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CHAPTER 427

AN ACT to amend 59.20 (11), 59.395 (5), 251.185 (3) and 271.21 of the statutes, for the purpose of providing a means of adjusting the suit tax when cases are transferred between the county and circuit court.

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

SECTION 1. 59.20 (11) of the statutes is amended to read:

59.20 (11) Pay to the state treasurer on his order all state suit tax moneys received from the clerk of the circuit court pursuant to s. 59.395 (5) *after adjustments for transfer of cases between the circuit and county court,* and if any such moneys remain in his hands when he is required to pay the state tax, pay such moneys therewith to the state treasurer.

SECTION 2. 59.395 (5) of the statutes is amended to read:

59.395 (5) Pay quarterly to the county treasurer for the use of the state the state tax required to be paid on each civil action, cognovit judgment and special proceeding filed during the preceding quarter, *after adjustments for transfer of cases between the circuit and county courts.* Such payments shall be made by the fifteenth day of January, April, July and October. The clerk shall take duplicate receipts from the treasurer and shall forward one receipt to the * * * *commissioner of administration* within 10 days with a certificate of the number of actions, cognovit judgments and special proceedings filed during the preceding quarter.

SECTION 3. 251.185 (3) of the statutes is amended to read:

251.185 (3) In counties having a population of 200,000 or more, actions commenced in county court may be transferred to circuit court, and actions commenced in circuit court may be transferred to county court,

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jurisdiction permitting, whenever the county board of judges so determines. *When such transfer occurs, adjustment for suit tax paid to the state treasury shall be as stated in ss. 59.20 (11), 59.395 (5) and 271.21.*

SECTION 4. 271.21 of the statutes is amended to read:

271.21 In each civil action, special proceeding, except probate proceedings, and cognovit judgment in the circuit or county court, excluding all matters brought into the probate branches, a suit tax of $5 shall be paid at the time the action is commenced, except that in actions by small claim type procedure and forfeiture actions in the county court, the tax * * * *is* $1. A municipality need not advance the $1 tax but shall be exempt from payment of such tax until the defendant pays costs pursuant to s. 299.25. The tax paid in circuit court shall be paid into the state treasury *after any credits are applied for transfer of cases to the county court in which case the rule governing remittance from the county court shall apply*; the tax paid in county courts shall be paid one-half into the state treasury and one-half into the county treasury *after any credit for transfer of cases to circuit court.*

Approved December 12, 1963.