

Fiscal Estimate - 2001 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number **01-1583/3**
 Introduction Number **AB-820**

Subject
 Parental liability, small claims jurisdictional amount, garnishment, assignment of debt, worthless checks for fish and game approvals

Fiscal Effect

State:

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

Local:

No Local Government Costs
 Indeterminate

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

5. Types of Local Government Units Affected

Towns Village Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS s.20.680(2)(j)

Agency/Prepared By	Authorized Signature	Date
CTS/ Sheryl Gervasi (608) 266-6984	Sheryl Gervasi (608) 266-6984	2/19/02

Fiscal Estimate Narratives

CTS 2/19/02

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Assumptions Used in Arriving at Fiscal Estimate

This bill increases the jurisdictional limit in small claims from \$5,000 to \$10,000 except for actions based upon negligence, that remain at \$5,000. It also increases the amounts of attorney fees recoverable in certain civil actions.

In 2000, there were an estimated 144,400 small claims actions filed in the circuit courts. The total filing cost in small claims is \$61 of which \$10.20 goes to the county, \$31 to the state, \$2 to the fund for the Justice Information System(BJIS) and \$17.80 to the program revenue fund under s.20.680(2)(j) for the Consolidated Court Automation Program(CCAP). Cases above \$5,000 are filed in large claims civil court. There were an estimated 28,200 large claims cases filed in 2000. The total filing fee cost in these cases is \$184 of which \$30 goes to the county, \$131 goes to the state, \$21 goes to CCAP and \$2 to BJIS.

It is impossible to predict the loss and gain of cases between the large claims and small claims caseload that will result because of the change in the limit. The loss in large claims caseload does not necessarily mean a corresponding increase in small claims caseload. For example purposes only, if the large claims caseload decreases by 20% or 5,640 cases, and the small claims caseload increases by the same number, the following would be the annual fiscal impact upon court revenues:

Decrease in Large Claims(-20%)

5,640 cases at \$184 filing fee -169,200 for the county, -738,840 for the state, -118,440 for CCAP and -11,280 for BJIS

Increase in Small Claims

5,640 cases at \$61 filing fee + 57,528 for the county, +174,840 for the state, +1000,392 for CCAP and +11,280 for BJIS

Net Total -111,672 for the county, -564,000 for the state, - 18,048 for CCAP and 0 for BJIS.

Presently, the small claims caseload in the more populous counties is handled by court commissioners while in those counties without commissioners the clerks handle the initial return dates. This would decrease the circuit judge's large claim civil caseload while increasing the caseload for commissioners and clerks. This would result in a shift of the burden of cost for handling cases between \$5,000 and \$10,000 from the state to the county. It is unknown how many counties would utilize the option under this bill of using court commissioners to handle the additional small claims caseload. The clerks of court from Milwaukee and Dane Counties have projected that additional staff would be required. Milwaukee, which presently has three full-time small claims court commissioners, could require one full-time additional court commissioner (\$125,000/yr.), 1/2 time deputy clerk (\$23,500/yr.), and two clerk-typists (\$64,000/yr.). Dane County would need a 1/2 time clerk (\$20,500/yr. These salaries include fringe benefits but not space and supplies costs. The additional costs for other counties is impossible to predict.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$	
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Farned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$-indeterminate	\$+indeterminate
NET CHANGE IN REVENUE		\$-indeterminate	\$-indeterminate
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