

Call

AT ①

91 LSO-4688

HOUSE BILL 0225

HOUSE BILL 0225

TI

HB0225FT02

AN ACT to amend W.S. 1-21-202(a) and 1-21-203 relating to small claims court; specifying venue jurisdiction for actions commenced in small claims court; and providing for an effective date.

Introduced by:

Gene Cay

Boyd R Edd

DATE	ACTION	DATE	ACTION
JUN 1 1 1991	READ FIRST TIME		<i>HB0225SS1/AE</i>
	REFERRED TO COM. NO. <u>1</u>		DO PASS
	DELIBERATED TO COM. NO. <u>1</u>	FEB 8 1 1991	READ SECOND TIME
JUN 2 2 1991	RETURNED		DO PASS
	Recommended Amend and Do Pass <i>7 AYES 2 EXC.</i>	FEB 11 1 1991	READ THIRD TIME
JUN 2 5 1991	CONSIDERED IN COM. OF WHOLE		CONSENT LIST
	Standing Com. Amendment <i>HB225HS1/A</i>		PASSED
	Adopted		AYES <u>30</u> NGS <u>0</u> EXCUSED <u>0</u> ABSENT <u>0</u>
	Recommended do pass		<i>LSO Sent to House</i>
JUN 2 8 1991	READ SECOND TIME <i>Rules Susp.</i>	FEB 1 8 1991	RECEIVED FROM SENATE
JUN 2 8 1991	READ THIRD TIME		Rep. <u>Call</u> moved to <u>CLARK CO.</u>
	UNDER SUSPENSION OF RULES		Senate Amendments
	PASSED		PASSED
	<i>Amended 58</i>		<i>Amended 4</i>
	Sent to LSO		SENT TO LSO FOR ENROLLING
1/28/91	ENGROSSED		RECEIVED FROM LSO ENROLLED
1/29/91	<i>Sent to Senate</i>		HEA NO. <u>40</u>
JAN 8 8 1991	Received from House	FEB 1 8 1991	SIGNED BY SPEAKER
	Read first time		SIGNED BY PRESIDENT
	Referred to Com. No. <u>1</u>	FEB 2 0 1991	APPROVED BY GOVERNOR
	Delivered to Com. No. <u>1</u>		CHAPTER NO. <u>46</u> SESSION LAWS OF WYOMING
FEB 5 1 1991	STANDING COMM. REPORT		
	RECOMMEND AMEND AND DO PASS		
FEB 7 1 1991	CONSIDERED IN COM. OF WHOLE		
	STANDING COM. AMDT. ADOPTED		

CONTINUED ON BACK

Suppression of Public
 # WB 225 *Public Hearing* Date 1/28/91

HOUSE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent		
✓				ALDEN	✓				MICHELI	
✓				ANDERSON	✓				MILLER	
	✓			ARNOLD	✓				O'TOOLE	
✓				BEBOUT		✓			PERKINS, D.	
✓				BENSEL	✓				PERKINS, J.	
✓				BLACKWELL	✓				PHELAN	
✓				BODINE	✓				PLANT	
✓	✓			BOWRON	✓				RANKINE	
✓				BUDD	✓				RATLIFF	
✓				CALL	✓				ROHRBACH	
✓				CHAMBERLAIN	✓				RYCKMAN	
				GROSS	✓				SCHWOPE	
✓				CUBIN	✓				SHREVE	
✓				DEWITT	✓				SIMONS	
	✓			DUNNUCK		✓		✓	SULLIVAN	
✓				ENZI	✓				TEMPEST	
✓				GAMS	✓				TIBBS	
✓				GARCIA	✓				TIPPETS	
✓				GOODENOUGH	✓				TIPTON	
✓				GRANT	✓				TYSDAL	
✓				HACKER	✓				VASEY	
✓				HAGEMAN	✓				VLASTOS	
	✓			HANSEN	✓				WALLIS	
✓				HARRIS	✓				WATSON	
✓				HARRISON, F.	✓				WOLD	
✓				HARRISON, R.	✓				WOLFLEY	
✓				HINCHEY	✓				WRIGHT	
✓				HINES	✓				ZUMBRUNNEN	
✓				HONAKER	✓				MR. SPEAKER	
✓				HUMPHREY	AYES <u>58</u> NOES <u>6</u> EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS <u>6</u>					PRESENT _____
✓				KUNZ						
✓				LAW						
✓				LUMMIS						
✓				MACMILLAN, P.						
✓				MARTON						
✓				MCMILLAN, B.						

