

**2007 DRAFTING REQUEST**

**Bill**

Received: **08/23/2007**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Joan Ballweg (608) 266-8077**

By/Representing: **Vince**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - civil procedure**

Extra Copies: **BAB**

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Jurisdictional amount in small claims court

---

**Instructions:**

See Attached same as 05AB680, as passed the assembly

---

**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 08/23/2007	wjackson 09/06/2007		_____			S&L
/1			nmatzke 09/07/2007	_____	sbasford 09/07/2007		S&L
/2	rnelson2 09/07/2007	wjackson 09/11/2007	jfrantze 09/11/2007	_____	lparisi 09/11/2007	cduerst 09/11/2007	

FE Sent For: "1/2" @ intro. 11-12-2007 <END>

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FE Sent For:

*J*  
*9/11*

*Joan Ballweg*  
*9/11*

**<END>**

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/?	rnelson2	1WJ 9/6	nwn 9/6	nwn/RS 9/7			

FE Sent For:

<END>

-3094/1

2007 Bill

ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 2005 ASSEMBLY BILL 680

March 7, 2006 - Offered by Representative BALLWEG.

LPS: Please  
PWF

Regen

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

*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 \$7,500.

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 \$7,500 or less, if the actions or proceedings are:

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

11 799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may  
12 use the procedure in this chapter in an action to recover a tax from a person liable

Insert  
1-3

1 for that tax where the amount claimed, including interest and penalties, is \$5,000  
2 \$7,500 or less. This chapter is not the exclusive procedure for those actions.

3 ✓ **SECTION 4.** 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 \$28.

7 → **SECTION 5. Initial applicability.**

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

10 **SECTION 6. Effective date.**

11 (1) This act takes effect on January 1, 200~~7~~<sup>9</sup>.

12 (END)

Insert  
2-6



# 2005 ASSEMBLY BILL 680

September 22, 2005 - Introduced by Representatives BALLWEG, MONTGOMERY, ALBERS, BERCEAU, GUNDRUM, HAHN, HINES, HUNDERTMARK, GUNDERSON, KERKMAN, LAMB, LEMAHIEU, MCCORMICK, MOULTON, MURSAU, MUSSER, OWENS, TOWNS, VAN ROY, VOS, M. WILLIAMS and PETROWSKI, cosponsored by Senators OLSEN, ROESSLER, WIRCH and ZIEN. Referred to Committee on Judiciary.

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 claims  
3 court.

*Handwritten note:* The bill also increases the fee collected from the plaintiff in small claims actions from \$22 to \$28 and requires the county that collects the fee to use the additional amount collected for the administration of the circuit court.

### Analysis by the Legislative Reference Bureau

This bill increases the jurisdictional limit in small claims actions from \$5,000 to ~~\$10,000~~ ~~\$7,500~~ ~~\$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:**

SECTION 1. 799.01 (1) (c) of the statutes is amended to read:

799.01 (1) (c) *Replevins.* Actions for replevin under ss. 810.01 to 810.13 where the value of the property claimed does not exceed \$5,000 \$10,000.

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

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

*Handwritten:* Insert 1-3

*Handwritten:* Keep anal. line  
Insert 1-3

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 2005 ASSEMBLY BILL 680**

*Insert  
2-6*

March 7, 2006 – Offered by Representative BALLWEG.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 6: after that line insert:

3 ~~SECTION 4g.~~ SECTION 814.62 (3) (d) 2. of the statutes is amended to read:

4 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county  
5 treasurer shall pay \$11.80 to the secretary of administration for deposit in the  
6 general fund and shall retain the balance for the use of the county. The county shall  
7 use \$6 of the amount retained under this subdivision for costs incurred by the county  
8 for the administration of the circuit courts. The secretary of administration shall  
9 credit the \$11.80 to the appropriation under s. 20.680 (2) (j) ~~6~~.

10

(END)

*Insert  
2-6*



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3094/1<sup>2</sup>  
RPN:wlj:nwn  
↑  
stays

2007 BILL

Other

Regen

increasing

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:** the jurisdictional amount in  
3 small claims actions and ~~circuit court filing fees~~

\$10,000

*Analysis by the Legislative Reference Bureau*

This bill increases the jurisdictional limit in small claims actions from \$5,000 to ~~\$7,500~~. The bill also increases the fee collected from the plaintiff in small claims actions from \$22 to \$28 and requires the county that collects the fee to use the additional amount collected for the administration of the circuit courts.

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 ~~\$7,500~~ <sup>\$10,000</sup>

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

## BILL

1 799.01 (1) (d) *Other civil actions.* (intro.) Other civil actions where the amount  
2 claimed is \$5,000 ~~\$7,500~~ <sup>\$10,000 ← use twice</sup> or less, if the actions or proceedings are:

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

4 799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may  
5 use the procedure in this chapter in an action to recover a tax from a person liable  
6 for that tax where the amount claimed, including interest and penalties, is \$5,000  
7 ~~\$7,500~~ or less. This chapter is not the exclusive procedure for those actions.

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

9 814.62 (3) (a) In a small claims action under ch. 799, at the time of issuance of  
10 a summons or other process in a proceeding not commenced by a summons, the  
11 plaintiff shall pay to the clerk of court a fee of \$22 ~~\$28~~.

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

13 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county  
14 treasurer shall pay \$11.80 to the secretary of administration for deposit in the  
15 general fund and shall retain the balance for the use of the county. The county shall  
16 use \$6 of the amount retained under this subdivision for costs incurred by the county  
17 for the administration of the circuit courts. The secretary of administration shall  
18 credit the \$11.80 to the appropriation under s. 20.680 (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, 2009.

24 (END)

**Duerst, Christina**

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**From:** Williams, Vincent  
**Sent:** Tuesday, September 11, 2007 3:21 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-3094/2 Topic: Jurisdictional amount in small claims court

Please Jacket LRB 07-3094/2 for the ASSEMBLY.