

2003 DRAFTING REQUEST

Bill

Received: 07/01/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Ted Kanavas (608) 266-9174

By/Representing: Jeremy s

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kanavas@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maximum limit on the amount of an undertaking (bond) required in a civil case

Instructions:

See Attached

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 07/14/2003 mlief 07/22/2003	kgilfoy 08/25/2003		_____			
/1			rschluet 08/25/2003	_____	sbasford 08/25/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mliif 09/30/2003	kgilfoy 09/30/2003	jfrantze 09/30/2003	_____	Inorthro 09/30/2003	Inorthro 09/30/2003	

FE Sent For:

*None
needed*

<END>

2003 DRAFTING REQUEST

Bill

Received: 07/01/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Ted Kanavas (608) 266-9174

By/Representing: Jeremy s

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kanavas@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maximum limit on the amount of an undertaking (bond) required in a civil case

Instructions:

Please jacket 13

See Attached

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 07/14/2003	kgilfoy 08/25/2003					
	mlief 07/22/2003	12-9/30 <i>[Signature]</i>					
/1			rschluet 08/25/2003		sbasford 08/25/2003		
			9/30	Self 9/30			

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 07/01/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Ted Kanavas (608) 266-9174

By/Representing: Jeremy s

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kanavas@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maximum limit on the amount of an undertaking (bond) required in a civil case

Instructions:

See Attached

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

1-8/25
Kmp

8-25-3
P

<END>

FE Sent For:

Nelson, Robert P.

From: Shepherd, Jeremy
Sent: Tuesday, July 01, 2003 11:18 AM
To: Nelson, Robert P.; Lief, Madelon
Subject: FW: Bond Cap Legislation

Attached is a copy of the legislation that Senator Kanavas would like drafted.

Thanks!
Jeremy Shepherd
Office of Senator Kanavas
6-9174

07/01/2003

1 **WISCONSIN BONDING LEGISLATION**

2
3 *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4
5 **SECTION 1.** Section 808.07 of the statutes is amended by adding a new subsection (7) to
6 read:

7 **"808.07(7). LIMITS ON UNDERTAKINGS.**

8 **(a)** If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the
9 undertaking necessary to stay execution during the entire course of all appeals or discretionary
10 reviews of that judgment by any appellate courts shall be set in accordance with applicable laws
11 or court rules, except that the total undertaking that is required collectively of all appellants shall
12 not exceed twenty-five million dollars (\$25,000,000), regardless of the value of the judgment.

13 **(b)** Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that
14 an appellant is dissipating assets outside the ordinary course of business to avoid payment of a
15 judgment, a court may enter orders that are necessary to protect the appellee and require the
16 appellant to post a bond in an amount up to the total amount of the judgment."

17
18 **SECTION 2. Effective Date**

19 This act shall take effect when signed by the governor and apply to all cases pending on or filed
20 on or after that date.

806.08(3)
806.15(2)(b)

808.07
808.075

ENACTED APPEAL BOND LEGISLATION

State	Bill Number	Date Approved	To Whom Limits Apply	Amount of Appeal Bond Limit	Scope of Appeal Bond Limit
Arkansas	HB 1038	3/27/2003	All litigants	\$25,000,000	Applies to all judgments in civil litigation regardless of legal theory
Florida	HB 1721	5/9/2000	All litigants in class actions	\$100,000,000	Applies to punitive damages only
Georgia	HB 1346	3/30/2000	All litigants	\$25,000,000	Applies to punitive damages only
Idaho	HB 92	3/26/2003	All litigants	\$1,000,000	Applies to punitive damages only
Indiana	HB 1204	3/14/2002	All litigants	\$25,000,000	Applies to all judgments in civil litigation regardless of legal theory
Kentucky	SB 316	3/29/2000	All litigants	\$100,000,000	Applies to punitive damages portion of a judgment
Louisiana	HB 1807	6/25/2001	Master Settlement Agreement signatories only	\$50,000,000	Applies to all money judgments
Michigan	HB 5151	5/8/2002	All litigants	\$25,000,000 plus COLA every 5th year	Applies to all judgments in civil litigation
Mississippi*	Rule 8	4/26/2001	All litigants	\$100,000,000	Applies to all litigation subject to court rule
Nevada	AB 576	5/29/2001	All Master Settlement Agreement signatories	\$50,000,000	Applies to all forms of judgments in civil litigation
North Carolina	SB 2	4/5/2000	All litigants	\$25,000,000	Applies to all non-compensatory damages
Ohio	SB 161	3/28/2002	All litigants	\$50,000,000	Applies to all forms of judgments in civil litigation

State	Bill Number	Date Approved	To Whom Limits Apply	Amount of Appeal Bond Limit	Scope of Appeal Bond Limit
Oklahoma	SB 372	4/10/2001	All Master Settlement Agreement signatories	\$25,000,000	Applies to all forms of judgments in civil litigation
South Carolina	HB 3870	5/26/2000	All litigants	No bond required	Stays execution on civil judgments during appeal process
Virginia	HB 1547	3/10/2000	All litigants	\$25,000,000	Applies to punitive damages portion of a judgment
West Virginia	SB 661	5/2/2001	All Master Settlement Agreement signatories	\$100,000,000 for all portions of a judgment other than punitive damages; \$100,000,000 for the punitive damages portion of a judgment	Applies to all civil litigation and provides that consolidated or aggregated cases shall be treated as a single judgment for purposes of the appeal bond limits

Lief, Madelon

From: Shepherd, Jeremy
Sent: Monday, August 04, 2003 10:52
To: Nelson, Robert P.; Lief, Madelon
Subject: FW: Bond Cap Legislation

→ LRB-

The requesters of this legislation wanted a change (as shown in the pdf file) to Section 2 "The Effective Date". I also attached the original request (word document) for your reference.