#

7/13 130-141R. Suspension of Rules

Date

1/25/91

HOUSE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
	✓			ALDEN	✓				MICHELI
✓				ANDERSON	✓				MILLER
✓				ARNOLD	✓				O'TOOLE
✓				BEBOUT	✓				PERKINS, D.
✓				BENSEL		✓			PERKINS, J.
	✓			BLACKWELL	✓				PHELAN
✓				BODINE	✓				PLANT
✓				BOWRON	✓				RANKINE
✓				BUDD	✓				RATLIFF
	✓			CALL	✓				ROHRBACH
✓				CHAMBERLAIN		✓			RYCKMAN
				CHAMBERLAIN	✓				SCHWOPE
	✓			CUBIN	✓				SHREVE
✓				DEWITT	✓				SIMONS
✓				DUNNUCK	✓				SULLIVAN
✓			✗	ENZI	✓				TEMPEST
✓				GAMS	✓				TIBBS
✓				GARCIA	✓				TIPPETS
	✓			GOODENOUGH	✓				TIPTON
✓				GRANT		✓			TYSDAL
✓				HACKER	✓				VASEY
✓				HAGEMAN	✓				VLASTOS
✓				HANSEN	✓				WALLIS
	✓			HARRIS	✓				WATSON
✓				HARRISON, F.	✓				WOLD
✓				HARRISON, R.	✓				WOLFLEY
✓				HINCHEY	✓				WRIGHT
	✓			HINES	✓				ZUMBRUNNEN
✓				HONAKER	✓				MR. SPEAKER
✓				HUMPHREY					
✓				KUNZ					
✓				LAW					
✓				LUMMIS					
✓				MACMILLAN, P.					
✓				MARTON					
✓				MCMILLAN, B.					

AYES

54

NOES

10

EXCUSED

ABSENT

TOTAL 64

LESS

PRESENT

FEB 7 1991

HB 225

①

✓ HB0225SS1/AE TO ENGROSSED COPY

✓ Page 2-line 18 ✓ After "defendant" insert "AT ANY LOCATION
IN THE COUNTY".

✓ Page 2-line 20 ✓ Strike "registered----letter" insert
"CERTIFIED MAIL".

✓ Page 3-lines 4 through 8 Delete entirely. ✓ PERRY, CHAIRMAN
/

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, FEBRUARY 5, 1991

Mr. President:

Your Committee No. 1 on Judiciary
 to whom was referred HB No. 225 ENGROSSED

respectfully reports same back to the Senate with the recommendation that

DO PASS WITH THE FOLLOWING AMENDMENTS:

Page 2 - line 18 After "defendant" insert "AT ANY LOCATION IN THE COUNTY".
 Page 2 - line 20 Strike "registered" insert "CERTIFIED".
 Page 3 - lines 4 through 8 Delete entirely. *letter MAIL*

Ayes

John Perry, Chairman
 Michael J. Burke
 Robert J. Reese

NoesExcused

Lisa F. Kinney
 Gary L. Yordy

HB0225551/
Done

(7cc)

[Signature]

Chairman

HB0225SS1/

TO ENGROSSED COPY

Page 2-line 18 After "defendant" insert "AT ANY LOCATION
IN THE COUNTY".

Page 2-line 20 Strike "~~registered----letter~~" insert
"CERTIFIED MAIL".

Page 3-lines 4 through 8 Delete entirely. PERRY, CHAIRMAN

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1991

STATE OF WYOMING

91LSO-0688.ENG

HOUSE BILL NO. 0225

Small claims actions-venue.

Sponsored by: Representative(s) CALL and Senator(s) EDDINS

A BILL

for

1 AN ACT to amend W.S. 1-21-202(a) and 1-21-203 relating to
2 small claims court; specifying venue jurisdiction for
3 actions commenced in small claims court; and providing for
4 an effective date.

5 Be It Enacted by the Legislature of the State of Wyoming:

6 Section 1. W.S. 1-21-202(a) and 1-21-203 are amended
7 to read:

8 1-21-202. Commencement of actions; fee; remedy cumu-
9 lative; continuance to obtain attorney; docketing.

10 (a) Actions may be commenced, heard and determined
11 under W.S. 1-21-201 through 1-21-205 if the state, any

1 governmental entity, any natural person, corporation,
2 partnership, association or other organization appears
3 before any justice of the peace or county court and exe-
4 cutes an affidavit reciting the full address of the
5 defendant, ~~within-the-county~~, the nature of the claim, the
6 amount due and stating that demand has been made and pay-
7 ment refused. The plaintiff shall deposit an appearance
8 fee of four dollars (\$4.00) which shall be retained by the
9 court as costs and taxed to the party against whom judg-
10 ment is rendered. The remedy provided by this article is
11 cumulative and not exclusive.

12 1-21-203. Affidavit of claim; service of summons;
13 venue jurisdiction.

