutes is amended to read:

14 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
15 treasurer shall pay ~~\$11.80~~ \$12.80 to the secretary of administration for deposit in the
16 general fund and shall retain the balance for the use of the county. The secretary of
17 administration shall credit the ~~\$11.80~~ \$12.80 to the appropriation under s. 20.680
18 (2) (j).

19 **SECTION 6. Initial applicability.**

20 (1) This act first applies to actions commenced or claims made on the effective
21 date of this subsection.

22 **SECTION 7. Effective date.**

23 (1) This act takes effect on January 1, 2012.

24

(END)

Parisi, Lori

From: Williams, Vincent
Sent: Friday, April 01, 2011 2:13 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1461/1 Topic: Small claims jurisdictional limit

Please Jacket LRB 11-1461/1 for the ASSEMBLY.

Barman, Mike

From: Rep.Fitzgerald
Sent: Wednesday, June 08, 2011 5:01 PM
To: Barman, Mike
Cc: Rep.Ballweg
Subject: Supplemental Fiscal Estimate Request

Mike,

Pursuant to Joint Rule 41(3)(b), I am requesting a supplemental fiscal estimate on 2011 AB 106.

→ 06-09-2011

Talked to Vince in Rep. Ballweg's office

↳ He actually wants a "supplemental"
FE prepared by LFB

<Per Joint Rule 48(3)>



ACTIVE

LRB Number: 11-1461/1

Introduction Number: AB-0106

Comment: Per Joint Rule 48 (3) - "Supplemental" FE requested by LFB

Request Date: 4/26/2011 3:08:41 PM

Description: Increasing the jurisdictional amount in and the filing fee for small claims actions

Subject: Courts - limitations

PUBLIC DRAFT/BILL and Assignments

Edit the Request

DRAFT/BILL: 11-14611.pdf

*Added
06-09-2011* →

Agency	Estimate Type	State/Local	Assigned	Due	Extended Stage	Submitted	Public Estimate	Retrieved	
1 Circuit Courts / Court of Appeals / Supreme Court	Original	State & Local	4/27/2011	5/4/2011	LRB	6/8/2011	NO	<u>YES</u>	<u>Estimate/WS Attachment</u>
2 Department of Revenue	Original	State & Local	4/27/2011	5/4/2011	Agency- Unassigned	INACTIVE			