Please give me a call with any questions, comments or concerns.

Thanks!

Jeremy

-----Original Message-----

From: Shepherd, Jeremy
Sent: Tuesday, July 01, 2003 11:18 AM
To: Nelson, Robert P.; Lief, Madelon
Subject: FW: Bond Cap Legislation

Attached is a copy of the legislation that Senator Kanavas would like drafted.

Thanks!

Jeremy Shepherd
Office of Senator Kanavas
6-9174

08/04/2003

BILL

MJL: *[Signature]*

(D-N)

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] *to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ...* of the statutes; relating to: *... limiting the amount of bond set by a court in a civil action.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

Current law allows a trial or appellate court to require an appellant in a civil case to post bond during the pendency of an appeal. This bill limits the amount of bond required of all appellants collectively to \$25,000,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

SEC #.

§ ACR; 808.07 (2m)

§ 808.07 (2m) ^{Bo} LIMIT ON UNDERTAKING. ^{cts}

NOT During the pendency of an appeal, a trial court or appellate court may not require a collective ^{of} undertaking ^{ts} ~~contract~~ of all appellants ~~collectively~~ that exceeds ^{ds} \$25,000,000.

SEC #.

Initial applicability. ^B

§ (#)

This act first

applies to actions commenced on the effective date of this subsection.

(End)

D-N

:Kmg:

¶ Under Wisconsin law (s. 808.07(2)), a court has the power to require an appellant to post bond to cover dissipation of assets; therefore, I did not include s. 808.07(7)(b) from the draft ^{that} you submitted.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2939/1dn
MJL:kmg:rs

August 25, 2003

Under Wisconsin law (s. 808.07 (2)), a court has the power to require an appellant to post bond to cover dissipation of assets; therefore, I did not include s. 808.07 (7) (b) from the draft that you submitted.

Madelon J. Lief
Senior Legislative Attorney
Phone: (608) 267-7380

Lief, Madelon

From: Pfaff, Bruce
Sent: Monday, September 29, 2003 3:31 PM
To: Lief, Madelon
Subject: Drafting request for Senator Kanavas- Senate Companion to LRB-3108/3

Madelon:

Rep. Williams drafted LRB-3108/3 and Rep. Suder is circulating this bill for co-sponsorship. This bill is similar to LRB-2939/1 which you drafted for Senator Kanavas. Senator Kanavas would like to have our draft re-raftered and jacketed to reflect the changes offered under 3108/3.

Thank you in advance for your attention to this request, please feel free to contact me if you have any questions.

Regards,

Bruce A. Pfaff
Chief of Staff
Office of State Senator Ted Kanavas
Room 20 S. State Capitol
608.266.9174
608.576.4499



2003 BILL

↓
INS. KA 1

~~Replace text from
analysis to end
of draft with attached insert~~

1 AN ACT ^{Sen. Cat.} to create 808.07 (2m) of the statutes; relating to: limiting the amount
2 of bond set by a court in a civil action.

Analysis by the Legislative Reference Bureau

Current law allows a trial or appellate court to require an appellant in a civil case to post bond during the pendency of an appeal. This bill limits the amount of bond required of all appellants collectively to \$25,000,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

→ INS. KA 2 ←

3 SECTION 1. 808.07 (2m) of the statutes is created to read:
4 808.07 (2m) LIMIT ON UNDERTAKING. During the pendency of an appeal, a trial
5 court or appellate court may not require a collective undertaking of all appellants
6 that exceeds \$25,000,000.
7 SECTION 2. Initial applicability.

INSERT

BILL

1 (1) This act first applies to actions commenced on the effective date of this
2 subsection.

3 (END)

~~2003 BILL~~

2939

~~Insert~~

1 AN ACT to create 808.07 (2m) of the statutes; relating to: limiting the amount
2 of bond set by a court in a civil action. (1) ✓

INS. KA1

Analysis by the Legislative Reference Bureau

Current law allows a trial or appellate court to require an appellant in a civil case to post bond during the pendency of an appeal. This bill limits the amount of bond required of all appellants collectively to \$100,000,000. The bill also provides that if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business, a court may enter any order necessary to protect the appellee and may require the appellant to post a bond in an amount up to the amount of the judgment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

INS. KA2

3 SECTION 1. 808.07 (2m) of the statutes is created to read:

4 808.07 (2m) LIMIT ON UNDERTAKING. (a) During the pendency of an appeal, a
5 trial court or appellate court may not require an undertaking of all appellants
6 collectively that exceeds \$100,000,000.



BILL

1 (b) Notwithstanding par. (a), if an appellee proves by a preponderance of the
 2 evidence that an appellant is dissipating assets outside the ordinary course of
 3 business to avoid payment of a judgment, a court may enter any order necessary to
 4 protect the appellee and may require the appellant to post a bond in an amount not
 5 to exceed the amount of the judgment.

SECTION 2. Initial applicability.

6 (1) This act first applies to actions commenced or pending on the effective date
 7 of this subsection.

~~(END)~~

KA
80

end
INSERT