



**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 680**

October 25, 2005 – Offered by Representative KESSLER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 6: after “\$10,000” insert “or, if the action is commenced in
3 Milwaukee County, where the value of the property claimed does not exceed \$5,000”.

4 **2.** Page 1, line 8: delete “Other” and substitute “~~Other~~ Except for actions
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 claimed is \$5,000 or less, if the
10 action 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) or, that if the action is commenced in Milwaukee County, a
22 statement of whether the amount claimed is greater than the amount under s. 799.01
23 (1) (e).

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).

7 **SECTION 3f.** 814.85 (1) (b) of the statutes is amended to read:

8 814.85 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge
9 and collect a \$169 court support services surcharge from any person, including any
10 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a)
11 or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
12 the amount claimed exceeds the amount under s. 799.01 (1) (d) or, if the action is
13 commenced in Milwaukee County, the amount claimed exceeds the amount under s.
14 799.01 (1) (e).

15 **SECTION 3g.** 814.85 (1) (c) of the statutes is amended to read:

16 814.85 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge
17 and collect a \$51 court support services surcharge from any person, including any
18 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a)
19 or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party
20 paying the fee seeks the recovery of money and the amount claimed is equal to or less
21 than the amount under s. 799.01 (1) (d) or, if the action is commenced in Milwaukee
22 County, the amount claimed exceeds the amount under s. 799.01 (1) (e).

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

24 943.212 (7) Nothing in this section precludes a plaintiff from bringing the
25 action under ch. 799 if the amount claimed is within the jurisdictional limits of s.

