

## 2005 DRAFTING REQUEST

### Senate Substitute Amendment (SSA-AB149)

Received: **09/29/2005**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Senate Chief Clerk**

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **NO**

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Floor Amendment ... SSA 1 to AB 149 (LRB 05f166)

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#### Instructions:

See Attached

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#### 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>
/?	rnelson2 09/29/2005	kfollett 10/06/2005		_____			
/1			jfrantze 10/06/2005	_____	lemery 10/06/2005	lemery 10/06/2005	

FE Sent For:

<END>

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/?	rnelson2						
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11 KJF  
10/6

J. Sell  
10/6

FE Sent For:

<END>

**ASSEMBLY BILL 149 (LRB -1484)**

An Act to repeal 814.04 (6); and to amend 799.25 (10) (a) of the statutes; relating to: attorney fees in civil actions.

**2005**

03-03. A. Introduced by Representatives **Hundertmark, Krawczyk, Gronemus, Kerkman, Hahn, Hines, LeMahieu, Gunderson, Nass, Ballweg, Lehman, Vos, Townsend, Nischke, Van Roy, Petrowski, McCormick, Ott, Albers, Vrakas, Molepske and Pridemore**; cosponsored by Senators **Grothman, Stepp, Roessler, Lassa, Darling and Olsen.**

03-03. A. Read first time and referred to committee on Judiciary ..... 104

03-17. A. Public hearing held.

03-31. A. Executive action taken.

04-07. A. Report passage recommended by committee on Judiciary, Ayes 5, Noes 2 ..... 167

04-07. A. Referred to committee on Rules ..... 167

04-07. A. Made a special order of business at 11:06 A.M. on 4-12-2005 pursuant to Assembly Resolution 12 ..... 174

04-07. A. Assembly substitute amendment 1 offered by Representative Kessler (**LRB s0077**) ..... 166

04-12. A. Read a second time ..... 182

04-12. A. Placed on the calendar following Assembly Bill 277 ..... 182

04-12. A. Read a second time ..... 184

04-12. A. Assembly substitute amendment 2 offered by Representative Kessler (**LRB s0083**) ..... 184

04-12. A. Assembly substitute amendment 2 **adopted** ..... 184

04-12. A. Ordered to a third reading ..... 184

04-12. A. Rules suspended ..... 184

04-12. A. Read a third time and **passed**, Ayes 85, Noes 13 ..... 184

04-12. A. Ordered immediately messaged ..... 184

04-13. S. Received from Assembly ..... 170

04-13. S. Read first time and referred to committee on Judiciary, Corrections and Privacy ..... 170

05-04. S. Public hearing held.

05-09. S. Executive action taken.

05-10. S. Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1 .... 202

05-10. S. Available for scheduling.

09-27. S. Placed on calendar 9-28-2005 pursuant to Senate Rule 18(1).

09-28. S. Read a second time.

09-28. S. Senate substitute amendment 1 offered by Senator Risser (**LRB f166**).

09-28. S. Senate substitute amendment 1 withdrawn and returned to author.

09-28. S. Referred to committee on Senate Organization.

09-28. S. Available for scheduling.

←

LTSB is going to  
change to LRB S0236  
(talked to Justin)  
MB

RPN:lgf

Senatz

~~ASSEMBLY~~ SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 149

Sen. Rissen

~~Offered by~~ Offered by ~~Sen. Rissen~~

Regen

1 AN ACT to amend 814.04 (6) of the statutes; relating to: attorney fees in civil  
2 actions.

*Analysis by the Legislative Reference Bureau*

Under current law, generally in civil actions the amount a prevailing party may recover in attorney fees is limited by law. If the amount recovered is greater than \$5,000, the attorney fees are \$500. If the amount recovered is from \$1,000 to \$5,000, the attorney fees are \$300. If the amount recovered is less than \$1,000, the attorney fees are \$100. If there is no specific amount recovered or if the action does not involve property, the attorney fees are \$300. Current law reduces these attorney fee awards by half if there is a default judgment or if the action is voluntarily dismissed by the adverse party.

This substitute amendment reduces the attorney fees by half when the action is caused to be brought in small claims court by a collection agency on behalf of a creditor and there is a default judgment or the action is voluntarily dismissed by the adverse party.

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

3 SECTION 1. 814.04 (6) of the statutes is amended to read:

LRB

SCC DATE 9-28-05

LRB F166  
FAX \_\_\_\_\_

*Substitute* **SENATE FLOOR AMENDMENT**

~~SENATE AMENDMENT~~ 1

to \_\_\_\_\_ amendment \_\_\_\_\_

to \_\_\_\_\_ sub. amdt. \_\_\_\_\_

TO A BILL 149

Offered by Senator(s) Risser

At the locations indicated, amend the bill as follows:

Page \_\_\_\_\_, line \_\_\_\_\_

*Delete the entire bill and substitute the attached.*

*over*

