

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB680)

Received: 10/11/2005

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **Sharon**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - limitations**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Small claims jurisdictional amount

Instructions:

Exempt Milwaukee Co from increase

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>
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/1	rnelson2 10/11/2005	csicilia 10/19/2005	jfrantze 10/19/2005	_____	sbasford 10/19/2005	sbasford 10/19/2005	

FE Sent For:

<END>

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/?	rnelson2	1 ejs 10/18/05	J 10/19	J/Rs 10/19			

FE Sent For:

<END>



ASSEMBLY AMENDMENT,
TO 2005 ASSEMBLY BILL 680

fill list ✓
sav ✓
x-vob ✓

where

or 3

claimed

claimed

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 6: after "\$10,000" insert "except that if the case is commenced
- 3 in Milwaukee County, the value of the property ~~claims~~ does not exceed \$5,000".
- 4 **2.** Page 1, line 8: delete "Other" and substitute "Other Except for cases
- 5 commenced in Milwaukee County, other".
- 6 **3.** Page 1, line 9: after that line insert:
- 7 "SECTION 2m. 799.01 (1) (e) of the statutes is created to read:
- 8 799.01 (1) (e) *Other civil actions in Milwaukee County.* Other civil actions
- 9 commenced in Milwaukee County where the amount is \$5,000 or less, if the action
- 10 or proceeding is one of those listed in par. (d) 1. to 3."
- 11 **4.** Page 2, line 2: delete "A" and substitute "A Except for an action commenced
- 12 in Milwaukee County, a".

1 **5.** Page 2, line 5: after “less.” insert “In an action commenced in Milwaukee
 2 County under this subsection, a taxing authority may use the procedures under this
 3 chapter if the amount claimed, including interest and penalties, is \$5,000 or less.”.

4 **6.** Page 2, line 5: after that line insert:

5 ✓ **“SECTION 3c.** 802.04 (1) of the statutes is amended to read:

6 802.04 (1) CAPTION. Every pleading shall contain a caption setting forth the
 7 name of the court, the venue, the title of the action, the file number, and a designation
 8 as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains
 9 cross-claims or counterclaims, the designation in the caption shall state their
 10 existence. In the complaint the caption of the action shall include the standardized
 11 description of the case classification type and associated code number as approved
 12 by the director of state courts, and the title of the action shall include the names and
 13 addresses of all the parties, indicating the representative capacity, if any, in which
 14 they sue or are sued and, in actions by or against a corporation, the corporate
 15 existence and its domestic or foreign status shall be indicated. In pleadings other
 16 than the complaint, it is sufficient to state the name of the first party on each side
 17 with an appropriate indication of other parties. Every pleading commencing an
 18 action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s.
 19 814.61 (3) shall contain in the caption, if the action includes a claim for a money
 20 judgment, a statement of whether the amount claimed is greater than the amount
 21 under s. 799.01 (1) (d), except that if the action is commenced in Milwaukee County,
 22 a statement of whether the amount claimed is greater than the amount under s.
 23 799.01 (1) (e).

History: Sup. Ct. Order, 67 Wis. 2d 585, 621 (1975); 1975 c. 218; Sup. Ct. Order, 171 Wis. 2d xix (1992); 1995 a. 27.

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

1 814.62 (1) GARNISHMENT ACTIONS. The fee for commencing a garnishment action
 2 under ch. 812, including actions under s. 799.01 (1) (d) 2. or (e), is \$20. Of the fees
 3 received by the clerk under this subsection, the county treasurer shall pay \$12.50 to
 4 the secretary of administration for deposit in the general fund and shall retain the
 5 balance for the use of the county. The secretary of administration shall credit \$5 of
 6 the \$12.50 to the appropriation under s. 20.680 (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.

7 **SECTION 3g.** 943.212 (7) of the statutes is amended to read:

8 943.212 (7) Nothing in this section precludes a plaintiff from bringing the
 9 action under ch. 799 if the amount claimed is within the jurisdictional limits of s.
 10 799.01 (1) (d), except that if the action is commenced in Milwaukee County, if the
 11 amount claimed is within the jurisdictional limits of s. 799.01 (1) (e).

History: 1991 a. 65; 1995 a. 160; 2003 a. 80, 252, 327.

12 **SECTION 3j.** 943.245 (8) of the statutes is amended to read:

13 943.245 (8) Nothing in this section precludes a plaintiff from bringing the
 14 action under ch. 799 if the amount claimed is within the jurisdictional limits of s.
 15 799.01 (1) (d), except that if the action is commenced in Milwaukee County, if the
 16 amount claimed is within the jurisdictional limits of s. 799.01 (1) (e).

History: 1985 a. 179; 1987 a. 398; 1989 a. 31; 1993 a. 71; 2003 a. 138.

17 **SECTION 3m.** 943.51 (6) of the statutes is amended to read:

18 943.51 (6) Nothing in this section precludes a plaintiff from bringing the action
 19 under ch. 799 if the amount claimed is within the jurisdictional limits of s. 799.01 (1)
 20 (d), except that if the action is commenced in Milwaukee County, if the amount
 21 claimed is within the jurisdictional limits of s. 799.01 (1) (e)."

History: 1985 a. 179; 1989 a. 31; 1993 a. 71; 1995 a. 77; 2003 a. 138.

22 **(END)**

keep scored comma

3f

Insert A1

Section #. 814.85 (1) (b) of the statutes is amended to read:

814.85 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a \$169 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and the amount claimed exceeds the amount under s. 799.01 (1) (d).

History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; 2003 a. 139 ss. 197 to 200; Stats. 2003 s. 814.85; 2003 a. 326 ss. 123 to 125.

[Handwritten signature]

Insert A.7

Section #. 814.85 (1) (c) of the statutes is amended to read:

814.85 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a \$51 court support services surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying the fee seeks the recovery of money and the amount claimed is equal to or less than the amount under s. 799.01 (1) (d).

History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; 2003 a. 139 ss. 197 to 200; Stats. 2003 s. 814.85; 2003 a. 326 ss. 123 to 125.