

**2019 DRAFTING REQUEST****Senate Amendment (SA-SB457)**

For: **Howard Marklein (608) 266-0703** Drafter: **agary**  
 By: **Vince** Secondary Drafters:  
 Date: **10/18/2019** May Contact:  
 Same as LRB: **a0661**

Submit via email: **YES**  
 Requester's email: **Sen.Marklein@legis.wi.gov**  
 Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Companion to LRBa0661; remove P.O.D. account provisions; changes related to cashier's checks, garnishment

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 10/21/2019	ccarmich 10/21/2019			
/P1	agary 10/22/2019	ccarmich 10/22/2019	mbarman 10/21/2019		
/1			mbarman 10/22/2019	mbarman 10/22/2019	

FE Sent For:

**<END>**

**Gary, Aaron**

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**From:** Williams; Vincent  
**Sent:** Friday, October 18, 2019 12:46 PM  
**To:** Krueger, Nick; Gary, Aaron  
**Subject:** Re: Drafting request: amendment to AB 504/SB 457

Aaron,

Sen. Marklein would like the identical amendment for SB457.

Regards,

Vince Williams

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Krueger, Nick" <Nick.Krueger@legis.wisconsin.gov>  
**Date:** 10/18/19 11:35 (GMT-06:00)  
**To:** "Gary, Aaron" <Aaron.Gary@legis.wisconsin.gov>  
**Cc:** "Williams, Vincent" <Vincent.Williams@legis.wisconsin.gov>  
**Subject:** FW: Drafting request: amendment to AB 504/SB 457

Dear Aaron,

An update/addition to "bullet point #3" in my drafting request that I sent you a few minutes ago—please include in the simple amendment these words:

**SECTION 55.** 812.19 (4) of the statutes is created to read:

812.19 (4) If a garnishee is a financial institution, as defined in s. 214.01 (1) (jn), in possession of, or obligated with respect to, property subject to garnishment, the financial institution is liable to the creditor for the property in its possession, in an amount up to the garnishable amount in the account(s), as of the time the financial institution is first reasonably able to put the garnishment into effect, but no later than the end of the second business day after the business day on which the garnishee summons and complaint is served upon the financial institution. Any property that leaves the possession of the financial institution within that time frame, but before the financial institution is able to put the garnishment into effect, shall not be subject to the garnishment and the financial institution shall have no responsibility to attempt to secure the return of such property and no liability to the creditor for such property.

Our intent is (1) to specify how much time the financial institution has to comply with a garnishment summons; (2) to clarify that the financial institution will only be liable to the creditor for the amount up to the garnishable amount in the account(s); and (3) to clarify that the financial institution is not responsible for funds that leave before it can implement the garnishment.

Thanks again.

**Nick Krueger**

Office of Representative Terry Katsma

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**From:** Krueger, Nick  
**Sent:** Friday, October 18, 2019 11:19 AM  
**To:** Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>  
**Cc:** Williams, Vincent <Vincent.Williams@legis.wisconsin.gov>  
**Subject:** Drafting request: amendment to AB 504/SB 457

Hi Aaron,

Please draft a simple amendment to AB 504/SB 457 (Katsma/Marklein) that achieves the following:

- Delete from the bill all provisions related to P.O.D. accounts.
- The bill reduces the period from 90 to 14 days after certain checks are issued before the issuing bank is obligated to pay the check. In the amendment, please change all references to 14 days to 30 days instead.
- The bill provides that a financial institution is liable for garnished property in a garnishment action only if a “reasonable time to comply” has expired. In the amendment, please provide instead that a financial institution is liable only after the expiration of “two business days upon receipt” of a garnishment summons or demand by DOR.

Rep. Katsma is requesting this amendment for AB 504; Sen. Marklein’s staff is copied on this email and will surely request an identical amendment for SB 457. Be advised that SB 457 has been noticed for an executive session on Oct. 24th.

Thank you!

**Nick Krueger**  
Office of Representative Terry Katsma  
Wisconsin State Assembly  
Room 306 East, State Capitol  
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Madison, WI 53708  
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Today

a 0662/P2

LRBa0661/P1

ARG:cdc

in 10/21

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

Senate

**TO ASSEMBLY BILL 504**

457

companion - no changes

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 11: delete "P.O.D. accounts and loan obligations to financial
- 3 institutions;"
- 4 **2.** Page 25, line 6: on lines 6 and 7, delete "14th" and substitute "30th".
- 5 **3.** Page 25, line 9: delete the material beginning with that line and ending with
- 6 page 26, line 12.
- 7 **4.** Page 26, line 24: delete the material beginning with "for" and ending with
- 8 "complaint" on page 27, line 2, and substitute "to the creditor for the property in its
- 9 possession, in an amount up to the garnishable amount in the account or accounts,
- 10 as of the time the financial institution is first reasonably able to put the garnishment
- 11 into effect, but no later than the end of the 2nd business day after the business day
- 12 on which the garnishee summons and complaint is served upon the financial

1 institution. Any property that leaves the possession of the financial institution  
2 within that time frame, but before the financial institution is able to put the  
3 garnishment into effect, shall not be subject to the garnishment and the financial  
4 institution shall have no responsibility to attempt to secure the return of such  
5 property and no liability to the creditor for such property”.

6 (END)

## Gary, Aaron

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**From:** Williams, Vincent  
**Sent:** Tuesday, October 22, 2019 9:10 AM  
**To:** Krueger, Nick; Gary, Aaron  
**Subject:** RE: Draft review: LRB a0661/P1

Hi Aaron,

Yes, please send me the stripes of the identical amendment.

Regards,

Vince Williams  
Legislative Aide & Committee Clerk  
Office of State Senator Howard Marklein  
17<sup>th</sup> Senate District  
PO Box 7882  
Madison, WI 53707-7882  
[www.legis.wisconsin.gov](http://www.legis.wisconsin.gov)  
(608) 266-0703 or (800) 978-8008

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**From:** Krueger, Nick <Nick.Krueger@legis.wisconsin.gov>  
**Sent:** Tuesday, October 22, 2019 9:07 AM  
**To:** Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>  
**Cc:** Williams, Vincent <Vincent.Williams@legis.wisconsin.gov>  
**Subject:** RE: Draft review: LRB a0661/P1

Hi Aaron,

Thanks for your quick work to create LRB a0661/P1 (a simple amendment to Rep. Katsma's AB 504/Sen. Marklein's SB 457).

Please make one change: on page 1, line 12, please change "served upon" to "received by." Go ahead and create this new version as an introducible amendment to AB 504 for our office; Sen. Marklein (Vince is copied on this email) will also be asking you for an identical introducible amendment for SB 457.

Thanks again!

**Nick Krueger**  
Office of Representative Terry Katsma  
Wisconsin State Assembly  
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Today

in  
10/22

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO SENATE BILL 457**

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

2 **1.** Page 1, line 11: delete “P.O.D. accounts and loan obligations to financial  
3 institutions;”.

4 **2.** Page 25, line 6: on lines 6 and 7, delete “14th” and substitute “30th”.

5 **3.** Page 25, line 9: delete the material beginning with that line and ending with  
6 page 26, line 12.

7 **4.** Page 26, line 24: delete the material beginning with “for” and ending with  
8 “complaint” on page 27, line 2, and substitute “to the creditor for the property in its  
9 possession, in an amount up to the garnishable amount in the account or accounts,  
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11 into effect, but no later than the end of the 2nd business day after the business day  
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received by

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3 garnishment into effect, shall not be subject to the garnishment and the financial  
4 institution shall have no responsibility to attempt to secure the return of such  
5 property and no liability to the creditor for such property”.

6

(END)