14 (a) The claimant shall prepare the affidavit as set
15 forth, or at his request the justice or county judge shall
16 draft it for him. When the affidavit is executed by the
17 claimant the court shall file the same and have summons
18 served on the defendant in the manner provided by law or,
19 IF THE DEFENDANT RESIDES IN THE COUNTY, service may be
20 made by the court by registered letter addressed to the
21 defendant AT HIS ADDRESS within the county with return
22 receipt requested. Upon receipt by the justice or county
23 judge of the return receipt signed by the defendant or his

1 agent, service is complete.

2 (b) VENUE PROVISIONS IN W.S. 1-5-105 THROUGH 1-5-109
3 APPLY TO ACTIONS COMMENCED UNDER THIS ARTICLE.

4 (c) NOTWITHSTANDING W.S. 5-5-101(c), 5-5-130 OR
5 5-5-131, THE JURISDICTION AND PROCESS OF A COUNTY COURT IN
6 ACTIONS COMMENCED IN COUNTY COURT UNDER W.S. 1-21-201
7 THROUGH 1-21-205 IS LIMITED TO THE COUNTY IN WHICH THE
8 COURT IS LOCATED.

9 Section 2. This act is effective July 1, 1991.

10 (END)

1 HB0225HS1/A

2 ✓ Page 1-line 2 After "venue" insert "jurisdiction".

3 ✓ Page 2-line 13 After "venue" insert "; jurisdiction".

4 ✓ Page 3-After line 3 Insert:

5 "(c) NOTWITHSTANDING W.S. 5-5-101(c), 5-5-130 OR
6 5-5-131, THE JURISDICTION AND PROCESS OF A COUNTY COURT IN
7 ACTIONS COMMENCED IN COUNTY COURT UNDER W.S. 1-21-201
8 THROUGH 1-21-205 IS LIMITED TO THE COUNTY IN WHICH THE COURT
9 IS LOCATED.". TIPTON, CHAIRMAN

OW

Adopted

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 21....., 19...91.

Mr. Speaker:

Your Committee No. 1..... on..... JUDICIARY.....
to whom was referred..... HB..... No..... 0225.....

respectfully reports same back to the House with the recommendation that it

DO PASS with the following amendments:

Page 1 - line 2 After "venue" insert "and jurisdiction".

Page 2 - line 13 After "venue" insert "; jurisdiction".

Page 3 - After line 3 Insert:

"(c) NOTWITHSTANDING W.S. 5-5-101(c), 5-5-130 OR 5-5-131,
THE JURISDICTION AND PROCESS OF A COUNTY COURT IN ACTIONS COMMENCED IN COUNTY
COURT UNDER W.S. 1-21-201 THROUGH 1-21-205 IS LIMITED TO THE
COUNTY IN WHICH THE COURT IS LOCATED."

AYES

Anderson
Call
Goodenough
Harrison, Ray
Miller
Rohrbach
Tipton

NOES

0

EXCUSED

Harrison, Fred
Honaker

.....
Harry B. Tipton,

Chairman

PM

1 HB0225HS1/

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8 THROUGH 1-21-205 IS LIMITED TO THE COUNTY IN WHICH THE COURT
9 IS LOCATED.". TIPTON, CHAIRMAN

HB0225SS1/A

TO ENGROSSED COPY

2-7-51

Page 2-line 18 After "defendant" insert "AT ANY LOCATION
IN THE COUNTY".

Page 2-line 20 Strike "registered----letter" insert
"CERTIFIED MAIL".

Page 3-lines 4 through 8 Delete entirely. PERRY, CHAIRMAN

Done

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
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3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

1991

STATE OF WYOMING

91LSO-0688.01

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Sponsored by: Representative(s) CALL and Senator(s) EDDINS

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11 under W.S. 1-21-201 through 1-21-205 if the state, any

- 1 -

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

HB 225

1 governmental entity, any natural person, corporation,
2 partnership, association or other organization appears
3 before any justice of the peace or county court and exe-
4 cutes an affidavit reciting the full address of the
5 defendant, ~~within the county~~, the nature of the claim, the
6 amount due and stating that demand has been made and pay-
7 ment refused. The plaintiff shall deposit an appearance
8 fee of four dollars (\$4.00) which shall be retained by the
9 court as costs and taxed to the party against whom judg-
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19 IF THE DEFENDANT RESIDES IN THE COUNTY, service may be
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22 receipt requested. Upon receipt by the justice or county
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1 agent, service is complete.

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3 APPLY TO ACTIONS COMMENCED UNDER THIS ARTICLE.

4 Section 2. This act is effective July 1, 1991.

5 (END)