2011 DRAFTING REQUEST

Bill								
Received: 04/15/2011					Received By: tkuczens			
Wanted: As time permits					Companion to LRB:			
For: Terry Moulton (608) 266-7511					By/Representing: Elise Nelson			
May Contact:					Drafter: tkuczens			
Subject: Courts - costs and fee			LO .		Addl. Drafters:			
					Extra Copies:			
Submit	via email: YES	}						
Request	er's email:	Sen.Moult	on@legis.wi	sconsin.gov				
Carbon	copy (CC:) to:	tracy.kucz	enski@legis	.wisconsin.g	gov			
Pre Top	oic:							
No spec	ific pre topic gi	iven						
Topic:								
small cla	aims jurisdictio	nal limit and fi	ling fee					
Instruc	tions:							
See attac	ched							
Draftin	g History:							
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	tkuczens 04/15/2011	jdyer 04/15/2011					S&L	
/1			mduchek 04/15/201	1	sbasford 04/15/2011	mbarman 04/15/2011		

FE Sent For: At Intro.

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Received By: tkuczens

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Subject: Courts - costs and fees	Addl. Drafters:			
	Extra Copies:			
Submit via email: YES				
Requester's email: Sen.Moulton@legis.wisconsin.gov				
Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.g	ov			
Pre Topic:				
No specific pre topic given				
Topic:				
small claims jurisdictional limit and filing fee				
Instructions:				
See attached				
Drafting History:				
<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u>	Submitted Jacketed Required			
/? tkuczens Reviewed Typed Proofed				
FE Sent For:				

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STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

- LRB

Research (608-266-0341)

Library (608-266-7040)

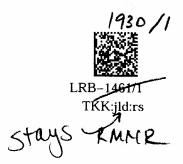
Legal (608-266-3561)

LRB

April 15,2011	
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State of Misconsin **2011 - 2012 LEGISLATURE**



2011 BILL

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AN ACT to amend 799.01 (1) (c), 799.01 (1) (d) (intro.), 799.01 (2), 814.62 (3) (a)

and 814.62 (3) (d) 2. of the statutes; relating to: increasing the jurisdictional

amount in and the filing fee for small claims actions.

Analysis by the Legislative Reference Bureau

This bill increases the jurisdictional limit in small claims actions from \$5,000 to \$10,000.

Currently, a plaintiff must pay a \$22 filing fee to begin a small claims action. Of that amount, the county retains \$10.20 and the balance goes to the general fund. This bill raises the filing fee to \$44, increases the amount retained by the county to \$31.20, and increases the amount paid to the general fund to \$12.80.

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 \$10,000.

|--|

1	SECTION 2. 799.01 (1) (d) (intro.) of the statutes is amended to read:
2	799.01 (1) (d) Other civil actions. (intro.) Other civil actions where the amount
3	claimed is $\$5,000 \ \$10,000$ or less, if the actions or proceedings are:
4	Section 3. 799.01 (2) of the statutes is amended to read:
5	799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may
6	use the procedure in this chapter in an action to recover a tax from a person liable
7	for that tax where the amount claimed, including interest and penalties, is $\$5,000$
8	\$10,000 or less. This chapter is not the exclusive procedure for those actions.
9	SECTION 4. 814.62 (3) (a) of the statutes is amended to read:
10	814.62 (3) (a) In a small claims action under ch. 799, at the time of issuance of
11	a summons or other process in a proceeding not commenced by a summons, the
12	plaintiff shall pay to the clerk of court a fee of $\$22$ $\$44$.
13	Section 5. 814.62 (3) (d) 2. of the statutes is amended to read:
14	814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
15	treasurer shall pay $\$11.80\ \12.80 to the secretary of administration for deposit in the
16	general fund and shall retain the balance for the use of the county. The secretary of
17	administration shall credit the $\$11.80$ $\$12.80$ to the appropriation under s. 20.680
18	(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, 2012.
24	(END)

Godwin, Gigi

From: Nelson, Elise

Sent: Friday, April 15, 2011 11:22 AM

To: LRB.Legal

Subject: Draft Review: LRB 11-1930/1 Topic: small claims jurisdictional limit and filing fee

Please Jacket LRB 11-1930/1 for the SENATE.